

November 19, 2003

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ISSUE 03-22



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of November 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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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 ((~~timed 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].

2003-2004

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 -					
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
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03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04
04 - 01	Nov 26, 03	Dec 10, 03	Dec 24, 03	Jan 7, 04	Jan 27, 04	Feb 24, 04
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04 - 08	Mar 10, 04	Mar 24, 04	Apr 7, 04	Apr 21, 04	May 11, 04	Jun 8, 04
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04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 18, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05

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.

WSR 03-22-009**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-08—Filed October 23, 2003, 4:42 p.m.]

Subject of Possible Rule Making: Chapter 284-53 WAC, Standards for coverage of chemical dependency, the commissioner is committed to the review of existing regulations to improve the clarity and efficiency of Title 284 WAC. This rule making will contemplate changes to clarify and update the existing WAC sections and to improve the regulatory framework of chapter 284-53 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.21.197, 48.44.050, and 48.46-.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update criteria in definitions section and modify provisions inconsistent with requirements in chapter 284-43 WAC. Clarify application of minimum benefit standards to ease administrative burden of implementing this benefit.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To ensure that comments are considered prior to the filing of a CR-102, interested parties should submit written comments by December 19, 2003, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109, phone (360) 725-7041.

October 22, 2003

Mike Kreidler

Insurance Commissioner

WSR 03-22-040**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 03-08—Filed October 28, 2003, 4:44 p.m.]

Subject of Possible Rule Making: This rule making will amend chapter 173-175 WAC, Dam safety regulations. Amendments will include increases to the plan review fees, a new fee for periodic inspections, as well as some housekeeping changes to clarify and organize the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.064, 43.21A.080, 86.16.061, and 90.03.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington Office of Financial Management had the Ecology Dam Safety Office develop a fee proposal, which was passed by the legislature as part of the final budget. The house appropriation provided funding for an additional staff person in FY 2005, to increase the inspections of high risk dams to every five years, rather than the current schedule of every six to ten years. Fees for

approving new dam construction and modifications will be increased to cover the actual cost of plan reviews, and fees for periodic dam inspections will be instituted to begin covering the cost of inspections. The senate appropriation increased funding to reflect new fees for approving new dam construction and modifications to cover the actual cost of plan reviews. Fees for periodic dam inspections will be instituted to begin covering the cost of inspections. Rule making is required to provide the funding mechanisms necessary for the above increases approved by the governor and the legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate dam safety for nonhydropower dams or nonfederal dams.

Process for Developing New Rule: Ecology will make presentations to business associations, government associations, as well as other community groups to keep them informed and engaged throughout the rule-making process. Ecology expects to hold four formal public hearings on the rule proposal in NW, SW, NE, and SE sections of the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Johnson, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6623, e-mail djsd461@ecy.wa.gov, fax (360) 407-7162. For information about the Dam Safety Office and this rule making visit <http://www.ecy.wa.gov/programs/wr/dams/dss.html>.

October 24, 2003

Joe Stohr

Program Manager

WSR 03-22-041**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 29, 2003, 10:48 a.m.]

Subject of Possible Rule Making: Incorporation by reference of the 2004 edition of the Uniform Standards of Professional Appraisal Practice, the generally recognized national organized standards of real estate appraisal.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Will incorporate by reference the 2004 edition of the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cleotis Borner, Jr., Real Estate Appraiser Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6504, fax (360) 586-0998.

October 29, 2003

Cleotis Borner, Jr.

Program Manager

WSR 03-22-043**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 29, 2003, 3:20 p.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., to include but not limited to WAC 308-56A-450 and 308-56A-150.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.16.135.

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

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

Process for Developing New Rule: Negotiated rule making.

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

October 28, 2003

D. McCurley, Administrator
Title and Registration Services

WSR 03-22-054**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Child Support)

[Filed October 31, 2003, 1:28 p.m.]

Subject of Possible Rule Making: WAC 388-14A-3900 through 388-14A-3925, concerning modification of support orders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 45 C.F.R. 302.70, 45 C.F.R. 303.7, 45 C.F.R. 303.8.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Division of Child Support (DCS) is reviewing its rules and procedures regarding review and modification of support orders, also known as review and adjustment of support orders, as well as rules and procedures regarding prospective modification of administrative support orders. This review is being undertaken due to changes in the federal regulations and due to a desire to clarify and streamline procedures.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can

be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's policy review website, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and will send the proposal to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-22-059**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 31, 2003, 4:33 p.m.]

Subject of Possible Rule Making: Possible adjustments to fees charged by the employment agency program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.31.140 and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Assure that revenue collection is properly aligned with the cost of operating the licensing 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Harumi Tucker Tolbert, Department of Licensing, Employment Agency Section, P.O. Box 9034, Olympia, WA 98507-9034, fax (360) 570-7875. Notification will be sent to all licensees and interested parties.

October 30, 2003

Harumi Tucker Tolbert
WMS Manager

WSR 03-22-068**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 4, 2003, 10:27 a.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the following preproposal statement of inquiry:

Title of Rule: Vocational rehabilitation referrals.

WAC sections: 296-19A-050, 296-19A-065, 296-19A-090, 296-19A-110, and 296-19A-120.

Filed as: WSR 03-17-070 on August 19, 2003.

The purpose of this rule making was to investigate the potential for conflict of interest when vocational counselors make recommendations for additional vocational services after an ability to work assessment (AWA). The department reviewed the results of a study conducted in the year 2000 on vocational counselor recommendations and data on costs, duration and outcome. As a result of the review it was determined that there was no need to conduct rule making.

Paul Trause
Director

WSR 03-22-070

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed November 4, 2003, 10:47 a.m.]

Subject of Possible Rule Making: WAC 415-04-040
What will the department do after receiving my petition?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Retirement Systems (DRS) is considering making minor changes to the wording of this WAC to help distinguish the petition process from the appeals process under chapter 415-08 WAC.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. Anyone interested in participating should contact the rules coordinator below. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. For more information on how to participate, please contact Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov, fax (360) 753-3166.

October 31, 2003
Merry A. Kogut
Rules Coordinator

WSR 03-22-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Children's Administration)

[Filed November 5, 2003, 10:53 a.m.]

Subject of Possible Rule Making: Revisions to chapter 388-61A WAC to clarify (1) confidentiality requirements; (2) fire safety requirements for shelter homes; and (3) appeal rights.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.123.030, 70.123.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are proposed to clarify several sections of the existing rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will consult with the Washington State Patrol (Fire Protection Bureau), the Attorney General's Office, and other individuals and groups having experience and knowledge of the problems affecting victims of domestic violence in the review and revision of these rules.

Process for Developing New Rule: The Children's Administration will consult and work with stakeholders and others (see above) to develop the revised rules. The rules will be distributed generally for review and comment before finalization.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may ask to participate in the consultation and review process by contacting Susan Hannibal, DSHS Program Manager, at (206) 923-4910 or by e-mail at hsu300@dshs.wa.gov. In addition, interested parties will have an opportunity to review and comment on the proposed rules in writing, by electronic mail, telephone, and to offer testimony in the public hearing process.

November 4, 2003
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 03-22-093

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed November 5, 2003, 11:05 a.m.]

Subject of Possible Rule Making: WAC 314-02-105
Sampling in beer/wine specialty shops.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.371.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is at the request of a petition for rule making. The petitioners would like the Liquor Control Board to amend WAC 314-02-105 to eliminate the restriction that the eight-ounce per person sample limit for wine specialty shops not be limited to four individual samples.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will

be obtained through series of notices and at least one public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648, fax (360) 704-4921, e-mail teb@liq.wa.gov.

November 5, 2003
Merritt D. Long
Chairman

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Bjork, Enforcement Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2373. Contact by December 18. Expected proposal filing December 19.

November 5, 2003
Evan Jacoby
Rules Coordinator

WSR 03-22-096

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

[Filed November 5, 2003, 11:33 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed on the use of fish transportation tickets.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program, Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2651. Contact by December 18. Expected proposal filing December 19.

November 5, 2003
Evan Jacoby
Rules Coordinator

WSR 03-22-097

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

[Filed November 5, 2003, 11:37 a.m.]

Subject of Possible Rule Making: Hunting accident rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification is needed on when a person is engaged in hunting activity for purposes of regulating hunting activities after a hunting-related accident.

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

Process for Developing New Rule: Agency study.

WSR 03-21-156
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed October 22, 2003, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-028.

Title of Rule: Division of Developmental Disabilities service rules, chapter 388-825 WAC; and County plan for developmental disabilities, chapter 388-850 WAC.

Purpose: The Division of Developmental Disabilities (DDD) will establish a new program for individuals in need of employment/day program services as directed by the legislature in chapter 371, Laws of 2002. Before these proposed amended and new rules, employment and day program services were paid by DDD as state supplementary payments or through the counties. These rules identify a new program whereby DDD will pay eligible individuals directly with state-only funds and require that these individuals purchase the necessary employment/day program services. The county plan rules are amended to provide funding for the oversight of the use of these direct payments.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: 2001-03 Supplemental Budget - ESSB 6387 (chapter 371, Laws of 2002).

Summary: On July 18, 2003, the Social Security Administration (SSA) informed the state that its current rules governing the payment of the state supplementary payments (SSP) did not satisfy the requirements under sections 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382 (e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416.2001 and 416.2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day program services were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act. These rules create a new DDD program for individuals in employment/day programs, removes SSP funding for employment/day programs and provides funding to the counties for oversight of the use of these direct payments.

Reasons Supporting Proposal: To comply with legislative directives and to respond to concerns from the federal Social Security Administration.

Name of Agency Personnel Responsible for Drafting: Steve Brink, DDD, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov; Implementation and Enforcement: Colleen Erskine, DDD, P.O. Box 45310, Olympia, WA 98504-5310, (360) 902-8470, erskicm@dshs.wa.gov.

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

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

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

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

Amended rules include WAC 388-825-020, 388-825-055, 388-825-100, 388-825-120, 388-825-205, 388-825-252, 388-825-254, 388-850-035, and 388-850-045.

New rules include WAC 388-825-060, 388-825-065, 388-825-070, 388-825-075, 388-825-076, 388-825-077, 388-825-078, 388-825-085, 388-825-086, 388-825-087, 388-825-090, and 388-825-095.

No small business economic impact statement has been prepared under chapter 19.85 RCW. An SBEIS is not required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). These DSHS rules relate solely to financial eligibility for services from DDD.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 5, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m. on December 9, 2003.

Date of Intended Adoption: Not earlier than December 10, 2003.

October 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-020 Definitions. "Abandonment" means action or inaction by a person or entity with a duty to care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Adolescent" means a DDD eligible child age thirteen through seventeen years.

"Attendant care" means provision of physical and/or behavioral support to protect the safety and well being of a client.

"Best interest" includes, but is not limited to, client-centered benefits to:

- (1) Prevent regression or loss of skills already acquired;
- (2) Achieve or maintain economic self-support;
- (3) Achieve or maintain self-sufficiency;
- (4) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (5) Preserve or reunite families; and
- (6) Provide the least-restrictive setting that will meet the person's medical and personal needs.

"Client or person" means a person the division determines under RCW 71A.16.040 and WAC 388-825-030 eligible for division-funded services.

"Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

"Companion home" means the same as "intensive individual supported living support."

"Department" means the department of social and health services of the state of Washington.

"Director" means the director of the division of developmental disabilities.

"Division or DDD" means the division of developmental disabilities of the department of social and health services.

"Emergency" means a sudden, unexpected occurrence demanding immediate action.

"Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

"Family" means individuals, of any age, living together in the same household and related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

"Family resources coordinator" means the person who is:

- (1) Recognized by the IDEA Part C lead agency; and
- (2) Responsible for:
 - (a) Providing family resources coordination;
 - (b) Coordinating services across agencies; and
 - (c) Serving as a single contact to help families receiving assistance and services for their eligible children who are under three years of age.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

"ICF/MR Eligible" for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

"Individual" means a person applying for services from the division.

"Individual alternative living" means provision of community-based individualized client training, assistance and/or ongoing support to enable a client to live as independently as possible with minimal services.

~~("Individual supportive living service" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for one adult person with developmental disabilities.)~~

"Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

"Intensive individual supported living support" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for no more than one adult person with developmental disabilities in a regular family residence approved and contracted by the department ensuring client health, safety and well-being.

"Medicaid personal care" is the provision of medically necessary personal care tasks as defined in chapter 388-15 WAC.

"Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

"Nursing facility eligible" means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC 388-71-0700 (3) through (5). The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

"Other resources" means resources that may be available to the client, including but not limited to:

- (1) Private insurance;
- (2) Medicaid;
- (3) Indian health care;
- (4) Public school services through the office of the superintendent of public instruction; and
- (5) Services through the department of health.

"Part C" means early intervention for children from birth through thirty-five months of age as defined in the Individuals with Disabilities Education Act (IDEA), Part C and 34 CFR, Part 303 and Washington's federally approved grant.

"Residential habilitation center" or "RHC" means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

"RHC capacity" means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its 1997 legislated budgeted capacity.

"Residential programs" means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as, licensed group homes, and non-facility based, i.e., supportive living, intensive tenant support, and state-operated living alternatives (SOLA). Other residential programs include individual alternative living, intensive individual supportive living services, adult family homes, adult residential care services, nursing homes, and children's foster homes.

"Respite care" means temporary residential services provided to a person and/or the person's family on an emergency or planned basis.

"Secretary" means the secretary of the department of social and health services or the secretary's designee.

"State supplementary payment (SSP)" is the state paid cash assistance program for certain DDD eligible SSI clients.

"Vacancy" means an opening at a RHC, which when filled, would not require the RHC to exceed its 1997 biannually budgeted capacity, minus:

- (1) Twenty-six beds designated for respite care use; and
- (2) Any downsizing related to negotiations with the Department of Justice regarding community placements.

"Vulnerable adult" means a person who has a developmental disability as defined under RCW 71A.10.020.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-055 Authorization of services. (1) The division's field services section shall be responsible for authorizing services agreed to by the person/family including, but not limited to:

(a) Placement to and from residential habilitation centers;

(b) Community residential services;

(c) Family support services; ~~((and))~~

(d) Nonresidential programs; and

(e) Employment/day programs when the person receives the funding directly from DDD to pay for the services, subject to the eligibility requirements in WAC 388-825-060 and the restrictions in WAC 388-825-065. Allowable employment/day program services are listed in WAC 388-850-035.

(2) The division's authorization of state funded services shall be based on the ~~((availability of))~~ services and funding available.

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state paid services is available in the state operating budget; and

(c) SSP funding is not available to the client.

(3) The division will include the following persons when determining authorized services:

(a) The person;

(b) The person's parent or guardian and may include:

(i) The person's advocate; or

(ii) Other responsible parties.

(4) Per RCW 71A.16.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

(a) An RHC vacancy is available;

(b) Funding, specifically designated for this purpose in the state operating budget, is available for alternative community support services;

(c) The person or their family is requesting residential services;

(d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;

(e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:

(i) The person is age eighteen or older;

(ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision:

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The person's alternative DDD funded community support services would cost seventy percent or more of the

average RHC rate, assuming a minimum household size of three persons.

(5) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed and allowable within the rules governing the use of federal funds.

(a) Admission of a child or adolescent to an RHC for respite care requires the written approval of the division director or designee.

(b) Respite care exceeding thirty days in a calendar year is subject to subsection (6) of this section.

(6) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee if the admission is not a choice provided under subsection (4) of this section.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(7) The division shall authorize county-funded services only when the~~((:~~

~~((a))~~ service is included in a department contract~~((; and~~
~~((b))~~ and the person is not receiving funding directly from DDD for employment/day program services:

(a) The person is at least twenty-one years of age and ~~((graduated from school during their twenty-first year; or))~~ is no longer attending school; or

(b) The person is age twenty and graduates prior to his/her July or August twenty-first birthday; or

(c) ~~((Person is twenty-two years of age or older; or~~
~~((d) Person))~~ The child is two years of age or younger and eligible for early intervention services.

(8) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

NEW SECTION

WAC 388-825-060 What are the eligibility requirements for persons who receive funds directly for employment/day programs? (1) You must have received the State Supplementary Payment for an employment/day program between September 2002 and July 2003.

(2) This program is available only to individuals born prior to September 1, 1981.

(3) If you were born between September 1, 1979 and August 31, 1981:

(a) You received employment/day program services from a county or a county-contracted provider funded by DDD between July 1, 2001 and June 30, 2003, and:

(i) You have been assessed by DDD, the division of vocational rehabilitation (DVR) or the department of services for the blind to be in need of long-term support; and

(ii) You receive services from a county or a county-contracted provider; and

(iii) You have developed a plan with DDD for employment/day program services.

(b) If you are on the community alternatives program (CAP) waiver and received employment/day program services between July 1, 2001 and August 31, 2002, but receive no CAP waiver services from DDD other than employment/day program services, you will receive employment/day program services according to WAC 388-850-035. You will not receive funds directly from DDD for employment/day program services.

(4) If you were born prior to September 1, 1979 and you have been assessed by DDD, the division of vocational rehabilitation (DVR) or the department of services for the blind to be in need of long-term support:

(a) You were authorized by DDD and the county for employment/day program services for December 2002; and

(b) These services were funded totally with state funds; and

(c) You continue to receive services from a county or county-contracted provider.

NEW SECTION

WAC 388-825-064 What are the restrictions on the use of the funds paid directly to persons for employment/day programs? For employment/day program services, you are required to use this money to purchase employment/day program services from a county or a county-contracted provider.

NEW SECTION

WAC 388-825-070 What happens if I do not spend the funds paid directly to me for employment/day programs as specified in WAC 388-825-065? The department will stop sending these funds directly to you and has the right to recover any funds sent directly to you if it is determined that these funds were not spent as required in WAC 388-825-065.

NEW SECTION

WAC 388-825-075 How much money will I receive? The department will determine the amount of your payment on an individual basis.

NEW SECTION

WAC 388-825-076 How often will I receive a direct payment check for my employment/day program services? You will receive a monthly warrant/check from the state.

NEW SECTION

WAC 388-825-077 Who will the warrant/check be sent to? (1) The warrant/check will be sent directly to your protective payee or representative payee if you have one.

(2) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

NEW SECTION

WAC 388-825-078 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-825-085 What is a representative payee? A representative payee is a person, organization, institution or agency that manages your DDD direct payments. They may also provide services such as helping you manage your money.

NEW SECTION

WAC 388-825-086 Who can be a representative payee for my DDD direct payment funds for employment/day program services? (1) A representative payee may be:

(a) The person, organization, institution or agency that acts as your representative payee for Supplemental Security Income (SSI);

(b) Your parent, if you are under eighteen;

(c) Your spouse; or

(d) A person, organization, institution or agency you select if the department approves your selection.

(2) If you select a representative payee under subsection (1)(d) of this section, the department will evaluate the selection according to the following criteria:

(a) The relationship of the payee to you;

(b) The amount of interest the payee shows in you;

(c) Any legal authority the payee has to act on your behalf;

(d) Whether the payee has custody of you; and

(e) Whether the payee is in a position to know of and look after your needs.

(3) The DDD director or designee will approve or deny your request for a representative under subsection (1)(d) of this section.

NEW SECTION

WAC 388-825-087 What are the responsibilities of a representative payee? A representative payee has the responsibility to:

(1) Spend the DDD direct payment funds on you or your behalf;

(2) Notify the department if any event happens that may affect the amount of benefits you receive;

(3) Submit to the department, upon our request, a written report accounting for the payments received; and

(4) Notify the department if any change in the payee's circumstances that would affect performance of the payee responsibilities.

NEW SECTION

WAC 388-825-090 When will DDD recover direct payment funds sent to me for employment/day program services? DDD may recover funds, known as an overpayment, when:

(1) You did not spend the direct payment funds on employment/day program services as specified in WAC 388-825-065; or

(2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

(3) Your assessed need has changed.

NEW SECTION

WAC 388-825-095 Who is liable for repayment of an overpayment? (1) If you received the money in your own name, you are responsible for repayment.

(2) If you are paid through a representative payee, both you and the representative payee may be responsible for repayment.

(a) You are responsible to the extent that the incorrect payments were spent on you or your behalf. Funds conserved by a representative payee to which you do not have direct access have not been spent on you or your behalf.

(b) If the incorrect payments were spent on you or your behalf and the representative payee is without fault in connection with the overpayment, you are solely responsible for repayment.

(c) The representative payee is solely responsible for repayment if:

(i) The incorrect payments were not spent on you or your behalf; and

(ii) The representative payee is at fault in connection with the overpayment.

(d) A government entity or an institution can be a representative payee and can be found responsible for repayment—just as a private individual can.

(e) You and the representative payee are both responsible for repayment when the incorrect payments have been spent on you or your behalf and the representative payee is at fault.

(3) The representative payee is at fault when the representative payee was aware of the reason you were not eligible for the direct payment funds.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-100 Notification. (1) The department shall notify the client or applicant, the parent when the client or applicant is a minor, ~~((and))~~ or the guardian when the client or applicant is an adult, of the following decisions:

(a) Denial or termination of eligibility set forth in WAC ~~((388-825-100))~~ 388-825-030 and 388-825-035;

(b) Development or modification of the individual service plan set forth in WAC 388-825-050;

(c) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC ((388-825-100)); and

(d) Admission or readmission to, or discharge from, a residential habilitation center.

(2) The notice shall set forth appeal rights pursuant to WAC 388-825-120 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.

(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and a statement of reason for denial or partial authorization, or reduction to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;

(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(c) The client shall state in the written request why the client or client's family believes their service priority designation is not correct;

(d) Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and

(e) The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.

(4) The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community. Transfer or removal of a client from a service set forth in WAC 388-825-120 (5)(f) is governed by that section, and reduction of family support funding during the service authorization period is covered by subsection (3)(a) of this section.

(5) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible field services regional office in person and/or by telephone.

(6) The division shall ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-120 Adjudicative proceeding. (1) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an adjudicative proceeding to contest the following department actions:

(a) Denial or termination of eligibility set forth in WAC ~~((388-825-100))~~ 388-825-030 and 388-825-035;

(b) Development or modification of the individual service plan set forth in WAC 388-825-050;

(c) Authorization, denial, reduction, or termination of services or funds paid directly to the client set forth in WAC 388-825-055 or payment of SSP set forth in chapter 388-827 WAC ((388-825-100));

(d) Admission or readmission to, or discharge from, a residential habilitation center;

(e) A claim the client, former client, or applicant owes an overpayment debt;

(f) A decision of the secretary under RCW 71A.10.060 or 71A.10.070;

(g) A decision to change a client's placement from one category of residential services to a different category of residential services.

(2) Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall govern.

(3) The applicant's application for an adjudicative proceeding shall be in writing and filed with the DSHS office of appeals within twenty-eight days of receipt of the decision the appellant wishes to contest.

(4) The department shall not implement the following actions while an adjudicative proceeding is pending:

(a) Termination of eligibility;

(b) Reduction or termination of service, except when the action to reduce or terminate the service is based on the availability of funding and/or service; or

(c) Removal or transfer of a client from a service, except when a condition in subsection (5)(f) of this section is present.

(5) The department shall implement the following actions while an adjudicative proceeding is pending:

(a) Denial of eligibility;

(b) Development or modification of an individual service plan;

(c) Denial of service;

(d) Reduction or termination of service when the action to reduce or terminate the service is based on the availability of funding or service;

(e) After notification of an administrative law judge's (or review judge) ruling that the appellant has caused an unreasonable delay in the proceedings; or

(f) Removal or transfer of a client from a service when:

(i) An immediate threat to the client's life or health is present;

(ii) Service termination or transfer for a specific group of clients in order to meet the intent of and comply with sections 205 and 207, chapter 371, Laws of 2002;

(iii) The client's service provider is no longer able to provide services due to:

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

~~((iii))~~ (iv) The client, the parent when the client is a minor, or the guardian when the client is an adult, approves the decision.

(6) When the appellant files an application to contest a decision to return a resident of a state residential school to the community, the procedures specified in RCW 71A.10.050(2) shall govern the proceeding. These procedures include:

(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless the:

(i) Client's or the client's representative gives written consent; or

(ii) Administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(b) The burden of proof is on the department; and

(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.

(7) ~~The ((initial order shall be made))~~ administrative law judge shall issue an initial or final order within sixty days of the department's receipt of the application for an adjudicative proceeding. When a party files a petition for administrative review, allowed under WAC: 388-02-0215(4)(w)(x) and/or (y), the review order shall be made within sixty days of the department's receipt of the petition. The decision-rendering time is extended by as many days as the proceeding is continued on motion by, or with the assent of, the appellant.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-205. Who is eligible to participate in the family support opportunity program? (1) All individuals living with their families determined to be developmentally disabled according to WAC 388-825-030 and 388-825-035 are eligible to participate in the program if their family requires assistance in meeting their needs. However, the program will fund or provide support services only as funding is available.

(2) Persons currently receiving services under WAC ~~((388-825-030))~~ 388-825-252, Family support services, may volunteer to participate in the program.

(3) Families will receive program services based on one or more of the following criteria: The date of application, the date the family was placed on the wait list, eligibility for SSP or other available funding, and/or CAP waiver status.

(4) Availability of the SSP makes the family ineligible for other state only funding for the same service.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-825-252 Family support services. (1) The purpose of the family support program is to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, the following services:

(a) Respite care, including the use of community activities which provide respite;

(b) Attendant care;

(c) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc., when not covered by another resource;

(d) Therapeutic services, provided these therapeutic services are not covered by another resource such as medicaid, private insurance, public schools, or child development services funding, including:

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy; or

(v) Counseling for the client relating to a disability.

(3) Receiving family support services is based on:

(a) Funding for state paid services available in the state operating budget;

(b) SSP funding available to the client/family; or

(c) CAP waiver status.

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP (state supplementary payment) funding (see WAC 388-827-0145 and 388-827-0170).

(5) Up to nine hundred dollars of the service need level amount in WAC ((388-825-252)) 388-825-254 may be used during a one year period for flexible use as follows. The requested service must be necessary as a result of the disability of the client.

(a) Training and supports including parenting classes and disability related support groups;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for those more than three years of age;

(c) Environmental modification including home repairs for damages, and modifications to the home needed because of the disability of the client;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the client;

(e) Special formulas or specially prepared foods needed because of the disability of the client;

(f) Parent/family counseling dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the client's disability or medical condition;

(i) Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;

(j) Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal.

~~((4))~~ (6) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

~~((3))~~ (7) Payment for services specified in subsection ~~((3))~~ (5), except ~~((3))~~(5)(a) and (h), shall cover only the portion of cost attributable to the client.

~~((6))~~ (8) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

~~((7))~~ (9) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the client.

~~((8))~~ (10) Emergency Services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by the regional administrator or designee.

~~((9))~~ (11) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

~~((10))~~ (12) If the client becomes eligible and begins to receive Medicaid Personal Care services as defined in WAC ~~((388-15-202 through 388-15-203))~~ 388-71-0202 and 388-71-0203, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.

~~((11))~~ (13) If requested family support services are not authorized, such actions shall be deemed a denial of services.

~~((12))~~ (14) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

AMENDATORY SECTION (Amending WSR 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252(2) ~~((of this section))~~ and (5);

(b) Service need levels ~~((as described in WAC 388-825-252(3) of this chapter))~~. The amount of SSP (state supple-

mentary payment) available to a client will be included when calculating the monthly allocation of state family support dollars.

(c) Service need level lid amounts (~~(are)~~) as follows:

(i) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the client requires licensed nursing care in the home:

(A) If a client is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

(ii) Clients designated for service need level two (WAC 388-825-256) may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

(A) If a client is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than fifty-six hundred four dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

(iii) Clients designated for service need level three (WAC 388-825-256) may receive up to two hundred fifty-six dollars per month provided the client is not receiving Medicaid personal care. If the client is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

(iv) Clients designated for service level four (WAC 388-825-256) may receive up to one hundred twenty-eight dollars per month family support services.

~~((e))~~ (d) Availability of family support funding;

~~((d))~~ (e) Authorization by a review committee, in each regional office, which reviews each request for service;

~~((e))~~ (f) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(3) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-850-035 Services—Developmental disabilities. (1) A county may purchase and provide services listed under chapter 71A.14 RCW.

(a) The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

(b) DD eligible persons who receive funding from DDD directly for employment or day program services shall pay the county or a county contracted provider for services.

(2) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

- (a) Early childhood intervention services;
- (b) Employment services;
- (c) Community access services;
- (d) Residential services;
- (e) Individual evaluation;
- (f) Program evaluation;
- (g) County planning and administration; ~~((and))~~
- (h) Consultation and staff development; and
- (i) Oversight of the DDD money sent directly to the DDD eligible person.

AMENDATORY SECTION (Amending WSR 99-19-104, filed 9/20/99, effective 9/20/99)

WAC 388-850-045 Funding formula—Developmental disabilities. (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

(a) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) On a basis that takes into consideration the population numbers of minority groups residing within the county;

(iii) A biennial adjustment shall be made after these factors are considered; and

(iv) ~~((Counties))~~ Counties not receiving any portion of additional funds pursuant to this formula shall not have their base allocation reduced due to application of this formula.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the

population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

(3)(a) A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

(b) A county may receive funds for oversight of employment/day program services purchased by DDD clients with money sent directly to the client based on the following conditions:

(i) The oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

(A) Was born between September 1, 1979 and August 31, 1981; and

(B) Received a county or county-contracted service between July 1, 2001 and June 30, 2002; and

(C) Continues to receive a county or county-contracted service.

(ii) Oversight funds for the recipients described below will be allocated at the same rate that the county received in their original 2001-2003 DDD county program agreement for administrative expenses for these same individuals. These funds will be calculated by using the date the recipient began receiving funds directly if the recipient:

(A) Was born prior to September 1, 1979; and

(B) Was authorized by DDD and the county for employment/day program services for December, 2002; and

(C) Continues to receive a county or county-contracted service.

(iii) The oversight funds for recipients described below shall equal up to seven percent of the amount of the funds received directly by the recipient, if the recipient:

(A) Was born between September 1, 1979 and August 31, 1981; and

(B) Received no county or county-contracted service prior to July 1, 2002; and

(C) Received or will receive a county or county-contracted service between July 1, 2002 and June 30, 2003; and

(D) Continues to receive a county or county-contracted service.

(4) The department may withhold five or less percent of allocated funds for new programs, for statewide priority programs, and for emergency needs.

WSR 03-22-045
WITHDRAWAL OF PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed October 29, 2003, 3:28 p.m.]

The Puget Sound Clean Air Agency board of directors has elected to withdraw the subject proposal, which was filed as WSR 03-20-086 on September 30, 2003, as a continuance of WSR 03-17-073. This proposal was to continue a hearing amending Regulation I, Articles 1, 3, 6, 9, and 12 and Regulation III, Article 2 regarding New Source Review.

If you have any questions, please call me at (206) 689-4053 or e-mail to jimn@pscleanair.org.

James L. Nolan
 Director - Compliance

WSR 03-22-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed October 31, 2003, 1:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-065.

Title of Rule: Amending WAC 388-71-0202 Long-term care services—Definitions; and adopting new WAC 388-71-0531 How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPES, Medicaid personal care, or chore services?

Purpose: The rule will establish and clarify:

- The maximum number of hours an individual provider or personal aide can be paid for one client that receives COPES, Medicaid personal care, or chore services in their home;
- The maximum number of hours an individual provider or personal aide can be paid when this individual provider or personal aide is a parent, step-parent, or adoptive parent and lives in the same household as the client;
- Definition language in WAC 388-71-0202.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Statute Being Implemented: RCW 74.09.520, 74.39.005.

Summary: Rules are developed to comply with the state plan in amount, duration, and scope for in-home programs for adult clients receiving COPES, Medicaid personal care, or chore services, and to comply with labor laws.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue McDonough, DSHS-ADSA, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2533.

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 proposed rules will limit the number of hours a provider can be paid for one client who is receiving COPEs, Medicaid personal care, or chore services in their home. This complies with labor standards. The rules will limit the number of hours that parents can be paid for providing services to their adult child when the parent(s) live in the same household as the client. Definition changes provide consistency and clarification.

Proposal Changes the Following Existing Rules: The rule changes the number of hours a provider can work for one client; limits the number of hours parents can be paid for providing services to their adult children when they live in the same household; and clarifies long-term care services definitions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new costs will be imposed on businesses.

RCW 34.05.328 applies to this rule adoption. The rules meet the definition of a significant legislative rule. A cost-benefit analysis was completed and is available upon request from Sue McDonough, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2533, fax (360) 438-8633, e-mail mcdonsc@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 2, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not earlier than December 10, 2003.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 03-13-052, filed 6/12/03, effective 7/13/03)

WAC 388-71-0202 Long-term care services—Definitions. The department shall use the definition in this section for long-term care services.

"Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

"Aged person" means a person sixty-five years of age or older.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

"Assessment" or **"reassessment"** means an inventory and evaluation of abilities and needs based on an in-person interview in the client's own home or other place of residence.

"Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

- (1) Assistance with personal care; or
- (2) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the financial status of a person as defined under WAC ((388-503-0310)) 388-500-0005.

"Client" means an applicant for service or a person currently receiving services.

"Community residence" means:

- (1) The client's **"own home"** as defined in this section;
- (2) Licensed adult family home under department contract;
- (3) Licensed boarding home under department contract;
- (4) Licensed children's foster home;
- (5) Licensed group care facility, as described in chapter 388-148 WAC; or
- (6) Shared living arrangement as defined in this section.

"Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

~~(("Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.))~~

"Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

"COPEs" means community options program entry system.

"Department" means the state department of social and health services.

"Direct personal care services" means verbal or physical assistance with tasks involving direct client care which

are directly related to the client's ((handicapping)) disabling condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined in "**personal care services**" below.

"**Disabled**" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"**Disabling condition**" means a condition which prevents a person from self-performance of personal care tasks without assistance.

"**Estate recovery**" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-527-2742.

"**Grandfathered client**" means a chore personal care services client approved for either:

(1) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(2) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(3) The client was receiving the same services as of June 30, 1989; and

(4) Chore personal services when these services began before August 1, 2001.

"**Home health agency**" means a licensed:

(1) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(2) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(a) Private duty nursing; or

(b) Skilled nursing services under an approved Medicaid waiver program.

"**Household assistance**" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

"**Income**" means "**income**" as defined under WAC 388-500-0005.

"**Individual provider**" means a person employed by a community options program entry system (COPES) or Medicaid personal care client when the person:

(1) Meets or exceeds the qualifications as defined under WAC 388-71-0500 through ((388-71-0580)) 388-71-05640;

(2) Has signed an agreement to provide personal care services to a client; and

(3) Has been authorized payment for the services provided in accordance with the client's service plan.

"**Individual provider program (IPP)**" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

"**Institution**" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "**Institution**" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

"**Institutional eligible client**" means a person whose eligibility is determined under WAC 388-513-1315.

"**Institutionalized client**" means the same as defined in WAC 388-513-1365(f).

"**Institutional spouse**" means a person described under WAC 388-513-1365 (1)(e).

"**Medicaid**" means the federal aid Title XIX program under which medical care is provided to:

(1) Categorically needy as defined under WAC ((388-503-0310)) 388-500-0005; and

(2) Medically needy as defined under WAC ((388-503-0320)) 388-500-0005.

"**Medical assistance**" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC ((388-503-0310 and 388-503-1105)) 388-500-0005.

"**Medical institution**" means an institution defined under WAC 388-500-0005.

"**Medically necessary**" and "**medical necessity**" mean the same as defined under WAC 388-500-0005.

"**Medically oriented tasks**" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

"**Mental health professional**" means a person defined under WAC 388-865-0150.

"**Own home**" means the client's present or intended place of residence:

(1) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(2) In a building the client owns; or

(3) In a relative's established residence; or

(4) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"**Personal care aide**" means a person meeting the department's qualification and training requirements and providing direct personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the client.

"**Personal care services**" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in (1) through (17) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the

tasks without specific instructions. Personal care services do not include assistance with tasks that are age appropriate for children under age eighteen or performed by a licensed health professional.

(1) **"Ambulation"** means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(2) **"Bathing"** means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(3) **"Body care"** means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services, dressing changes using clean technique and topical ointments must be delegated by a registered nurse in accordance with chapter 246-840 WAC. **"Body care"** excludes:

(a) Foot care for clients who are diabetic or have poor circulation; or

(b) Changing bandages or dressings when sterile procedures are required.

(4) **"Dressing"** means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(5) **"Eating"** means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(6) **"Essential shopping"** means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(7) **"Housework"** means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(8) **"Laundry"** means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(9) **"Meal preparation"** means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(10) **"Personal hygiene"** means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(11) **"Positioning"** means assisting the client to assume a desired position, assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(12) **"Self-medication"** means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(13) **"Supervision"** means being available to:

(a) Help the client with personal care tasks that cannot be scheduled, such as toileting, ambulation, transfer, positioning, some medication assistance; and

(b) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(14) **"Toileting"** means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities. In adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services colostomy care and catheterization using clean technique must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(15) **"Transfer"** means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(16) **"Travel to medical services"** means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(17) **"Wood supply"** means splitting, stacking, or carrying wood for the client when the client uses wood as the sole

source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

"Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

"Plan of care" means a "service plan" as described under WAC 388-71-0205.

"Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

"Provider" or **"provider of service"** means an institution, agency, or person:

(1) Having a signed department agreement to furnish long-term care client services; and

(2) Qualified and eligible to receive department payment.

"Relative" means((:

(1)) for chore personal care service, a client's spouse, father, mother, son, or daughter((:

(2) For Medicaid personal care service:

(a) ~~"Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.~~

(b) ~~"Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent).~~

"Service plan" means a plan for long-term care service delivery as described under WAC 388-71-0205.

~~("Shared living arrangement" for purposes of Medicaid personal care means an arrangement where:~~

(1) ~~A nonresponsible relative as defined in "relative" above is the personal care provider and resides in the same residence with common facilities, such as living, cooking, and eating areas; or~~

(2) ~~A minor child age seventeen or younger lives in the home of a legally responsible relative as defined in "relative" above.)~~

"SSI-related" means a person who is aged, blind, or disabled.

"Supervision" means a person available to a long-term care client as defined under **"personal care services."**

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPEs, Medically Needy Residential waiver and Medicaid personal care home and community-based services.

"Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

"Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

NEW SECTION

WAC 388-71-0531 How many hours can my individual provider, agency provider, or personal aide work if I am receiving COPEs, Medicaid Personal Care, or Chore services? The number of hours you are eligible to receive on

COPEs, Medicaid Personal Care, or Chore services is based on the hours generated by your assessment.

(1) If your individual provider is not your parent, step-parent, or adoptive parent living in the same household, you may have a single worker (individual provider or personal aide) work up to one hundred eighty-four hours per month. You may have other qualified providers work any hours in excess of one hundred eighty-four hours per month that you are eligible to receive, but no single provider may work more than one hundred eighty-four hours for you.

(2) If your individual provider is your parent, step-parent, or adoptive parent who lives in the same household as you, you may have that person work up to ninety-six hours per month. Whether one or both parents are your individual providers, the limit is ninety-six hours. You may have other qualified workers (individual provider, agency worker, or personal aide) work any hours in excess of ninety-six hours per month that you are eligible to receive, but no single provider may work more than one hundred eighty-four hours for you.

WSR 03-22-056

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 31, 2003, 1:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-026.

Title of Rule: Division of Developmental Disabilities—State supplementary payment program, new chapter 388-827 WAC.

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 the adoption of new chapter 388-827 WAC, Division of Developmental Disabilities state supplementary payment.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Statute Being Implemented: 2001-03 Supplemental budget—ESSB 6387 (chapter 371, Laws of 2002).

Summary: 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 ESSB 6387, the legislature also clearly stated: "New funding for family support and transition along with portions of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state sup-

plemental payments while promoting self-determination and independence for persons with developmental disabilities..."

On July 18, 2003, the Social Security Administration informed the state that its current rules did not satisfy the requirements under section 1616(a) and 1618 of the Social Security Act ("the act"), 42 U.S.C. 1382(e)[a], 42 U.S.C. 1382(g) and regulations at 20 C.F.R. 416-2001 and 20 C.F.R. 416-2095-.2099. Specifically, payment to individuals with developmental disabilities to purchase employment/day programs were found by SSA to be vendor payments and disallowed as SSP. Failure to comply with these requirements jeopardizes the department's ability to receive federal financial participation under Title XIX of the act.

Reasons Supporting Proposal: To comply with legislative directives and to respond to concerns from the federal Social Security Administration.

Name of Agency Personnel Responsible for Drafting: Steve Brink, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-7716, brinksc@dshs.wa.gov; **Implementation and Enforcement:** Colleen Erskine, Division of Developmental Disabilities, P.O. Box 5310, Olympia, WA 98504-5310, (360) 902-8470, erskicm@dshs.wa.gov.

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

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

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

New rules include WAC 388-827-0100 through 388-827-0420.

These rules establish eligibility for SSP for family support and residential services, eliminate the restrictions on SSP for individuals in residential care and remove SSP funding for employment/day programs.

Eligibility for SSP requires that an individual:

- Be determined DDD eligible under RCW 71A.10.020 (WAC 388-827-0105);
- Be eligible for or receive Supplemental Security Income (SSI) (WAC 388-827-0110); and
- Received certain DDD services funded with state-only dollars between March 1, 2001, and June 30, 2003, or were on the family support wait list prior to January 1, 1003 (WAC 388-827-0115).

WAC 388-827-0145 establishes the amount of the SSP.

WAC 388-827-0170 clearly states that there are no restrictions on the use of the SSP.

WAC 388-827-0175 defines the types of changes that must be reported.

WAC 388-827-0200 through 388-827-0215 define a representative payee and their responsibilities.

WAC 388-827-0300 defines the process for exceptions to the rules in this chapter.

WAC 388-827-0400 through 388-827-0420 define overpayments and financial liability for repayment.

Proposal does not change existing rules.

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

required because these rules do not impact small businesses as described in RCW 19.85.020.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from this requirement under RCW 34.05.328 (5)(b)(vii). These DSHS rules relate solely to financial eligibility for services from DDD.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 5, 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 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not earlier than December 10, 2003.

October 27, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-827 WAC

STATE SUPPLEMENTARY PAYMENT PROGRAM

NEW SECTION

WAC 388-827-0100 What is the State Supplementary Payment (SSP) that is administered by the division of developmental disabilities (DDD)? The State Supplementary Payment (SSP) is a state-paid cash assistance program for certain clients of the division of developmental disabilities.

NEW SECTION

WAC 388-827-0105 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

NEW SECTION

WAC 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? You must be eligible for or receive Supplemental Security Income (SSI) cash assistance in the month in which the DDD/SSP is issued.

NEW SECTION

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? (1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,

(b) Family support;

(c) One or more of the following residential services:

- (i) Adult family home,
- (ii) Adult residential care facility,
- (iii) Alternative living,
- (iv) Group home,
- (v) Supported living,
- (vi) Agency attendant care,
- (vii) Supported living or other residential service allowance,
- (viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

- (a) You were on the family support opportunity waiting list prior to January 1, 2003; and
- (b) You are on the CAP waiver; and
- (c) You continue to meet the eligibility requirements for the family support opportunity program contained in WAC 388-825-200 through 388-825-242.

NEW SECTION

WAC 388-827-0120 How often will my eligibility for DDD/SSP be re-determined? Redetermination of eligibility for the DDD/SSP program will be conducted at least every twelve months, or more frequently if deemed necessary by DDD.

NEW SECTION

WAC 388-827-0125 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for this program.

NEW SECTION

WAC 388-827-0130 Can I choose not to accept DDD/SSP payments? If your service funding has been converted to the DDD/SSP program, DDD/SSP payments are the only way you can receive that funding.

(1) If you choose not to receive DDD/SSP payments, you will not receive department funding for that service.

(2) Your community alternatives program (CAP) waiver service(s) not funded by DDD/SSP payments will not be affected by your choice to receive or reject DDD/SSP payments.

NEW SECTION

WAC 388-827-0131 What happens if I no longer meet the financial or programmatic requirements after my funding has been converted to the DDD/SSP program? If you no longer meet the eligibility requirements in WAC 388-827-0105, 388-827-0110, or 388-827-0115, you may continue to receive services only if an exception to the rules is approved in accordance with WAC 388-827-0300.

NEW SECTION

WAC 388-827-0135 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP but eligibility is limited to those meeting the eligibility requirements in WAC 388-827-0105, 388-827-0110, and 388-827-0115.

NEW SECTION

WAC 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? (1) You have the right to appeal the department's denial, termination, or reduction of services. Your rights to an adjudicative proceeding are in WAC 388-825-120.

(2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

NEW SECTION

WAC 388-827-0145 How much money will I receive? The purpose of the SSP is to increase the amount of income to meet your needs. The department will determine your payment amount based on your living arrangement and your assessed needs.

(1) For residential and voluntary placement program services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services at the time the funding source was converted to SSP. If the type of your residential living arrangement changes, your need will be reassessed and your payment adjusted based on your new living arrangement and assessed need.

(2) For family support services, refer to WAC 388-825-200 through 388-825-284.

(a) If you are on the community alternatives program (CAP) waiver:

(i) You will receive nine hundred dollars DDD/SSP money per year to use as you determine.

(ii) The remainder up to the maximum allowed may be authorized by DDD to purchase CAP waiver services and will be paid directly to the provider.

(b) If you are not on the CAP waiver, you will receive the yearly maximum allowed in the form of DDD/SSP money to use as you determine.

(c) The yearly amount of DDD/SSP money will be prorated into monthly amounts. You will receive one twelfth of the yearly amount each month.

NEW SECTION

WAC 388-827-0146 May I voluntarily remove myself from the community alternatives program (CAP) waiver in order to increase the amount of my SSP? You may voluntarily remove yourself from the CAP waiver but your SSP will not increase because of this action.

NEW SECTION

WAC 388-827-0150 How often will I receive my DDD/SSP warrant/check? You will receive a monthly warrant/check from the state.

NEW SECTION

WAC 388-827-0155 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative or protective payee or representative payee.

(2) If you are a person age eighteen and older, the warrant/check will be sent directly to your protective payee or representative payee if you have one.

(3) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

NEW SECTION

WAC 388-827-0160 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-827-0170 Are there rules restricting how I use my DDD/SSP money? There are no restrictions on how you use your DDD/SSP money.

NEW SECTION

WAC 388-827-0175 What changes must I report to the department? You must report changes in your circumstances within ten days from the date you become aware of the change. You must tell us if:

- (1) Your SSI stops;
- (2) Your address changes; or
- (3) There is a change in your living arrangement that affects your assessed need.

NEW SECTION

WAC 388-827-0180 Do I have additional responsibilities when I purchase my own services? (1) When you use DDD/SSP funds paid directly to you to purchase in-home services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can contact the Internal Revenue Service.

(2) If you want to obtain a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities, you may get the background check done through the Washington State Patrol. You can ask your DDD case resource manager to assist you with completing these background checks.

NEW SECTION

WAC 388-827-0185 When will the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

- (1) You no longer are eligible for or receive SSI cash benefits;
- (2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or
- (3) Your DDD eligibility is terminated.

NEW SECTION

WAC 388-827-0200 What is a representative payee? A representative payee is a person, organization, institution or agency that manages your DDD/SSP. They may also provide services such as helping you manage your money.

NEW SECTION

WAC 388-827-0210 Who can be a representative payee for my DDD/SSP? (1) A representative payee may be:

- (a) The person, organization, institution or agency that acts as your representative payee for Supplemental Security Income (SSI);
- (b) Your parent, if you are under eighteen;
- (c) Your spouse; or
- (d) A person, organization, institution or agency you select if the department approves your selection.

(2) If you select a representative payee under subsection (1) (d) of this section, the department will evaluate the selection according to the following criteria:

- (a) The relationship of the payee to you;
 - (b) The amount of interest the payee shows in you;
 - (c) Any legal authority the payee has to act on your behalf;
 - (d) Whether the payee has custody of you; and
 - (e) Whether the payee is in a position to know of and look after your needs.
- (3) The DDD director or designee will approve or deny your request for a representative under subsection (1) (d) of this section.

NEW SECTION

WAC 388-827-0215 What are the responsibilities of a representative payee? A representative payee has the responsibility to:

- (1) Spend the DDD/SSP on you or your behalf;
- (2) Notify the department if any event happens that may affect the amount of benefits you receive;
- (3) Submit to the department, upon our request, a written report accounting for the payments received; and
- (4) Notify the department of any change in the payee's circumstances that would affect performance of the payee responsibilities.

NEW SECTION

WAC 388-827-0300 Does DSHS make exceptions to the requirements in this chapter? DSHS may grant exceptions to the requirements specified in this chapter as long as the following conditions are met:

- (1) You or your case manager may request an exception to a rule in this chapter.
- (2) The case manager must submit a written request for an exception to his or her DDD regional administrator.
- (3) DSHS will evaluate requests for exceptions, considering:
 - (a) The federal and state rules governing SSP; and
 - (b) The impact on the client if the exception is not approved.
- (4) The DDD regional administrator will forward the request to the DDD director together with the regional administrator's recommendation to approve or deny the request.
- (5) The DDD director or designee will approve or deny the request in writing within sixty calendar days after receiving the request from the case manager.
- (6) The department will notify you of the decision.
- (7) You do not have rights to adjudicative proceedings when you receive a denial from DSHS for an exception to the rules in this chapter.

NEW SECTION

WAC 388-827-0400 What is an SSP overpayment?

- (1) An overpayment means any SSP paid that is more than the amount you were eligible to receive.
- (2) If you request a hearing and the hearing decision determines that you received any DDD/SSP money that you were not eligible to receive, then some or all of the DDD/SSP you received before the hearing decision must be paid back to the department.

NEW SECTION

WAC 388-827-0410 When can an overpayment occur? An overpayment can occur when:

- (1) You were not eligible for and did not receive Supplemental Security Income in the month in which the SSP was issued;

(2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

- (3) Your assessed need has changed.

NEW SECTION

WAC 388-827-0420 Who is liable for repayment of an overpayment? (1) If you received the money in your own name, you are responsible for repayment.

(2) If you are paid through a representative payee, both you and the representative payee may be responsible for repayment.

(a) You are responsible to the extent that the incorrect payments were spent on you or your behalf. Funds conserved by a representative payee to which you do not have direct access have not been spent on you or your behalf.

(b) If the incorrect payments were spent on you or your behalf and the representative payee is without fault in connection with the overpayment, you are solely responsible for repayment.

(c) The representative payee is solely responsible for repayment if:

(i) The incorrect payments were not spent on you or your behalf; and

(ii) The representative payee is at fault in connection with the overpayment.

(d) A government entity or an institution can be a representative payee and can be found responsible for repayment—just as a private individual can.

(e) You and the representative payee are both responsible for repayment when the incorrect payments have been spent on you or your behalf and the representative payee is at fault.

(3) The representative payee is at fault when the representative payee was aware of the reason you were not eligible for the SSP.

WSR 03-22-062**WITHDRAWAL OF PROPOSED RULES****HIGHER EDUCATION
COORDINATING BOARD**

(By the Code Reviser's Office)

[Filed November 4, 2003, 8:24 a.m.]

WAC 250-18-070, proposed by the Higher Education Coordinating Board in WSR 03-09-145 appearing in issue 03-09 of the State Register, which was distributed on May 7, 2003, 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 03-22-063
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF REVENUE
 (By the Code Reviser's Office)
 [Filed November 4, 2003, 8:25 a.m.]

WAC 458-20-209, proposed by the Department of Revenue in WSR 03-09-146 appearing in issue 03-09 of the State Register, which was distributed on May 7, 2003, 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 03-22-066
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed November 4, 2003, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-13-104.

Title of Rule: Title 390 WAC, rules relating to out-of-state or federal political committees (WAC 390-16-050 and 390-16-055), electronic filing (WAC 360-19-030), reporting of campaign expenditures (WAC 390-16-037, 390-16-041 and 390-16-205) and small contributors of twenty-five dollars or less (new rule WAC 390-17-105).

Purpose: To clarify reporting requirements for candidates and political committees.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 42.17 RCW.

Summary: The proposed rule amendment to WAC 390-16-050 and repeal of WAC 390-16-055 conforms to statutory provisions of HB 1294, which became effective on July 27, 2003. The proposed rule amendment to WAC 390-19-030 reflects the new statutory threshold level for electronic filing and establishes an additional benchmark for filers. The proposed amendments to WAC 390-16-037, 390-16-041 and 390-16-205 would provide clarification and examples to filers on reporting campaign expenditures. New WAC 390-17-105 implements requirements of a King County superior court permanent injunction regarding small contributors.

Reasons Supporting Proposal: The proposed amendments and new rule will clarify the statutory requirements under chapter 42.17 RCW and provide guidance to those entities required to disclose campaign contributions and expenditures.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, Public Disclosure Commission, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: [Public Disclosure Commission], governmental.

Rule is necessary because of state court decision, *Washington Education Association Political Action Committee v.*

Public Disclosure Commission, King County Superior Court, NO. 01-2-29388-5KNT.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amendments to WAC 390-16-050 and repeal of WAC 390-16-055 reflect changes to PDC Form C-5 and would eliminate the forfeiture rule. The proposed amendments would implement the provisions of HB 1294 which became effective on July 27, 2003.

Proposed amendments to WAC 390-19-030 reflect the new threshold level for mandatory electronic filing on January 1, 2004, and establishes an additional benchmark for determining when a filer can reasonably "except to expend" an amount equal to or more than \$10,000.

New WAC 390-17-105 is in response to a King County superior court injunction enjoining the commission from taking action to enforce RCW 42.17.680(4) by requiring employers to disclose the names or signatures of such individuals who have made contributions in the amount of twenty-five dollars or less during the year.

Proposed amendments to WAC 390-16-037, 390-16-041 and 390-16-205 clarify the reporting requirements to provide a detailed breakdown of campaign expenditures and provides examples of how these campaign expenditures should be reported on the Public Disclosure Commission (PDC) forms.

Proposal Changes the Following Existing Rules: The proposed rule changes clarify and provide guidance to individuals, candidates and political committees on the statutory requirements of chapter 42.17 RCW.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this rule has minimal impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

Hearing Location: Commission Hearing Room, Evergreen Plaza Building, 711 Capitol Way, Room 206, Olympia, WA, on December 10, 2003, at 9 a.m.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by telephone (360) 753-1111.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, fax (360) 753-1112, dellis@pdc.wa.gov, by December 2, 2003.

Date of Intended Adoption: December 10, 2003.

November 3, 2003

Susan Harris
 Assistant Director

AMENDATORY SECTION (Amending WSR 96-05-001, filed 2/7/96, effective 3/9/96)

WAC 390-16-037 Purpose of campaign expenditures—Reporting. Any person required to report the "purpose" of an expenditure under RCW 42.17.090 (1)(f) and (l), or 42.17.100 (5)(b) shall ~~((1) specifically))~~ identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot

proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17.040 (2)(f) and (g), ~~((and))~~

(2) Whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, ~~((specifically))~~ the report shall describe in detail that agreement or understanding, and

(3) ~~((Specifically))~~ Describe in detail the goods and/or services to be provided by the recipient of the expenditure.

Example A: If an expenditure is for a get-out-the-vote campaign, the purpose shall include the following details:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
<u>XYZ Consulting</u>	<u>GOTV—phone bank 28th and 29th Legislative districts</u>	<u>\$1,000</u>

Example B: If an expenditure is for printing, the purpose shall include the following details:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
<u>ABC Printing</u>	<u>5,000 brochures</u>	<u>\$3,000</u>

Example C: If an expenditure is for broadcast political advertisements, the purpose shall include the following details:

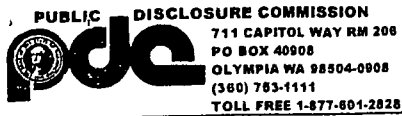
<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
<u>Media King</u>	<u>Television ads</u>	<u>\$50,000</u>
	<u>WZUB TV</u>	<u>\$30,000</u>
	<u>WXXX TV</u>	<u>\$10,000</u>
	<u>WCRB TV</u>	<u>\$10,000</u>

AMENDATORY SECTION (Amending WSR 02-01-014, filed 12/7/01, effective 1/7/02)

WAC 390-16-041 Forms—Summary of total contributions and expenditures. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4," revised 1/02, and includes Schedule A, revised ~~((1/93))~~ 1/04, Schedule B, revised ~~((1/02))~~ 1/04, Schedule C, revised 3/93, and Schedule L, revised 1/02.

(2) Copies of these forms are available at the Commission Office, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, Washington 98504-0908. Any paper attachments shall be on 8-1/2" x 11" white paper.

PROPOSED



CAMPAIGN SUMMARY RECEIPTS & EXPENDITURES

PDC OFFICE USE C4 (1/02)

Candidate or Committee Name (Do not abbreviate. Include full name) Mailing Address City

Zip + 4 Office Sought (Candidates) Election Date Report Period Covered From (last C-4) To (end of period) Final Report? Yes No

*For PACs, Parties & Caucus Committees: During this report period, did the committee make an independent expenditure (i.e., an expense not considered a contribution) supporting or opposing a state or local candidate? *See reverse Yes No

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet) \$
2. Cash received (From line 2, Schedule A) \$
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L) ()
6. Corrections (From line 1 or 3, Schedule C) Show + or (-)
7. Net adjustments this period (Combine line 5 & 6) Show + or (-)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B) ()

EXPENDITURES

- 10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)
11. Total cash expenditures (From line 4, Schedule A)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L) ()
15. Corrections (From line 2 or 3, Schedule C) Show + or (-)
16. Net adjustments this period (Combine lines 14 & 15) Show + or (-)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES ONLY Won Lost Unopposed Name not on ballot Primary election General election Treasurer's Daytime Telephone No. ()

CASH SUMMARY 18. Cash on hand (Line 8 minus line 17) [Line 18 should equal your bank account balance(s) plus your petty cash balance.] 19. Liabilities: (Sum of loans and debts owed) () 20. Balance (Surplus or deficit) (Line 18 minus line 19)

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge. Candidate's Signature Date Treasurer's Signature Date

SEE INSTRUCTIONS ON REVERSE

PROPOSED

Page 2

C4
(1/02)**CAMPAIGN SUMMARY
RECEIPTS &
EXPENDITURES****PROPOSED**

Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by RCW 42.17 and WAC 390.

WHO MUST FILE

Each candidate and political committee using Full Reporting.

FILING DATES

- 1) File with C-1 or C-1pc (Registration form) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures are over \$200 since last C-4 was filed. (These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - 21 days prior to the election
 - 7 days prior to the election
 - 10th of the first month after the election – see note below

(Note: Not required after primary election from candidates who will be in the general election or from continuing political committees.)

- 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

WHERE TO SEND REPORTS

Send original C-4 reports, along with all schedules and attachments, to PDC. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

Candidates for city offices, city ballot issue committees and other political committees who give to city candidates or ballot issue committees should check with city clerk regarding any local filing requirements.

***FOR ALL PACS,
POLITICAL PARTIES
& CAUCUS POLITICAL
COMMITTEES**

The question posted near the top of the first page of this form regarding independent expenditures applies to **ALL POLITICAL COMMITTEES** required to file C-4 reports, **except ballot issue committees** that neither contribute to candidates nor make independent expenditures regarding them **and candidate committees** (because they are prohibited from making expenditures that are not directly related to their own campaigns).

All other Political Committees and PACs must indicate whether they made any independent expenditures supporting or opposing one or more candidates for state or local office.

If the response is "yes," the independent expenditure(s) **MUST** be itemized on the appropriate schedule (either Schedule A, or Part 3 of Schedule B), showing:

- the date of the expense;
- the name and address of the vendor or recipient of the funds;
- if using Schedule A, an "I" in the Code column;
- the name and office sought of the candidate supported or opposed;
- an indication of support or opposition; and
- a brief description of the expense (e.g., brochure mailed to absentee voters).

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- O OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- W WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

CASH RECEIPTS AND EXPENDITURE

SCHEDULE **A**
to C4
(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
						\$

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4 \$

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed.

The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information in the Description block: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE DEFINITIONS ON NEXT PAGE	C - Contributions (monetary, in-kind & transfers) I - Independent Expenditures L - Literature, Brochures, Printing B - Broadcast Advertising (Radio, TV) N - Newspaper and Periodical Advertising O - Other Advertising (yard signs, buttons, etc.) V - Voter Signature Gathering	P - Postage, Mailing Permits S - Surveys and Polls F - Fundraising Event Expenses T - Travel, Accommodations, Meals M - Management/Consulting Services W - Wages, Salaries, Benefits G - General Operation and Overhead
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3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown in the Description block of expenses included in the payment..

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	
				\$

Total from attached pages \$

4. TOTAL CASH EXPENDITURE

Enter also on line 11 of C4 \$

CODE DEFINITIONS ON NEXT PAGE

PROPOSED

Page 2 - For information only. Do not file as part of report.

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

- C MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** your campaign legally makes to other campaigns. Put a "C" in the Code column, in the Description column specify who was benefited and, if in-kind, what was purchased.
- I INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column and fully describe purpose.
- L LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- B BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- N NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
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- V VOTER SIGNATURE GATHERING**. Use "V" for expenditures made directly or indirectly to compensate a person or entity for soliciting or procuring signatures on a statewide initiative or referendum petition. Attach itemization of each such payment.
- P POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- F FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- S SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- T TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveler in Description column. If travel payment was made to credit card company or traveler (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Schedule A.
- M MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
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- G GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

PROPOSED

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE TO C4

B

(1/02)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I	G E N	If more than \$100, Employer Name, City, State & Occup.
							Occupation
							Occupation
							Occupation
<input type="checkbox"/> Check here if additional pages are attached.			TOTAL (Enter also on line 3 and line 12 of C4)				

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I	G E N	If more than \$100, Employer Name, City, State & Occup.
						Occupation
						Occupation
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)				Occupation

3. ORDERS PLACED, DEBTS, OBLIGATIONS. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code OR	Description of Obligation
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (Include in line 19 of C4)		\$

CODE DEFINITIONS ON REVERSE

PROPOSED

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B, Item 3)

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**IN KIND CONTRIBUTIONS, PLEDGES,
ORDERS, DEBTS, OBLIGATIONS**

**SCHEDULE
TO C4**

B

(1/04)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution*	Fair Market Value	Aggregate Total	P R I N G E N		If more than \$100, Employer Name, City, State & Occup.
					P	R	
							Occupation
							Occupation
							Occupation
<input type="checkbox"/> Check here if additional pages are attached.			TOTAL (Enter also on line 3 and line 12 of C4)				

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Pledge Maker	Fair Market Value	Aggregate Total	P R I N G E N		If more than \$100, Employer Name, City, State & Occup.
				P	R	
						Occupation
						Occupation
<input type="checkbox"/> Check here if additional pages are attached.			TOTAL (include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)			

3. ORDERS PLACED, DEBTS, OBLIGATIONS. If debt is owed to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company, provide a detailed breakdown of expenses included in the debt. (Give estimate if actual amount not known. Exclude loans. Report loans on Schedule L.)

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code	OR	Description of Obligor
		\$			
		\$			
		\$			
		\$			
		\$			
		\$			
<input type="checkbox"/> Check here if additional pages are attached.		TOTAL (Include in line 19 of C4)			

*SEE NOTE AND CODE DEFINITIONS ON REVERSE

PROPOSED

EXPENDITURE CODE DEFINITIONS AND USES

(for use on Schedule A and Schedule B)

NOTE: Expenditures (including debts) for payments to a candidate, campaign worker, PR firm, advertising agency, consultant or credit card company require further detail in the Description block. See expenditure description on Schedule A, WAC 390-16-037 and WAC 390-16-205.

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- M MANAGEMENT AND CONSULTING SERVICE** Use "M" for salaries, fees and commissions paid campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
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- G GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture for the campaign.

PROPOSED

CORRECTIONS

SCHEDULE C
to C4

Date

Candidate or Committee Name (Do not abbreviate. Use full name.)

1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)

Date of report

Contributor's name or description of correction

Amount reported

Corrected amount

Difference (+ or -)

Total corrections to contributions
Enter on line 6 of C4. Show + or (-).

2. EXPENDITURES (Include mathematical corrections.)

Date of report

Vendor's name or description of correction

Amount reported

Corrected amount

Difference (+ or -)

Total corrections to expenditures
Enter on line 15 of C4. Show + or (-).

3. REFUNDS FROM VENDORS. The amount listed on this line has been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, Line 14.

Date of refund

Source / person making refund

Amount refund

Total: refunds
Enter as (-) on line 6 & line 15 of C4.

PROPOSED

LOANS

**SCHEDULE
TO C3
OR C4**

L
(1/02)

See Instructions and Example on reverse

Candidate or Committee Name

Report Date

PROPOSED

1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limit.

Date Loaned	Lender's Name and Address	P R I N T I O N A L	G E N E R A L	Amount of Loan	Annual Interest Rate	Repayment Schedule	Date Due
<p>If monetary loan, also include this amount on line 1c, C3 report. →</p> <p>If in-kind loan, itemize in Part 1 of Schedule B.</p>							
						<p>If Total Contributed is more than \$100, Show Lender's Occupation and Name, City & State of Employer</p>	

Name and Address of Each Loan Endorser, Co-Signer	P R I N T I O N A L	G E N E R A L	Amount Liable For (Same as Loan Amount)	Aggregate Total	If Total Contributed is more than \$100, Show Endorser's Occupation and Name, City, & State of Employer
<p><input type="checkbox"/> Continued on attached sheet</p>					

2. LOAN PAYMENTS. Candidates may be repaid no more than amount loaned or permitted by WAC 390-05-400, whichever is less. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
		<p>Total Principal Paid → Enter also on lines 5 and 14, C-4 report</p>		<p>Total Payments → Enter as an expenditure on Schedule A</p>	

3. LOANS FORGIVEN.

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed
------	---------------------------	-----------------	------------------	-----------------	--------------

4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
				Subtotal _____
				New Loans Received (and listed in Item 1 above) _____
				Total Loans Owed Include in total on line 19, C-4 report _____

Continue

PROPOSED

**SCHEDULE
TO C3
OR C4** **L**
(1/02)

Please read the instruction manuals when completing this schedule. Reporting requirements are contained in and governed by RCW 42.17 and

- FILE** Each candidate and political committee using full reporting that receives one or more campaign loan
- FILING DATES**
- When a monetary loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.
 - When an in-kind loan is received, complete Part 1 and file Schedule L along with the Schedule B (to the C-4) that itemizes the in-kind contribution.
 - When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.
 - When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

**Example
LOANS**

**SCHEDULE
TO C3
OR C4** **L**
(1/02)

(Information would appear on separate Schedule B.)

Candidate: Adrian Angles for State Representative Report Date: 12/31/XX

1. MONETARY OR IN-KIND LOAN RECEIVED. Loans are considered contributions and are subject to any applicable limits.

Date Loaned	Lender's Name and Address	Amount of Loan	Annual Interest Rate	Repayment Schedule	Collateral
2/12/XXXX	Tyler Adams PO Box 123 Olympia, WA	\$ 500.00	12%	\$100/month	Not Secured
If monetary loan, also list lender on line 19, C-4 report.					
If in-kind loan, itemize in Part 1 of Schedule B.					

2. LOAN PAYMENTS. Candidates may be liable for more than amount repaid or forgiven by WAC 42.16.020, which voids a loan. See instruction manual.

Date Paid	Lender's Name and Address	Principal Paid	Interest Paid	Total Payment	Balance Owed
3/30/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 100.00	\$ 30.00	\$ 130.00	\$ 400.00
3/31/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	100.00	\$ 0	100.00	250.00
Total Principal Paid (Enter on line 5 and 19, C-4 report)		\$ 200.00			
Total Payments (Enter as expenditure on Schedule A)				\$ 230.00	

3. LOANS FORGIVEN.

Date	Lender's Name and Address	Original Amount	Principal Repaid	Amount Forgiven	Balance Owed
3/15/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	\$ 250.00	\$ 0	\$ 150.00	\$ 100.00

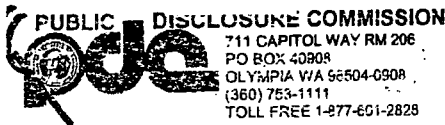
4. LOANS STILL OWED. List each loan if it has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
1/22/XXXX	Tyler Adams PO Box 123, Olympia, WA	\$ 500.00	\$ 100.00	\$ 400.00
2/12/XXXX	Michael Murray 201 Westway Rd, Tacoma, WA	350.00	100.00	250.00
3/31/XXXX	Kelly Adams 2222 Riverfront Rd, Olympia, WA	250.00	150.00	100.00
2/11/XXXX	K.M. Lawrence PO Box 3455, Olympia, WA	1,000.00	0	1,000.00
Subtotal				\$ 1,750.00
Net Loans Received (also listed in Part 1 above)				\$ 0
Total Loans Owed (include in total on line 19, C-4 report)				\$ 1,750.00

AMENDATOR _____ N (Amending WSR 02-12-007,
filed 5/23/02, effective 6/23/02)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state ((~~or federal~~)) political committees. The official form for the report required by RCW 42.17.093 of contributions and expenditures of an out-of-state political committee((s (a) registered with the Federal Election Commission, (b) not domiciled in Washington state, or (c) otherwise not required to report under RCW 42.17.040, 42.17.065, or 42.17.080)) organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 is designated "C-5," revised ((6/02)) 1/04. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.

PROPOSED



Form **C5** 6/02

This space for office use

POST RECEIVED

OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of person making contribution:

Name _____
 Street address _____
 City / State / Zip _____

2. Check appropriate box.

- This is the first report submitted during 20__
- This shows new expenditures, contributions information changed from reports submitted previously this calendar year.

3. Explain briefly the purpose or affiliation of the committee. (e.g., A group of employees of the XYZ Trade Assn., or the election committee for Senator Jane Doe, or a PAC of members of the United Worker's Union.)

4. Name and address of committee:

Name and address _____

Title _____

Candidate's name	Office sought	Political Party	Date	Amount given

5. Ballot measure committees: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot Number	For or Against	Date	Amount given

6. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount given

Check here if continued on an attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7)

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to Washington State.

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8. Contributions received from Washington residents: List all contributions of more than \$25.00 in the aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount
<p>Check here <input type="checkbox"/> if continued on an attached sheet</p>		

10. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official

Name - Typed or Printed

Title

Daytime Telephone No.: ()

(Be sure to notify each contribution recipient that you have filed this report, in order that they are aware they may spend the contribution given to them.)

INSTRUCTIONS
(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the state of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

WHEN TO REPORT

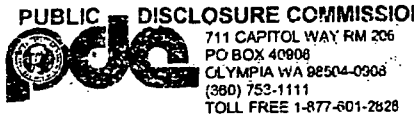
A C-5 report is due within ten days of a Washington state candidate or political committee receiving a contribution of more than \$50 from an out-of-state or federal PAC. After filing an initial C-5 report, subsequent reports during the same calendar year may be filed by letter updating or amending the information previously reported. These follow-up reports are also due within ten days of the contribution's receipt.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 206
PO Box 40908
Olympia, WA 98504-0908

VIOLATIONS AND PENALTIES

- Candidates for legislative office have a contribution limit of \$825 per election. Candidates for statewide executive office have a limit of \$1,250 per election. Each primary and general is a separate election.
- It is a violation of law for any person to make, or for any political committee of any local or judicial candidate to accept from any one person, contributions in the aggregate exceeding \$5,000 within 21 days of a general election.
- Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be returned or forfeited to the state.



C5 1/04	POST RECEIVED	office use
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**OUT OF STATE COMMITTEE CONTRIBUTION
TO WASHINGTON CANDIDATES OR COMMITTEES**

1. Name and address of committee making the contribution:
 Name _____
 Street address _____
 City / State / Zip _____

2. Check appropriate box:
 This is the first report submitted during 20__
 This shows new expenditures, contributions, information changed from reports submitted previously this calendar year.

3. Provide the purpose of the committee and the name of any business, union, association or person with which the committee is affiliated (e.g., A State Committee of the Oregon Democratic or Republican Party, Idaho committee of United Workers Union or XYZ Trade Assn.) _____

4. Officers or responsible leaders of committee:
 Name and address _____

Title _____

Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.

Candidate's name	Office sought	Political Party	Date	Amount given

Committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot Number	For or Against?	Date	Amount given

7. Other contributions and expenditures: List each other state or local candidate, ballot measure or political committee to whom you have made a contribution or expenditure of more than \$50.00 made to or on behalf of any Washington candidate or committee.

Recipient's name and address	Purpose	Date	Amount given

8. Total contributions and expenditures (Add parts 3, 6, 7)

PROPOSED

PROPOSED

9. Contributions received from Washington residents: List all contributions of more than \$25.00 in the aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount

10. Eligibility to Give to State Office Candidates: During the six months prior to making a contribution to a legislative or statewide executive candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to legislative and statewide executive office candidates.

11. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____

Name (Typed) _____

Daytime Telephone No. () _____

E-Mail Address _____

INSTRUCTION
(Statutory reference: RCW _____)

WHO MUST REPORT

An out-of-state political committee organized for opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 which has made contributions or expenditures to or on behalf of a state or local candidate or political committee in Washington state.

WHEN TO REPORT

A C-5 report is due no later than the 20th day of the month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C-5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 20th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made.

The C-5 report, like other standard PDC reports, is considered filed as of the postmark date or, if electronically filed, on the file transfer date.

SEND REPORT TO

Public Disclosure Commission
711 Capitol Way, Room 204
PO Box 40908
Olympia, WA 98534-0908

AMENDATORY SECTION (Amending Order 74, filed 4/26/76)

WAC 390-16-205 Expenditures by agents, employees—Reporting. Expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, etc. employed or retained for the purpose of organizing, directing, managing or assisting the candidate's or committee's efforts shall be deemed expenditures by the candidate or committee. In accordance with WAC 390-16-037, such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly.

Example A: If a campaign committee pays a consultant \$5,000 to prepare and mail a political advertising brochure, all costs associated with the project shall be itemized by identifying each service provided, vendor utilized and amount attributable to each:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
Jones Consulting		\$5,000
	ABC Graphics	\$1,200
	XYZ Printing Co. (5,000 pieces)	\$3,000
	Your Mailhouse	\$800

Or, if Jones Consulting completes the project through a combination of services provided by its principals or employees and subcontractors:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
Jones Consulting		\$5,000
	Graphic design	\$1,200
	XYZ Printing Co. (5,000 pieces)	\$3,000
	Your Mailhouse	\$800

Example B: If a campaign committee pays a consultant to perform tasks such as fund-raising, survey design or campaign plan development, and the consultant does not subcontract with other vendors, the expense shall be reported as follows:

<u>Vendor Name</u>	<u>Purpose</u>	<u>Amount</u>
Jones Consulting	und-raising, survey design campaign plan development	\$5,000

NEW SECTION

WAC 390-17-... **Small contributors of twenty-five dollars or less.** (1) To comply with RCW 42.17.680(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of twenty-five dollars or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW 42.17.680(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual

aggregate contribution is twenty-five dollars or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is twenty-five dollars or less during any calendar or fiscal year shall not be provided by the commission to the public or made available for public inspection or copying.

(4) Each person or entity who withholds contributions under RCW 42.17.680 shall, upon request, deliver to the commission documents of books and accounts described in RCW 42.17.680(4).

AMENDATORY SECTION (Amending WSR 01-22-052, filed 10/31/01, effective 1/1/02)

WAC 390-19-030 Electronic filing—Reporting threshold. (1) ~~((Beginning with the reporting periods that start on or after January 1, 2002,))~~ The "electronic reporting threshold" that requires electronic filing of all contribution and expenditure reports is met when a candidate or political committee has expended ~~(((\$25,000))~~ \$10,000 or more in the preceding calendar year or expects to expend ~~(((\$25,000))~~ \$10,000 or more in the current calendar year. ~~((The electronic reporting threshold is \$10,000 effective January 1, 2004.))~~

(2) It is presumed that a filer "expects to expend" ((is defined as)) \$10,000 or more when any one of the following first occurs:

(a) A filer ~~((meets or exceeds the electronic reporting threshold))~~ spends at least \$10,000;

(b) A filer ~~((s expenditures during the last election))~~ is a candidate for the same office sought ~~((met or exceeded the electronic reporting threshold)),~~ the filer's election is in the current calendar year, and his or her campaign expenditures in the previous election for the same office were \$10,000 or more;

(c) A filer's expenditures meet or exceed ~~((one quarter of the electronic reporting threshold in the first calendar quarter))~~ \$2,500 on or before March 31 of the current calendar year;

(d) A filer's expenditures meet or exceed ~~((one half of the electronic reporting threshold in the first half))~~ \$5,000 on or before June 30 of the current calendar year; ~~((or))~~

(e) A filer's expenditures meet or exceed \$7,500 on or before September 30 of the current calendar year; or

(f) A filer otherwise projects that ~~((the electronic reporting threshold will be met))~~ \$10,000 or more will be spent during the current calendar year.

(3) The following expenditures or transactions are excluded from the electronic reporting threshold calculation:

(a) Expenditures made to pay outstanding debts carried forward from a previous election; and

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(b) Surplus funds disposed of in accordance with RCW 42.17.095.

(4) Candidate committees or political committees supporting or opposing ballot propositions that meet, exceed or expect to meet or exceed the electronic reporting threshold shall report electronically for the duration of the campaign.

(5) ~~((Beginning with the reporting periods that start on or after January 1, 2002,))~~ A report that is filed with the commission electronically need not also be filed with the county auditor or elections officer pursuant to RCW 42.17.080.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 390-16-055 Filing reports for nonreporting committees

**WSR 03-22-067
PROPOSED RULES
BOARD OF ACCOUNTANCY**
[Filed November 4, 2003, 10:19 a.m.]

Continuance of WSR 03-18-083.

Preproposal statement of inquiry was filed as WSR 03-01-102.

Title of Rule: WAC 4-25-530 Fees.

Purpose: To move \$10 per section Board of Accountancy administrative fee from section fee to administrative fee total - no change in total fee only in way fee represented in the rule.

Statutory Authority for Adoption: RCW 18.04.105(3).

Statute Being Implemented: RCW 18.04.105(3).

Summary: Decreases each "section" fee by \$10; increases each "administrative" fee by \$10/section.

Reasons Supporting Proposal: Moving the \$10 administrative fee charged by the board for each section of the exam more correctly displays the section fees and the administrative fees. There will be no change in the total fees that an applicant will pay.

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 of 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 18.04.065 directs the board to "set its fees at a level adequate to pay the costs of administering this chapter" (that is, chapter 18.04 RCW, the Accountancy Act).

Proposal Changes the Following Existing Rules: Moves the \$10 administrative fee charged by the board (that was showing as a component of the section fee for each individual section) to the administrative fee section.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than a 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: Hilton Seattle Airport & Conference Center, 17620 Pacific Highway South, SeaTac, WA, on December 12, 2003, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by December 5, 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, fax (360) 664-9190, by December 5, 2003.

Date of Intended Adoption: December 12, 2003.

November 3, 2003

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 02-22-083, filed 11/5/02, effective 12/31/02)

WAC 4-25-530 Fees. The board shall charge the following fees:

- ~~((1))~~ **CPA examination applications:**
- (a) ~~First time~~ \$284
- (b) ~~Reexamination, four sections~~ \$259
- (c) ~~Reexamination, two sections~~ \$182
- (d) ~~Reexamination, one section~~ \$154
- (e) ~~Administration of examination for out-of-state applicants~~ \$110
- (2) ~~Initial individual license, practice privilege, individual license through reciprocity, or registration as a resident nonlicensee firm owner~~ \$300
- (3) ~~Renewal of license, certificate, practice privilege, or registration as a resident nonlicensee firm owner~~ \$200
- (4) ~~CPA firm license and renewal fee (sole proprietorships with no employees are exempt)~~ \$200
- (5) ~~Amendment to firm license~~ \$25
- (6) ~~Copies of records, per page exceeding fifty pages~~ \$0.50
- (7) ~~Printed listing of CPA exam candidates~~ \$75
- (8) ~~Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners and CPA exam candidates~~ \$75

PROPOSED

PROPOSED

(9) Applications for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner	\$450
(10) Replacement CPA wall document	\$50
(11) Quality assurance review program fee (includes monitoring reviews for up to two years)	\$400
(12) Late fee	\$100
(13) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(14) Application for certificateholder to convert to a license	\$0)
(1) <u>Initial application for individual license, practice privilege, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner</u>	<u>\$330</u>
(2) <u>Renewal of individual license, certificate, practice privilege, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner</u>	<u>\$230</u>
(3) <u>Application for certificateholder to convert to a license</u>	<u>\$0</u>
(4) <u>Application for reinstatement of license, practice privilege, certificate, or registration as a resident nonlicensee owner</u>	<u>\$480</u>
(5) <u>Quality assurance review program fee (includes monitoring reviews for up to two years)</u>	<u>\$400</u>
(6) <u>Late fee</u>	<u>\$100</u>
(7) <u>Amendment to firm license</u>	<u>\$25</u>
(8) <u>Copies of records, per page exceeding fifty pages</u>	<u>\$0.15</u>
(9) <u>Printed listing of CPA exam candidates</u>	<u>\$75</u>
(10) <u>Computer diskette listing of licensees, certificateholders, grants of practice privilege, and registered resident nonlicensee firm owners; computer diskette of CPA exam candidates; or computer diskette of firms</u>	<u>\$75</u>
(11) <u>Replacement CPA wall document</u>	<u>\$50</u>

(12) <u>Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)</u>	<u>\$35</u>
(13) <u>CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.</u>	
(a) <u>Section fees:</u>	
(i) <u>Auditing and attestation</u>	<u>\$134.50</u>
(ii) <u>Financial accounting and reporting</u>	<u>\$126.00</u>
(iii) <u>Regulation</u>	<u>\$109.00</u>
(iv) <u>Business environment and concepts</u>	<u>\$100.50</u>
(b) <u>Administrative fees:</u>	<u>1/1/04 - After 12/31/06 1/1/07</u>
(i) <u>First-time candidate - Four sections</u>	<u>\$124.50 \$132.95</u>
(ii) <u>First-time candidate - Three sections</u>	<u>\$111.00 \$119.10</u>
(iii) <u>First-time candidate - Two sections</u>	<u>\$97.00 \$104.70</u>
(iv) <u>First-time candidate - One section</u>	<u>\$83.00 \$90.30</u>
(v) <u>Reexam candidate - Four sections</u>	<u>\$122.50 \$130.75</u>
(vi) <u>Reexam candidate - Three sections</u>	<u>\$104.00 \$111.40</u>
(vii) <u>Reexam candidate - Two sections</u>	<u>\$85.00 \$91.50</u>
(viii) <u>Reexam candidate - One section</u>	<u>\$66.00 \$71.60</u>

Note: The board may waive late filing fees for good cause.

WSR 03-22-075
 PROPOSED RULES
 SECRETARY OF STATE
 [Filed November 4, 2003, 3:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-137.

Title of Rule: Rules to enable electronic filing, and digital imaging, and to reorganize corporations divisions rules

and procedures for filings with the corporations program and the charities program.

Purpose: (1) Set standards for online filing; (2) streamline procedures to facilitate digital imaging of filings; and (3) clarify operational rules for charities program and corporations division activities.

Statutory Authority for Adoption: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09]-315, 19.77.115, and 43.07.170.

Statute Being Implemented: RCW 43.07.170.

Summary: Rule sets standards for filing online including signature standards, sets filing standards related to digital imaging of filings, reorganizes office hour, telephone and fee information and some charities program rules into a new chapter for ease of access and understanding.

Reasons Supporting Proposal: Most of these revisions are necessary to implement electronic filing and digital imaging within the corporations division. These services will be available for both the corporations and charities programs. Minor reorganizing and clarifying changes were incorporated in the process of the revision.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: William B. Kellington, 801 Capitol Way South, Olympia, WA 98501, (360) 753-2524.

Name of Proponent: Office of the Secretary of State, Corporations Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) The rule sets standards related to the implementation of digital imaging in the corporations division. These standards relate to document quality and eliminate the existing requirement to submit duplicate originals. The division will have the authority to reject filings that are not capable of being accurately rendered and stored in a digital format. (2) The rule imposes a requirement for basic contact information to accompany each filing. Failure to provide the contact information will result in the filing being returned to the filer through the registered agent rather than to the filer once the filing is complete. (3) The rule sets signature standards for filing documents related to corporations, limited liability companies and charities registrations online. These standards will not require filers to purchase or obtain any additional hardware or software in order to sign filings submitted online. (4) The rule creates a new chapter, centralizing office hour, contact and fee information for corporations division programs including charity registrations. (5) The rule clarifies fee calculations for charity, charitable trust and commercial fundraiser registrations. (6) The rule clarifies that the \$20 fee for expedited services is not refundable, since the service purchased by the \$20 fee has been provided whether or not the filing is successful. (7) The rule describes the certificates issued by the corporations division and authorizes the division to create and sell commemorative certificates of incorporation for new business entities. (8) The rule implements legislative authorization to charge a fee of \$50 per class for the registration of trademarks in more than one class.

Proposal Changes the Following Existing Rules: (1) Current statutes and rules require persons filing corporations, limited liability company, limited partnership and trademark documents to submit duplicate original documents. These statutes now authorize this office to change that requirement by rule. This rule eliminates the requirement for duplicate originals. (2) Rules relating to office hours and address, telephone contact information, are to be repealed and readopted in one new chapter. (3) Several rules related to charitable solicitation, commercial fundraisers and charitable trusts have been rewritten for clarity. These revisions do not impose new substantive requirements.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule relates to the process for filing or applying for licenses or permits and is exempt under RCW 19.85.025(3). In addition, the revision does not impose more than minor costs on any business. These revisions will not require any business to obtain professional services in order to comply, and impose no new record-keeping requirements.

RCW 34.05.328 does not apply to this rule adoption. This rule relates to filing requirements for a license or permit, and does not impose new substantive standards, the violation of which subjects a person to penalty. Therefore the revision is not a significant legislative rule within the meaning of RCW 34.05.328(5).

Hearing Location: Office of the Secretary of State, Conference Room, 520 Union, Olympia, WA 98504, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Bill Kellington by December 2, 2003, TDD (360) 753-1485.

Submit Written Comments to: William B. Kellington, Corporations Division, P.O. Box 40234, Olympia, WA 98501-0234, fax (360) 586-4989, by December 9, 2003.

Date of Intended Adoption: December 9, 2003.

November 4, 2003

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-12-005 Trademark filing—Fees—Office hours—Location. (1) Trademarks are filed with the corporations division. Please refer to chapter 434-112 WAC for corporations division office hours, location, filing procedures and telephone numbers.

(2) Filing and other fees for trademarks are set forth in WAC 434-112-080 through 434-112-090.

NEW SECTION

WAC 434-12-025 Document and specimen standards for trademark filing. (1) In addition to the requirements of WAC 434-112-040, the following rules apply to trademark filings.

(a) Specimens submitted in support of a trademark filing must:

(i) Be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and

PROPOSED

(ii) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

(b) Specimens submitted in support of a trademark reservation:

(i) Must be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and

(ii) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved.

(2) Corporations division staff may reject submissions that do not meet these requirements.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-100 Registered office address—Requirements. ~~(1)~~ A post office box address may be used in ~~((conjunction with))~~ addition to a registered geographic office address when~~(:~~

~~(1))~~ the United States Postal Service cannot or will not deliver to the street address~~((; and)).~~

~~(2) ((The post office box address is in the same Washington city or town as the registered office address; and~~

~~(3))~~ The registered agent ~~((notifies))~~ is required to notify the office of the secretary of state and the corporation of any changes in either the street address or the post office box address. Change of address is subject to the fee stated in WAC 434-112-085 (1)(j).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-110-070	Fees.
WAC 434-110-080	Fee prepayment—When required.
WAC 434-110-090	Original signature requirement—Original retained.

Chapter 434-112 WAC

Corporations Division and Charities Program Services

NEW SECTION

WAC 434-112-010 Services provided by the corporations division and charities program. (1) The corporations division includes the corporations program and the charities program.

(2) The corporations program provides the following services:

(a) Business filings under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW;

(b) Nonprofit organization filings under Title 24 RCW;

(c) Trademark registration under chapter 19.77 RCW;

(d) Certification authority licensing under chapter 19.34 RCW, the Electronic Authentication Act;

(e) Registration of international student exchange programs under chapter 19.166 RCW;

(f) Registration under the Immigration Assistant Practices Act, chapter 19.154 RCW;

(g) Apostilles under RCW 42.44.180;

(h) Agent for service of process on motorists under RCW 46.64.040;

(i) Agent for service of process for those entities and under those circumstances listed in subsection (2)(a), (b), and (c) of this section.

(3) The charities program provides the following services:

(a) Registrations under the Charitable Solicitations Act, chapter 19.09 RCW including:

(i) Charitable organizations;

(ii) Commercial fund-raisers; and

(iii) Fund-raising contracts;

(b) Registration of charitable trusts under chapter 11.110 RCW;

(c) Publication of the trust directory; and

(d) Agent for service of process for those entities and under those circumstances listed in subsection (3)(a) and (b) of this section.

NEW SECTION

WAC 434-112-020 Corporations division address, telephone number and office hours. (1) The mailing address of the corporations division is: P.O. Box 40234-0234, Olympia, Washington 98504-40234.

(2) The corporations division is located in the James M. Dolliver Building at 801 Capitol Way South, Olympia, Washington.

(3) The telephone numbers for corporations division services are 360-753-7115 and 360-753-7120. The TDD line is 360-753-1485. Telephone services are available from 8:00 a.m. to 5:00 p.m. Pacific time, Monday through Friday, except for state holidays.

(4) The telephone number for charities program services is 360-753-0863. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483). The TDD number for the charities program is 1-888-658-1485. Telephone services are available from 8:00 a.m. to 5:00 p.m. Pacific time, Monday through Friday, except for state holidays.

(5) The corporations division counter is open for corporations and charities program services to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. The corporations division is unable to guarantee same day processing of any filing or request submitted after 4:30 p.m. on that day. See WAC 434-112-080 for fees and regulations related to expedited processing.

NEW SECTION

WAC 434-112-025 Documents delivered after normal working hours. (1) Documents, including substitute service of process on the secretary of state, delivered after the normal working hours will be deemed to be received on the next working day.

(2) Filings submitted on-line will be deemed to be received as of the date and time the corporations division

computer system records the complete submission and credit card approval for the transaction.

(3) The secretary assumes no responsibility for any form of delivery other than that:

(a) Received personally by an employee of the office of the secretary of state; or

(b) Received by the corporations division computer system as a result of an on-line filing.

NEW SECTION

WAC 434-112-030 Certificates for business filings.

(1) Certificates issued by the secretary of state or the secretary's designee in furtherance of duties under Titles 18, 19, 23, 23B, 24 and 25 RCW shall:

(a) Bear a rendition of the Washington state seal;

(b) Bear a mechanical or electronic reproduction of the secretary's signature; and

(c) Be regarded as the secretary of state's official certification of the matters itemized in the certificate.

(2) The secretary may make commemorative certificates available. When such certificates are available, any person or entity completing a filing under the authority listed in WAC 434-112-010 (2)(a) through (d) may purchase a commemorative certificate bearing a gold foil seal documenting the filing.

(a) The cost for a commemorative certificate is one hundred dollars;

(b) Expedited service is not available for commemorative certificates.

NEW SECTION

WAC 434-112-040 Document standards for filings—

Cover sheet requirement and document quality. (1) A completed contact information cover sheet shall be submitted with each filing with the corporations division or the charities program if:

(a) The filing party is not the registered agent and would like the completed filing returned to them directly;

(b) The filing party would like expedited service under WAC 434-112-080; or

(c) The filing party would like correspondence related to a charities program filing sent to an individual at an address other than the mailing address of record.

(2) The cover sheet will include contact telephone and address information related to the filing, and provide an opportunity to advise the corporations division whether the request is for expedited service and designate the address to which the corporations division is to return the completed request.

(3) All corporations related filings received without a contact information cover sheet will be returned to the registered agent for the entity when processing is complete.

(4) Correspondence pertaining to a charities program filing received without a contact information cover sheet will be sent to the entity's mailing address of record when processing is complete.

(5) The corporations division including the charities program may reject and return documents and copies that are not legible or not capable of being recorded as an image with adequate resolution and clarity.

(a) Paper and ink must be of weight and color capable of producing a legible image regardless of the system used by the corporations division for creating the image.

(b) Documents completed in pencil will not be accepted for filing.

(c) All filings except on-line filings must be submitted on 8 1/2 x 11 paper.

(d) All text must be written or printed in eight point type or larger.

(6) All filings not presented on forms provided by the office of the secretary of state must have a three-inch top margin on page one, with one-inch side and bottom margins. Pages after page one must have a one-inch margin on the top, bottom and sides.

NEW SECTION

WAC 434-112-045 Requests for information or fees.

(1) The corporations division and the charities program may pend action on documents submitted for filing that are unacceptable for filing by reason of incomplete information or insufficient fees, pending provision of the required information and fees.

(2) Additional information or payment may be requested by telephone, fax, e-mail or letter.

(3) The corporations division and the charities program may pend action for up to thirty days to await additional information or funds needed to complete the filing. This time may extend to forty-five days if the filing party is making good faith efforts to complete the filing.

NEW SECTION

WAC 434-112-050 Duplicate originals not required.

(1) Persons submitting business filings under chapter 18.100, 19.77 or Titles 23, 23B, 24 and 25 RCW shall submit one original copy of the document submitted for filing.

(2) Subsection (1) of this section does not apply to:

(a) Filings completed on-line;

(b) Summons and complaints; and

(c) Specimens provided in support of a trademark filing.

(3) The corporations division will retain a digital image of the record submitted for filing, and on completion of the filing will return to the filer a copy of the digital image bearing a filing endorsement.

(4) The corporations division may return the completed filing via e-mail or other electronic means if the filer indicates that an electronic response is acceptable.

(5) The corporations division may reject and return documents and copies that are not legible or not capable of being recorded as a digital image with adequate resolution and clarity.

NEW SECTION

WAC 434-112-065 On-line filing—Consent of registered agent. (1) When completing and submitting an on-line filing for any entity required by Washington law to appoint a registered agent the filing party shall affirm under oath that they have obtained and have in their possession the signed, written consent of the person appointed as registered agent.

(2) When the person submitting the filing is the person appointed as registered agent, they are not required to obtain separate written consent.

(3) Submitting a false affirmation is punishable as a gross misdemeanor under RCW 43.07.210.

(4) The corporation or other entity required to maintain a registered agent must:

(a) Retain the original of the registered agent's signed consent;

(b) Make the original of the registered agent's signed consent available for inspection on request; and

(c) Submit the original to the corporations division or the office of the attorney general within ten business days upon demand.

NEW SECTION

WAC 434-112-070 On-line filing—Application for certificate of authority—Certificate of good standing. (1) When a foreign corporation or limited liability company submits an on-line application for certificate of authority under RCW 23B.15.030, 24.03.325, or an on-line registration under RCW 25.15.315, the filing party may meet the statutory requirement for submitting a certificate of good standing or a certificate of existence by submitting a digital image of a certificate of good standing or certificate of existence meeting the requirements of the statute.

(2) The image must be in a format specified as acceptable on the on-line filing website.

(3) The certificate of good standing must meet the requirements of chapters 23B.15 or 25.15 RCW for certificates of authority submitted in support of an application for certificate of authority.

(4) The corporation or limited liability company must:

(a) Retain the original certificate of good standing;

(b) Make the original certificate of good standing available for inspection on request; and

(c) Submit the original to the corporations division or the office of the attorney general within ten business days upon demand.

NEW SECTION

WAC 434-112-075 On-line services. (1) The corporations division website is located at www.secstate.wa.gov/. The website provides a variety of services for charities and corporations including on-line lookup, on-line filing and downloadable forms. Please see the website for the most up to date list of services available.

(2) The following business entities may pay their annual license fees and submit their annual reports on-line, provided they meet the requirements of this subsection:

(a) Domestic or foreign profit corporations organized under Title 23B RCW, including professional service corporations under chapter 18.100 RCW; and Massachusetts trusts under chapter 23.90 RCW.

(b) Foreign and domestic limited liability companies registered or formed under chapter 25.15 RCW, including limited liability companies formed under RCW 25.15.045 to provide professional services.

(3) Entities filing annual reports on-line must have twenty-five or fewer board members, officers, shareholders, members or managers to report.

(4) On-line filings for foreign and domestic corporations, foreign and domestic limited liability companies, and registrations under the charities programs:

(a) Will be processed as expedited filings under WAC 434-112-065;

(b) Will be subject to the expedited processing fee set forth in WAC 434-112-065; and

(c) Be treated as received when the corporations division system records receipt of the completed transaction including payment authorization.

(5) When submitting an on-line filing, the person completing the filing shall sign the application by: Typing their full name in the space provided on the web form; stating their capacity with the entity addressed in the filing; and following the directions for signing the web form.

NEW SECTION

WAC 434-112-080 In-person or expedited service—Special fees. (1) The corporations division counter is open for corporations and charities program services to in-person requests from 8:00 a.m. to 5:00 p.m. each business day.

(a) Staff provides expedited, same-day processing of documents or requests submitted in person prior to 4:30 p.m. on that day. The corporations division is unable to guarantee same day processing of any filing or request submitted after 4:30 p.m. on that day.

(b) Expedited requests submitted by fax, mail or on-line will be completed within two working days of submission, or as soon thereafter as possible.

(2) Expedited services under this section are available for the following transactions:

(a) Business filing transactions:

(i) Charter document review and filing;

(ii) Name reservation review and filing;

(iii) Document certification;

(iv) Document copying or status certificates;

(v) Status change filings;

(vi) Reinstatements; and

(vii) Trademark filings.

(b) Charities program filings:

(i) Document review and filing including initial registration and renewals of charities, commercial fund-raisers and charitable trusts;

(ii) Document copying and status verification letters;

(iii) Status change filings.

(c) Apostille requests submitted at the corporations division counter.

(3) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation program file, or charities program file. In addition, the filing fee for each transaction will apply.

(4) Except for on-line filings, the filing party shall indicate that expedited processing is requested by:

(a) Submitting a completed contact information cover sheet as described by WAC 434-112-040 indicating that the document is submitted for expedited filing; or

(b) Placing the word "expedite" conspicuously on either the face of the document to be filed, or on any cover letter submitted with the document.

(5) All documents submitted for filing on-line and corporations documents submitted via facsimile transmission are treated as expedited processing requests. Registrations with the charities program may not be submitted by facsimile. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. Pacific time each business day. The fee for facsimile filings is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, the filing fee for each transaction will apply.

(6) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection (3) of this section:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;

(e) In-person inspection or review of corporation files or other public documents located in the corporations division office;

(f) Documents left at the counter for processing with mail-in documents received the same day; or

(g) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

(7) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed on the following business day.

(8) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees or have received a fee waiver before emergency services are provided.

(9) Service may be limited under extraordinary circumstances.

(a) Over-the-counter service hours may be shortened under extraordinary circumstances.

(b) Separate over-the-counter service requests by one person may be limited to those relating to three corporations per day.

(c) Documents submitted by courier services or document-handling companies may receive twenty-four-hour service.

(d) A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

(10) A person submitting a filing or request may submit a written request asking the secretary to waive emergency or penalty fees.

(a) The request must include the special circumstances justifying the fee waiver.

(b) Under special circumstances the secretary may waive emergency or penalty fees.

(11) Fees for expedited or in-person processing will not be refunded if processing the request is delayed or not completed due to documents that lack required information, that contain provisions prohibited by Washington law, or are not presented in a manner that can be legibly preserved in the records of the office of the secretary of state.

NEW SECTION

WAC 434-112-085 Fees and penalties. (1) For Washington registered profit domestic and foreign corporations, including profit cooperative associations, employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts and limited liability partnerships, fees and penalties are as follows:

(a) Articles of incorporation, certificates of formation, partnership agreements and other original filings, one hundred seventy-five dollars;

(b) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(c) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars;

(d) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(e) Articles of merger or exchange, twenty dollars for each listed company;

(f) Resignation of registered agent, twenty dollars;

(g) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(h) Registration, reservation, or transfer of name, thirty dollars;

(i) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(j) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(k) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign non-profit corporations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and corporations under Title 24 RCW, fees and penalties are as follows:

(a) Articles of incorporation and other original filings, thirty dollars;

(b) Articles of amendment, restatement, or correction, twenty dollars;

(c) Articles of dissolution or certificate of withdrawal, no fee;

(d) Revocation of dissolution, twenty dollars;

(e) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five-dollar penalty;

(f) Articles of merger or exchange, twenty dollars for each listed corporation;

(g) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(h) Resignation of registered agent, twenty dollars;

(i) Registration, reservation, or transfer of reservation of name, twenty dollars;

(j) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(k) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a five-year registration or renewal, fifty dollars for each class in which the trademark is registered;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars for each class in which the trademark is reserved;

(e) For amendment of a trademark to add new classes of goods or services, fifty dollars for each class added by the amendment;

(f) Cancellation of trademark, no fee; and

(g) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

NEW SECTION

WAC 434-112-090 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Application for registration or any single document, ten dollars;

(c) Application and amended notices, twenty dollars;

(d) Copy of annual notice, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty-page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated twenty dollars;

(c) Duplicate certificate twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is fifteen dollars. This includes:

(a) A ten-dollar fee for verifying the signature of a notary or public official; and

(b) A five-dollar fee for providing a certificate under seal pursuant to RCW 47.03.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishon-

ored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

NEW SECTION

WAC 434-112-095 Fee prepayment—When required. (1) All fees must be prepaid before the corporations division can take action.

(2) Anyone desiring a service for which the exact fee may not be known in advance may send a request accompanied by a check made payable to the "secretary of state," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The staff person who processes the request will fill in the exact fee amount and include a memo indicating the exact amount of the check with the certificate or other document.

(3) With permission of the secretary, a customer may set up a prepaid account by depositing a specified sum of money with the fiscal office.

NEW SECTION

WAC 434-120-017 Office hours and location for charities program services. Chapter 434-112 WAC provides information on charities program office hours, office location, mailing address, and telephone numbers.

AMENDATORY SECTION (Amending WSR 97-16-036, filed 7/30/97, effective 8/30/97)

WAC 434-120-025 Definitions. (1) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Commercial coventurer" means a corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, individual, or other entity that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public; and

(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise rais-

ing funds in this state for one or more charitable organizations; and

(c) Represents to prospective purchasers that if they purchase a good or service from the commercial coventurer, a specified portion of the sales price or a certain sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(4) "Compensation," means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation shall not include reimbursement for expenses incurred and documented or noncash awards or prizes, valued at one hundred dollars or less, given annually to each volunteer.

(5) "Solicitation," means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization; or

(d) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(6) "Solicitation," as defined in RCW 19.09.020~~((15))~~ (16), for the purposes of these regulations, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. This includes, but is not limited to, admission to a theatrical or other performance presented by a charitable organization that is a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission.

(7) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits, receives or raises contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following

shall not be deemed a "commercial fund-raiser" or "commercial fund-raising entity":

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives or raises any contribution for or on behalf of any such charitable organization; or

(b) A bona fide officer or other employee of a charitable organization.

(8) "Renewal date" means the fifteenth day of the fifth month after the close of the organization's fiscal or accounting year.

(9) "Secretary" means the secretary of state or the secretary's designee, or authorized representative.

AMENDATORY SECTION (Amending WSR 97-16-035, filed 7/30/97, effective 8/30/97)

WAC 434-120-040 Public information derived from registration. (1) Registration forms, and attachments, filed by charitable organizations and commercial fund-raisers pursuant to WAC 434-120-105 and WAC 434-120-215 are available for public inspection or copying. For purposes of public reports derived from that registration information, the secretary shall calculate, and make available to the public, the following information:

~~((1))~~ (2) For charitable organizations, the percentage of total expenditures in a reporting year allocated to charitable program services. This shall be calculated ~~((as follows:~~

~~(a) For organizations required to file a federal information tax return, by dividing the amount reported as "program services" (e.g., line 13 of the form 990) by the amount reported as "total expenses" (e.g., line 17 of form 990) and multiplying by 100; or~~

~~(b) For organizations not required to file a federal informational tax return,)) by dividing the amount reported as expended for charitable purposes by the amount reported as total expenses, and multiplying by 100.~~

~~((2))~~ (3) For commercial fund-raisers the percentage of the proceeds of charitable solicitations which are paid to or retained by charitable organizations. This shall be calculated by dividing the amount reported pursuant to WAC 434-120-215 (2)~~((1))~~ (1)(iii)(B) by the amount reported pursuant to WAC 434-120-215 (2)~~((1))~~ (1)(iii)(A), and multiplying by 100.

NEW SECTION

WAC 434-120-045 Change in status, notification. An entity required to register under this chapter shall notify the charities program of a change in:

(1) Principal officer, owner, or Washington representative within thirty days after the change.

(2) Business structure within thirty days, register the restructured or newly named entity as a new commercial fund-raiser and include evidence of separate bonding.

(3) Business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund-raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

PROPOSED

NEW SECTION**WAC 434-120-050 Signatures for on-line filings.**

When submitting an on-line filing, the person completing the filing shall sign the application by: Typing their full name in the space provided on the web form; stating their capacity with the entity addressed in the filing; and following the directions for signing the web form.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-103 Required forms and filings. (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules either the:

(a) ((Uniform)) State registration form described in WAC 434-120-105. This form is available through the charities program; or

(b) Unified Registration Statement((—Charitable/Public Benefit Form)) developed by the National Association of State Charity Officials (NASCO), if accompanied by the components identified for filing in Washington in the unified registration statement appendix.

((This form is)) (2) These forms are used ((as an)) for original registration form, as well as ((a)) for periodic renewal ((form)). The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075((and)).

((b)) (3) The state registration form or the unified registration statement must be filed together with:

(a) Solicitation report. This ((form)) financial report is filed ((periodically)) by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period((, of an informational nature to the public)). Solicitation reports are filed as part of ((a periodic)) an annual renewal((, and as provided by WAC 434-120-105(4) for newly registered organizations)); and

((e)) (b) All contracts between the commercial fundraiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

((2)) (4) The unified registration statement and the appendix are available for download at: <http://www.nonprofits.org/library/gov>.

(5) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

((3)) (6) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

AMENDATORY SECTION (Amending WSR 97-19-043, filed 9/11/97, effective 10/12/97)

WAC 434-120-105 Charitable organization registration—Form and requirements. (1) Charitable organizations registering under this act shall ((use)) submit the registra-

tion form ((available in the office of the corporations division)) described in WAC 434-120-103. ((The secretary of state shall develop a form in compliance with this rule.)) The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply. ((The secretary may accept the Uniform Registration Statement developed by the National Association of State Charity Officials if accompanied by an addendum developed by the secretary for use in Washington, if the uniform form and addendum contain all of the information required by this rule.))

(2) A registration ((form)) is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), fax number(s), and taxpayer identification number, including those of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration including any electronic mail or Internet addresses used by the organization;

(b) All of the names under which the organization will solicit contributions, including, but not limited to, the names of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration;

(c) ((If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated.)) The type of organization, the unified business identifier, if the organization is registered in Washington and date established, and if the organization is incorporated, the state and date of incorporation;

(d) The end date of its current fiscal or accounting year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for charitable solicitations((, including any other names under which the organization is currently registered or has been registered in the past three years));

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization, including the:

(i) Members of the board of directors or any committee or group serving the function of a board of directors, regardless of the name of the committee or group; and

(ii) Officers of the charitable organization, or the persons serving the function of officers, regardless of the title of the position;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The purpose of the charitable organization, including, if applicable, the names and addresses of any specific benefi-

ciaries which the charitable organization supports and to whom assets would be distributed to in the event of dissolution. When filing a renewal or an updated registration, the organization is not required to submit a list of beneficiaries if there have been no changes to that list;

~~(j) ((Whether the charitable organization is exempt from federal income tax, and, if so, attaching to its initial registration)) A statement indicating whether the organization is exempt from federal income tax, and copy of the letter by which the Internal Revenue Service granted ((such)) the organization tax exempt status if the Internal Revenue Service has granted the organization such status. The organization shall indicate the section of the Internal Revenue Code under which they are exempt from the federal income tax;~~

(k) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(l) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any commercial fund-raiser and any commercial coventurer who have the authority to expend funds or incur obligations on behalf of the organization;

(m) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(n) A solicitation report of the charitable organization for the preceding fiscal or accounting year including, but not limited to:

(i) The types of solicitations conducted; ~~((and))~~

(ii) The name, physical address, and telephone number of any commercial fund-raiser, including any commercial coventurer conducting solicitations on behalf of the organization in Washington during the period covered by this report; and

(iii) ~~((Either:~~

~~(A) A copy of the charitable organization's federal informational tax return (Form 990 or Form 990 PF, but not Form 990-EZ) covering the period covered by this report. The form shall include lines on which to report the amounts reported on the return as "program services" and "total expenses"; or~~

~~(B) If, for the fiscal year covered by the report, the charitable organization either filed a federal informational tax return using Form 990-EZ, or did not file a federal informational tax return, (I) the total dollar value of all support received from solicitations, (II) the total dollar value of revenue from all other sources, (III) total expenditures, including amounts paid to or retained by a commercial fund-raiser, during the reporting period and (IV) the amount of those expenditures devoted directly to charitable program services. Amounts paid to or retained by a commercial fund-raiser include all revenue, as defined by WAC 434-120-025, including, without limitation, fees for services, contributions, proceeds from the sale of goods or services (including tickets to events), and all other revenue from solicitations;~~

~~(c) The form shall also include a space within which any)) The total dollar value of all support received from solicitations, which includes but is not limited to, special events, sale of inventory, and amounts collected on behalf of the~~

charitable organization by a commercial fund-raiser or commercial coventurer;

(iv) The total dollar value of revenue from all other sources;

(v) Gross receipts, including amounts collected on behalf of the charitable organization by a commercial fund-raiser or commercial coventurer regardless of custody of funds. "Gross receipts" include, but are not limited to, contributions, gross revenue from special events, sales of inventory, goods or services (including tickets to events), and all other revenue from solicitations;

(vi) The amount of total expenditures used directly for charitable program services, including payments to affiliates if costs involved are not connected with the administrative or fund-raising functions of the reporting organization;

(vii) The amount of total expenditures used for administrative and fund-raising costs, including amounts paid to or retained by a commercial fund-raiser or commercial coventurer. "Administrative and fund-raising costs" include, but are not limited to, the following expenses if not directly related to program services; salaries, wages, compensation, legal, accounting, occupancy, equipment costs, printing and publications, telephone, postage, supplies, travel, meetings, fees for services (including fund-raising consultation), and cost of goods or inventory sold that are not directly related to program services.

(viii) Total expenditures, including, but not limited to, amounts paid to or retained by a commercial fund-raiser, or commercial coventurer, amounts expended for charitable program services, administrative expenses, fees for services, and fund-raising costs incurred by the charitable organization.

(ix) Beginning assets; and

(x) Ending assets.

(o) A copy of the charitable organization's federal informational tax return (Form 990, Form 990PF, or Form 990EZ) reflecting the fiscal or accounting year covered by this report;

(p) The charitable organization may provide additional information which the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

(3) ((Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any charitable solicitations in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering, if its gross revenue from solicitations exceeds twelve thousand five hundred dollars during that six-month period or otherwise ceases to qualify for an exemption under WAC 434-120-100(2)(e).)) The organization shall report actual figures, and shall not use estimates, when completing a solicitation report or a supplemental solicitation report.

(4) A parent organization may file a consolidated registration form((, including the solicitation report,)) when registering, including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates that solicit in the state of Washington, which are supervised or controlled by the parent

PROPOSED

organization. (~~(A parent organization may report financial information))~~ Registration and subsequent financial reporting requirements may be satisfied either separately or in consolidated form for all subsidiary organizations. A filing by the parent organization relieves each subsidiary organization identified in that filing of any duty to file independently.

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization(~~(, whose signature shall be notarized))~~).

NEW SECTION

WAC 434-120-110 Organizations exempt from filing requirements—Optional filing. (1) Charitable organizations exempt from the filing requirements of this chapter under RCW 19.09.076(1) and WAC 434-120-100 (2)(b) or (c) may register with the charities program.

(2) Charitable organizations choosing to register under this section shall register by:

(a) Completing the registration form specified by the secretary; and

(b) Paying the registration fee of twenty dollars.

(3) Charitable organizations registered under this section may change or update their registration by:

(a) Filing the update with the charities program; and

(b) Paying the ten-dollar update fee.

(4) Expedited processing under WAC 434-112-080 is available for registrations and updates under this section.

(5) The secretary offers this optional registration because some grant making entities and programs require registration with the charities program.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. (~~(The fee shall be waived for those who first register under this act at the same time as filing nonprofit incorporation papers.))~~)

(2) Annual (~~(re)registration~~) renewal: Organizations reregistering shall pay a fee of ten dollars. (~~(If reregistering at the same time as filing nonprofit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the Nonprofit Corporation Act, the Charitable Solicitations Act, and the Charitable Trusts Act, the fee shall be thirty dollars for all three. The fee shall be thirty dollars if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report.))~~)

(3) Information changes: Organizations filing changes of information described in WAC 434-120-220(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) Expedited service fees: For in-person service at the counter, or on-line filings, the fee is twenty dollars for one or

more transactions in each charitable organization file requested.

(6) For service of process on a registered charity, commercial coventures, commercial fund-raiser, or charitable trust, the fee is fifty dollars.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-160 ((Penalty)) Fees for late registration. (~~(The corporations division will send notice of the time to renew the charitable solicitations registration when it mails notice of the annual report or license renewal due date.))~~ (1) A charitable organization that fails to (~~(re)register at the time the corporation annual report or license renewal is due.))~~ renew its registration by its renewal date shall pay a late ((penalty)) fee of ((twenty-five)) fifty dollars (~~(when the reregistration is made, if made prior to administrative corporate dissolution. If the corporation has been administratively dissolved, it)).~~ The charitable organization shall pay an additional fifty dollar ((penalty)) late fee for each year, including the current year, that it was not registered under this act ((for which it wishes to reinstate its corporation registration. A charitable organization not registered as a corporation shall be assessed a penalty of twenty-five dollars if registering within sixty-five days of the renewal date. Thereafter, the penalty fee shall be fifty dollars for each year, including the current year, it has failed to register)), but was required to do so. If the registration has lapsed for a period of more than two years, the entity shall (~~(register))~~ provide solicitation information for the previous two years, and shall reregister as a new charitable organization.

(2) The ((penalty)) fees for late registration shall be in addition to ((any other)) the filing fees under WAC 434-120-145, and any other, remedies that may be imposed by law, including penalties for soliciting without being registered.

(3) The charitable organization may ask the secretary to waive fees for late registration. The request must include a description of the circumstances that justify a waiver of the late fees. Under special circumstances the ((charitable organization may ask the)) secretary ((of State to)) may waive ((all penalty)) fees for late registration that are imposed by these regulations.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-170 Use of particular names in solicitations. (1) In addition to registration under this act, any entity conducting a solicitation using the name police, sheriff, fire fighter, firemen, or similar name shall file with the ((corporations division)) charities program, an original copy of the authorization to use the name in the solicitation. The authorization shall be signed by two officers or other persons responsible for carrying out the purpose of the bona fide department or organization that is giving its permission to use one of the above names. For the purposes of this section, "bona fide organization" shall mean a government department or agency of police, sheriffs, fire fighters, firemen, or similarly named government employer or an entity in which some or all of its members are employed by a government

department or agency of police, sheriffs, fire fighters, firemen, or similar name.

(2) In addition to registration under this act, any entity conducting a solicitation using the name of a military veterans' service organization listed in the most current annual *Directory of Veterans Service Organizations* published by The Department of Veterans Affairs, Office of the Secretary, in Washington, D.C., shall ~~((file with the corporations division an original copy of the signed))~~ obtain written authorization to use the name in the solicitation. The ~~((signatory shall be))~~ written permission must be signed by the highest ranking official of the organization in the state who is listed in the "commanders list" maintained by the Washington department of veterans affairs. Organizations shall retain the authorization in their records, and make the original signed authorization available to the secretary, the office of the attorney general or the office of a county prosecutor on request.

(3) In addition to registration under this act, any entity using the name of a military veterans' service organization that is not affiliated with a national military veterans' service organization shall ~~((file with the corporations division an original copy of the authorization granting))~~ obtain written permission to use the name ~~((The signatory shall be))~~ signed by the service organization's highest ranking official in the state of Washington. Organizations shall retain the authorization in their records, and make the original signed authorization available to the secretary, the office of the attorney general or the office of a county prosecutor on request.

AMENDATORY SECTION (Amending WSR 97-16-036, filed 7/30/97, effective 8/30/97)

WAC 434-120-212 Registration by commercial coventurers. (1) A commercial coventurer shall register with the secretary as either a commercial fund-raiser or a commercial coventurer before conducting any solicitations. If a commercial coventurer chooses to register as a commercial fund-raiser, it shall comply with all registration requirements for commercial fund-raisers as set forth in chapter 19.09 RCW and chapter 434-120 WAC. If a commercial coventurer chooses to register as a commercial coventurer, it shall do all of the following:

(a) Pay a registration fee as specified in WAC 434-120-250(7) and file the registration form required by this rule ~~((An entity which is entitled to and does register as a commercial coventurer need not:~~

- ~~((i) File the form specified in WAC 434-120-215; nor~~
- ~~((ii) Post a bond pursuant to RCW 19.09.190)); and~~

(b) File with the secretary a copy of its written agreement with each charitable organization for which it solicits. This agreement must state the name, address and telephone number of the commercial coventurer and the charitable organization; must be signed by an officer of the charitable organization and the person in charge of the commercial coventurer; must specify how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue; and must state the charitable organization's permission to use its name; and

(c) Report:

(i) A brief description of the fund-raising activity;

(ii) The name of each charitable organization with which it has contracted as a commercial coventurer; and

(iii) A disclosure of the planned financial contribution pursuant to contract with the named charitable organizations. A commercial coventurer shall comply with this requirement by specifying how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue.

(d) Keep on file at its principal place of business a financial statement reflecting the results of its campaign(s) on behalf of each charitable organization for which it raises funds, which shall include at a minimum all of the information required by RCW 19.09.079(7), and shall produce this statement upon demand to the attorney general within ten business days.

(2) The commercial coventurer is not required to complete the solicitation report described by WAC 434-120-215 (2)(1).

(3) The form for registration ~~((form required by this rule))~~ as a commercial coventurer shall be the same as the form described in WAC 434-120-215 ~~((except as follows:))~~.

(a) ~~((It shall omit))~~ The commercial coventurer is not required to provide the information required by WAC 434-120-215 (2)(e) and (h); and

(b) ~~((Instead of the solicitation report described by WAC 434-120-215 (2)(n), the form shall include a solicitation report on which the commercial coventurer must report:~~

(i) A brief description of the fund-raising activity;

(ii) The name of each charitable organization with which it has contracted as a commercial coventurer; and

(iii) A disclosure of the planned financial contribution pursuant to contract with the named charitable organizations. A commercial coventurer shall comply with this requirement by specifying how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue.

(3)) An entity which is entitled to and does register as a commercial coventurer need not post a bond pursuant to RCW 19.09.190.

(4) Unless specifically excused by this rule, a commercial coventurer shall comply with all other terms of chapter 19.09 RCW and this chapter.

(5) Interpretive note: An entity that is regularly engaged in the business of promoting events, including but not limited to concerts, circuses, rodeos, and sporting events, by selling tickets to such events through the use of a charitable solicitation, shall be deemed to be regularly or primarily engaged in making charitable solicitations or otherwise raising funds for one or more charitable organizations, and therefore is not a commercial coventurer.

~~((4))~~ (6) Interpretive note: A transaction is not one for the purchase of a good or service, and therefore the seller is not a commercial coventurer, if the item ostensibly sold is of slight or grossly disproportionate value in relation to the price

or contribution sought in exchange, or if it is described as a prize, gift, reward or award, or similar term, for contributions made or solicited.

(a) Example: A solicitor tells a prospective contributor that if he or she will contribute one hundred dollars to a named charity, the solicitor will send him or her a paper bookmark embossed with the charity's logo as a reward. The solicitor is not a commercial coventurer.

(b) Example: A solicitor offers to sell an individual a coffee mug, with a fair market value of five dollars, for one hundred dollars, with the representation that fifty percent of the purchase price would be contributed to a named charity. The solicitor is not a commercial coventurer. Caution: A person selling a good or service at fair market value is still not a commercial coventurer if he or she is regularly engaged in charitable fund-raising (see WAC 434-120-025 (3)(b)), or is selling tickets to events (see WAC 434-120-212((3)) (5)), or otherwise fails to qualify.

((5)) (7) Interpretive note: An entity that acts as a commercial coventurer, and that does not engage in any commercial fund-raising in this state other than as a commercial coventurer, may register as a commercial coventurer in Washington even if it acts as a commercial fund-raiser in other states.

((6)) (8) Interpretive note: A retail establishment that offers for sale a product that is marketed by others as a commercial coventurer, is not required to register unless it makes an independent appeal to charity or otherwise acts as a commercial coventurer or commercial fund-raiser.

(a) Example: A supermarket includes in its merchandise line a product, with a label that states that a portion of the purchase price will go to charity, but the supermarket makes no other appeal to charity with regard to the product. The supermarket is not required to register as a commercial coventurer or commercial fund-raiser, but the manufacturer will be considered a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

(b) Example: The supermarket in example (a) publishes as advertisement stating that a portion of the purchase price of a product will be devoted to charity. The supermarket is a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

((7) Unless specifically excused by this rule, a commercial coventurer shall comply with all other terms of chapter 19.09 RCW and chapter 434-120 WAC.)

AMENDATORY SECTION (Amending WSR 97-16-035, filed 7/30/97, effective 8/30/97)

WAC 434-120-215 Commercial fund-raiser registration—Form and requirements. (1) Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form available in the office of the ((corporations division)) charities program. ((The secretary of state shall develop a form in compliance with this rule.)) The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW, shall not excuse the failure to comply. The secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. ((A registration form is not

complete, and will not be accepted for filing, unless it includes:))

(2) A registration ((form)) is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), fax number(s), of the commercial fund-raising entity under which contributions are being solicited or received, including any electronic mail or Internet addresses used by the organization;

(b) The name(s); address(es); and telephone number(s) of the individual(s) responsible for fund-raising activities of the entity in Washington state;

(c) ((If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated,)) The type of organization, the unified business identifier if the organization is registered in Washington and date established, and if the organization is incorporated, the state and date of incorporation;

(d) The end date of its current fiscal or accounting year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for fund-raising, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(j) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any charitable organizations who have given the commercial fund-raiser authority to expend funds or incur obligations on behalf of the organization;

(k) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(l) A solicitation report of the fund-raising activities of the entity for the preceding fiscal or accounting year including, but not limited to:

- (i) The types of fund-raising services conducted;
- (ii) The name of each charitable organization to whom this entity has provided fund-raising services;
- (iii) The total dollar value of the following:

(A) Contributions received, either by ~~((your organization))~~ the commercial fund-raiser or the charities with ~~((whom you contract))~~ which the commercial fund-raiser contracts, as a result of services provided by ~~((your organization))~~ the commercial fund-raiser during the year shown above. (This is the total amount of money raised, regardless of who has possession of funds.)

(B) Funds either retained by, or paid to, the charities with whom ~~((you contract))~~ the commercial fund-raiser contracts, after ~~((your))~~ fees and any expenses have been subtracted. (This is the portion of money raised that the charities receive or keep after all fund-raising expenses have been deducted.)

(iv) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

~~((m))~~ (3) ~~The ((form shall also include a space within which any of the organization))~~ commercial fund-raiser may provide additional information which the ~~((organization))~~ commercial fund-raiser believes would be of assistance in understanding other reported information, or to provide context for reported information.

~~((3))~~ Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any fund-raising activities in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering.

(4) The commercial fund-raiser shall report actual figures and shall not use estimates when completing a solicitation report or a supplemental solicitation report.

(5) All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-240 Contract between a commercial ~~((organization))~~ fund-raiser and a charitable organization. (1) A commercial fund-raiser and charitable organization entering into a contract shall register the contract by completing the ~~((corporations division))~~ contract registration form ~~((and))~~, attaching a copy of the written contract, and filing the form and contract with the secretary. ~~((It))~~ The contract shall be ((filed)) registered before the commencement of the campaign. ~~((There is a ten dollar fee for filing the copy of the contract in the corporations division.))~~

(2) The charitable organization is responsible for registering the contract.

(3) The fee for registering a contract under this section is ten dollars.

(4) Both the contract and registration form shall be signed by the commercial fund-raiser owner or principal and the charitable organization president, treasurer, or comparable officer.

(5) In addition to the statutory requirements of RCW 19.09.097, the terms of the contract shall ~~((include))~~ specify who will maintain the donor list. ~~((The commercial fund-raiser shall be responsible for filing the contract.))~~

AMENDATORY SECTION (Amending WSR 97-16-036, filed 7/30/97, effective 8/30/97)

WAC 434-120-250 Fees. All commercial fund-raisers shall pay an original registration fee at the time of filing and a yearly ~~((reregistration))~~ registration renewal fee.

(1) The fee for original registration in this state is two hundred fifty dollars.

(2) The annual registration renewal fee is one hundred seventy-five dollars.

(3) The fee for filing changes in any information previously filed under RCW ~~((19.09.075.))~~ 19.09.079, and WAC 434-120-215 or for filing a contract is ten dollars.

(4) ~~The ((penalty))~~ late fee is fifty dollars for failing to ~~((reregister within sixty days of))~~ renew registration by the due date. ~~((Beginning on the sixty-sixth day or following administrative dissolution of the corporation, whichever is later.))~~ The commercial fund-raiser shall pay an additional ((penalty)) late fee of one hundred dollars for each ((unregistered)) year ((for up to two years or shall register as a new entity. These penalties are cumulative)) that it was required to register under this act and failed to do so, including the current year. If the registration has lapsed for more than two years, the entity shall provide solicitation information for the previous two years and shall register as a new commercial fund-raiser under RCW 19.09.079, in addition to paying any late fees due under this section.

Any commercial fund-raiser failing to ~~((reregister))~~ renew registration and conducting business may be subject to other penalties and remedies ~~((, which may be cumulative and not exclusive and))~~ that may be imposed by law, including penalties for soliciting without being registered. These penalties are cumulative.

(5) The fee for expedited in-person service, and on-line filings, is twenty dollars for any and all transactions within one commercial fund-raiser file, in addition to regular fee for the transaction.

(6) The photocopy fee is ten dollars for copies of the annual registration form or letter.

(7) A commercial coventurer shall pay a registration fee of twenty dollars when it registers with the secretary or renews its registration.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-260 Surety bonds. (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars. Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding ~~((in the following year))~~ if the commercial fund-raiser engages, or plans to engage, in one or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be

made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding fiscal or accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions. Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with which the commercial fund-raiser maintains a contractual relationship.

(3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

AMENDATORY SECTION (Amending WSR 98-18-034, filed 8/26/98, effective 9/26/98)

WAC 434-120-305 (~~Registration and reporting~~)

Who shall register. (~~((1) The Charitable Trust Act requires those trustees described by RCW 11.110.051 to complete an initial registration with the secretary of state, and thereafter to file with the secretary copies of the trust's United States tax or information return. This section generally describes these registration and reporting requirements, with reference to the applicable statutes. These rules do not repeat all statutory requirements.~~)

(2) ~~Who shall register and report:~~) The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The secretary of state has determined, pursuant to RCW 11.110.051 (1)(a), that no trustee shall be required to register or report unless, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

(~~((3) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so, in the time and in the manner described by RCW 11.110.060. Trustees shall use the registration form described by WAC 434-120-310, and file all other documents required by RCW 11.110.060. Trust-~~

~~ees required to register shall also file with the secretary any later amendments to the trust instrument within four months of making the amendment.~~

(4) ~~Periodic reporting: After the initial registration, every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is fully satisfied by filing a copy of the trust's United States tax or information return, forms 990, 990 PF, or 990-EZ, with the secretary of state at the same time as it is required to be filed with the Internal Revenue Service. Any trustee who is not required by federal law to file any of the named forms with the Internal Revenue Service shall either complete a federal return and file it with the secretary, or may instead file the form described by WAC 434-120-320 by no later than the fifteenth day of the fifth month after the end of its fiscal year.)~~

NEW SECTION

WAC 434-120-307 Required filings. (1) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so, in the time and in the manner described by RCW 11.110.060. Trustees shall use the registration form described by WAC 434-120-310, and file all other documents required by RCW 11.110.060. Trustees required to register shall also file with the secretary any later amendments to the trust instrument within four months of making the amendment.

(2) Periodic reporting: Every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is satisfied by filing the renewal form described by WAC 434-120-310(3) and filing a copy of the trust's federal informational tax return, with the secretary of state no later than the fifteenth day of the fifth month after the end of its fiscal or accounting year.

AMENDATORY SECTION (Amending WSR 98-18-034, filed 8/26/98, effective 9/26/98)

WAC 434-120-310 (~~How to register—Form~~) **Charitable trust registration—Form and requirements.** (1)

Trustees registering under chapter 11.110 RCW shall use the registration form available in the office of the secretary of state. (~~The secretary of state shall develop a form in compliance with this rule.~~) The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.

(2) ((A)) **An initial registration form is not complete, and will not be accepted for filing,** unless it includes:

(a) The trustee's name;

(b) The trustee's mailing address, and physical address if different;

(c) The name of the trust (~~to be registered~~), its Federal Employer Identification Number, if any, or other identifying information sufficient to distinguish the trust from other registered trusts;

(d) A brief description of the charitable purposes of the trust, which may, at the trustee's option, include the names

and addresses of any charitable organizations ((benefitted)) benefited by the trust;

(e) The market value of all trust assets invested for incoming-producing purposes as of the date on which the trustee received possession or control of the trust corpus; ((and))

(f) ~~((The signature of))~~ A copy of the governing instrument creating the trust;

(g) A statement indicating whether the trust is exempt from federal income tax, and, if exempt, the section of the Internal Revenue Code under which the trust is exempt from federal income tax;

(h) A copy of the letter by which the Internal Revenue Service granted the trust tax exempt status if the Internal Revenue Service has granted the trust such status;

(i) The end date of its current fiscal or accounting year;

(j) A financial report of the trust for the preceding fiscal or accounting year, including, but not limited to:

(i) Beginning assets;

(ii) Total revenue;

(iii) Grants, contributions, and the amount of expenditures used directly for program services;

(iv) Compensation of officers, directors, trustees, etc.;

(v) Total expenses; and

(vi) Ending assets.

(k) A copy of the trust's federal informational tax return (Form 990, Form 990PF, or Form 990EZ) reflecting the fiscal or accounting year contained in this report;

(l) The name and telephone number of the preparer of the trust registration, if different from trustee.

(3) The renewal registration form required by this rule shall be the same as the form described in WAC 434-120-310 except that the information required by WAC 434-120-310 (2)(d), (e), (f), (g) and (h) is not required.

(4) The trust shall report actual figures, and shall not use estimates, when completing a financial report.

(5) All charitable trust registrations shall be signed by the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.

~~((3))~~ (6) A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

WAC 434-120-330 Annual fees. (1) Charitable trusts ~~((registering for the first time))~~ filing initial or renewal registrations shall pay a fee of twenty-five dollars. ((If an organization files a nonecombined renewal, the fee shall be twenty-five dollars. When renewal is combined with filing an annual nonprofit corporation report the fee shall be twenty-five dollars. If an organization simultaneously files renewals under the Nonprofit Corporations Act, the Charitable Solicitations Act, and the Charitable Trust Act, the annual renewal fee shall be thirty dollars for all three, or if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report, the fee shall be thirty dollars for all four.))

(2) For all expedited in-person service, or on-line filing, the fee is twenty dollars for one or more transactions within one charitable trust file, in addition to the regular fee for the transaction.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

(4) For a photocopy of a charitable trust registration form, the fee is five dollars.

NEW SECTION

WAC 434-120-345 Late registration fees. (1) A charitable trust that fails to renew its registration at the time its renewal is due, shall pay a late fee of fifty dollars when the reregistration is made. The trust shall pay an additional fifty-dollar late fee for each year, including the current year, it was not registered under this act. If the registration has lapsed for a period of more than two years, the entity shall register as a new trust and pay any late fees, which shall be cumulative.

(2) The fees for late registration shall be in addition to any other filing fees or remedies that may be imposed by law, including penalties for not being registered.

NEW SECTION

WAC 434-120-355 Change in status, notification. A charitable trust shall notify the charities program of a change in trust instrument, trustee, principal officer, tax status, fiscal year, or any other information filed under RCW 11.110.060 or WAC 434-120-310 within four months after the change. Organizations filing changes of information described in RCW 11.110.060 or WAC 434-120-310 shall pay a fee of ten dollars for each submittal of change.

NEW SECTION

WAC 434-120-360 Dissolution of trust, procedure and notification. (1) A charitable trust shall submit written notification of its intent to dissolve to the charities program thirty days prior to dissolution.

(2) Upon dissolution, the trust shall provide information regarding the disposition of its assets, including, but not limited to, the amount and type of assets, and the name and address of the entity in receipt of such assets.

(3) Upon dissolution, the charitable trust shall provide the information specified in subsection (2) of this section to:

(a) The charities program in the office of the secretary of state if the dissolution is in accordance with the specific terms of the trust; or

(b) Both the charities program in the office of the secretary of state and the office of the attorney general if the dissolution is the result of:

(i) A merger;

(ii) A voluntary dissolution outside the specific terms of the trust;

(iii) A change in the state of domicile of the trust; or

(iv) Any other change in the trust giving rise to the obligation to notify the attorney general under RCW 11.110.120.

(4) Notice to the charities program under subsection (3)(b) of this section is not required for those trusts that are not required to register with the charities program in the office of the secretary of state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-120-015 Official address and telephone number.
- WAC 434-120-020 Office hours.
- WAC 434-120-155 Public benefit nonprofit corporation registration—Annual fee.
- WAC 434-120-320 Content of annual reports for trusts not required to file United States tax or information returns.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-130-020 Official address and telephone number.
- WAC 434-130-030 Office hours.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-135-020 Official address and telephone number.
- WAC 434-135-030 Office hours.
- WAC 434-135-070 Filing duty of secretary of state.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 434-180-110 Office address, hours, and telephone number.

Proposal is exempt under RCW 34.05.310(4). (See Statutory Authority below.)

Title of Rule: Washington Red Raspberry Commission, chapter 16-561 WAC.

Purpose: This rule-making proposal makes amendments to sections within the Washington Red Raspberry Commission's marketing order, chapter 16-561 WAC, to reflect recent statutory changes, while improving readability and clarity and eliminating outdated sections.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-561 WAC. The proposed amendments expand the commission's policy and purpose statements, update the definitions, update the commission member selection process and term limit, add additional powers and duties to benefit the industry, update meeting and administrative procedures, and expand the commission's information and education role. These amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. In addition, proposed amendments decrease the total number of board members and representative districts to achieve consistency with the red raspberry industry.

Name of Agency Personnel Responsible for Drafting: Lynn Briscoe, Olympia, (360) 902-2043; Implementation and Enforcement: Henry Bierlink, Lynden, (360) 354-8767.

Name of Proponent: Washington Red Raspberry Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal makes amendments to sections within the Washington Red Raspberry Commission's marketing order, chapter 16-561 WAC. During the past three legislative sessions, significant amendments were made to the commission's enabling statute, chapter 15.65 RCW. These statutory changes prompted proposed amendments to chapter 16-561 WAC. The proposed amendments achieve consistency with the statute, as well as, improve the readability and clarity of the marketing order. See Summary above. In addition, proposed amendments decrease the total number of board members from eleven to nine members and decrease the number of representative districts from four to three districts, combining District 4 with District 2. These proposed amendments achieve consistency with the red raspberry industry. The following are the proposed amendments:

- New section WAC 16-561-005 Marketing order for Washington red raspberries—Policy statement.
- New section WAC 16-561-006 Marketing order purposes.
- Amend WAC 16-561-010 Definition.
- Amend WAC 16-561-020 Red raspberry commodity board.
- Repeal WAC 16-561-030 Marketing order purposes.
- Amend WAC 16-561-040 Assessments and collections.
- Amend WAC 16-561-060 Termination of the order.

PROPOSED

WSR 03-22-086

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed November 5, 2003, 9:57 a.m.]

Original Notice.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. In accordance with RCW 15.65.570, the adoption of the final amendments to chapter 16-561 WAC will be determined by a referendum vote of the affected parties.

RCW 34.05.328 does not apply to this rule adoption. Washington State Department of Agriculture is exempt from this provision.

Hearing Location: C. J. Leghorns Restaurant, Homestead Farms Golf Resort and Convention Center, 115 East Homestead Boulevard, Lynden, WA, on December 10, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Virginia Walsh, Washington State Department of Agriculture, at (360) 902-1976 by November 26, 2003, TDD (360) 902-1996.

Submit Written Comments to: Lynn Briscoe, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, fax (360) 902-2092, e-mail lbriscoe@agr.wa.gov, by December 11, 2003, at 5:00 p.m.

Date of Intended Adoption: May 12, 2004.

November 4, 2003

Mary A. Martin Toohey
for William E. Brookreson
Deputy Director

NEW SECTION

WAC 16-561-005 Marketing order for Washington red raspberries—Policy statement. (1) The marketing of red raspberries within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its red raspberries be properly promoted by:

(a) Enabling producers of red raspberries to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the red raspberries they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of red raspberries within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the red raspberries industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that red raspberries be promoted individually, and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's red raspberries.

(b) Increase the sale and use of Washington state's red raspberries in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's red raspberries.

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's red raspberries and products.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of red raspberries produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.65 RCW through the adoption of this marketing order.

(4) The Washington state red raspberry commodity board exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the board is authorized to speak on behalf of Washington state government with regard to red raspberries under the provisions of this marketing order.

NEW SECTION

WAC 16-561-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; increasing production efficiency; ensuring a fair regulatory environment; or increasing per capita consumption of red raspberries grown in Washington state. The Washington state red raspberry commodity board is designated by the director to conduct the following programs in accordance with chapter 15.65 RCW:

(1) To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for marketing, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims on behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity. The board may also engage in cooperative efforts in the domestic or foreign marketing of red raspberries.

(b) Provide for research in the production, processing, irrigation, transportation, handling, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules for:

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for red raspberries or any products thereof;

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of red raspberries and/or in offering, advertising and/or delivering it therefor;

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iv) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: Provided, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Conduct programs for the purpose of providing information and education including:

(i) Marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers;

(ii) Information and services enabling producers to meet their resource conservation objectives;

(iii) Red raspberry-related education and training.

(e) Subject to the provisions of the act, provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of red raspberries produced in Washington state to any elected official or officer or employee of any agency.

(2) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of red raspberries; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

AMENDATORY SECTION (Amending Order 1888, filed 6/6/86)

WAC 16-561-010 Definition ((of terms)). Definitions for terms used in this chapter are also found in chapter 15.65 RCW, Washington State Agricultural Commodity Boards Act. For the purpose of this marketing order, the following additional definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or his or her duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural ((Enabling Act of 1964)) Commodity Boards Act or chapter 15.65 RCW.

(4) "Person" means any ~~((person))~~ individual, firm, ((association, or)) corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state government.

(5) "Affected producer" means any person who produces or stores in the state of Washington raspberries in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any raspberries produced or stored in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing raspberries not produced by him/her. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(8) "Red raspberry commodity board," hereinafter referred to as "board((:))" or "commission" means the commodity board formed under the provisions of WAC 16-561-020.

(9) "Raspberries" means and includes all kinds, varieties, and hybrids of "*rubus idaeus*" of red color.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he/she produces and a handler with respect to the raspberries which he/she handles, including those produced by himself/herself. "To produce" means to act as a producer. For the purposes of the red raspberry marketing order, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of raspberries.

AMENDATORY SECTION (Amending WSR 92-12-003, filed 5/21/92, effective 6/21/92)

WAC 16-561-020 Red raspberry commodity board.

(1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ~~((eleven))~~ nine members. ~~((Ten))~~ Eight members shall be affected producers appointed or elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the ~~((department and the public))~~ director. The position representing the director shall be a voting member.

There shall be a minimum of two producer board members per district, with additional producer board members added based on acreage; using two thousand acres as the baseline, every one thousand acres, or increment thereof, would entitle a district to another board member, so long as no single district had an over-all majority of representatives.

(b) Director-appointed producer positions on the board shall be designated as position 1, position 2, position 7, and position 8.

(c) Elected producer positions on the board shall be designated as position 3, position 4, position 5, and position 6.

(d) The position representing the director who is neither an affected producer nor a handler shall be designated as position 9.

(e) For the purpose of nomination, appointment, and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into ~~((four))~~ three representative districts as follows:

(i) District I shall have four board members, being positions 2, 3, 4, and 8, and shall be Whatcom County.

(ii) District II shall have two board members, being positions 1((;)) and ~~((7))~~ 6, and shall include the counties of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston.

(iii) District III shall have two board members, being positions 5 and ~~((9))~~ 7, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

~~((iv) District IV shall have two members, being positions 6 and 10, and shall include the counties of San Juan, Skagit, and Snohomish.))~~

(3) **Board membership qualifications.** The ~~((affected))~~ producer members of the board ~~((shall))~~ must be practical producers of raspberries and each shall be a citizen~~((s))~~ and resident~~((s))~~ of ~~((the))~~ this state ~~((of Washington))~~, over the age of twenty-five years~~((, each of whom is and has))~~. Each producer board member must be and have been actually engaged in producing raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of appointment or election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year. These terms shall expire on November 30.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((ten))~~ eight and the member ~~((appointed by))~~ representing the director, position ~~((eleven))~~ nine.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three, four, five, and nine - two years;

Positions six, seven, eight, and ten~~((, and eleven))~~ - three years.

(d) ~~((No elected member of the board may serve more than two full consecutive three-year terms.))~~ The term of office for board members serving at the time of the effective date of this amended marketing order shall be as follows:

Positions one, two and eight - until November 30, 2004;

Positions three, four, and five - until November 30, 2005;

Positions six and seven - until November 30, 2006.

(e) Except for the director's representative, no appointed or elected member of the board may serve more than two full consecutive three-year terms. Any previous board member may be reelected to a qualified position after such term limits, if at least one full three-year period has passed since the last date of the second consecutive term in office.

(f) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in position 2, position 8, position 9, and position 10 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order. The current board members in position 9 and position 10 will be reappointed to position 1 and position 7.

(5) **Nomination ~~((and election))~~ of elected or director-appointed board members.** Each year the director shall call ~~((for))~~ a nomination meeting for elected or director-appointed producer board members. ~~((Such))~~ The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of ~~((every such))~~ a nomination meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area according to the list maintained by the ~~((director pursuant to RCW 15.65.200 of the act))~~ board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at ~~((such))~~ a nomination meeting. Nominations may also be made within five days after ~~((any such))~~ the meeting by written petition filed with the director, signed by not less than five affected producers. ~~((At the inception of this order, nominations may be made at the issuance hearing.))~~

(d) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(6) **Election or advisory vote of board members.**

(a) ~~((Members of the board shall be elected by secret mail ballot within the month of October.))~~ An election or advisory vote shall be conducted by secret ballot under the supervision of the director within the month of October. Each affected producer shall be entitled to one vote. ~~((Affected producer))~~

(b) Elected members of the board shall be elected by a majority of the votes cast by the affected producers within the affected area. ~~((Each affected producer within the affected area shall be entitled to one vote.))~~

~~((b))~~ If a nominee for an elected position does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for producer board members appointed by the director under the provisions of RCW 15.65.243. The names of the two candidates receiving the most votes in the advisory vote shall be for-

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warded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of ~~((such))~~ the election. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of ~~((such))~~ affected producers within the affected area maintained by the ~~((director in accordance with RCW 15.65.200))~~ board pursuant to RCW 15.65.295. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by any affected producer shall not invalidate the election or advisory vote of any board members.

(7) ~~Vacancies ((prior to election)).~~

(a) In the event of a vacancy on the board in an elected position, the remaining members shall select a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member ~~((shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees))~~ may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270. The board may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members and employees of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft,

or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, shall be deposited as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. The board, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules ~~((and regulations))~~ of a technical or administrative nature for the operation of the board, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as

defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order.

(q) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW.

(r) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies.

(s) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of red raspberries.

(t) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general.

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this order.

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of red raspberries including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission.

(w) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the units of each producer's production pursuant to RCW 15.65.295. This list may be compiled from information used to collect producer assessments for a three-year period.

(x) To maintain a list of the names and addresses of persons who handle red raspberries within the affected area and data on the amount of the red raspberries handled by each person pursuant to RCW 15.65.295 for a minimum three-year period.

(y) To establish a foundation using commission funds as grant money for the purposes established in this marketing order.

(z) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least four times annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change of the meeting schedule shall be published in the *State Register* at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to

the meeting by written notice to each producer and by regular news service.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice to a member of any special meeting may be waived by a waiver (~~thereof by each~~) from that member of the board. Notice of special meetings shall be in compliance with chapter 42.30 RCW.

AMENDATORY SECTION (Amending Order 1888, filed 6/6/86)

WAC 16-561-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of raspberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require in the case of assessments against affected units stored in frozen condition:

(A) Cold storage facilities storing (~~such~~) the commodity to file information and reports with the commission regarding the amount of commodity in storage, the date of receipt, and the name and address of each such owner; and

(B) That (~~such~~) the commodity not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by the marketing order.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped, stored, or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of (~~the~~) this order during or with respect to any season or year, may be refunded on a pro rata basis at the close of (~~such~~) the season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of (~~such~~) this marketing (~~agreement or~~) order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in (~~such~~) a specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of (~~such~~) the assessment or (~~such~~) other sum on or

before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of ~~((the same))~~ it. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent ~~((thereon))~~, and ~~((such))~~ the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending Order 1478, filed 7/29/76)

WAC 16-561-060 Termination of the order. ~~((The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.))~~ Termination shall be accomplished pursuant to RCW 15.65.183 through 15.65.193.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-561-030 Marketing order purposes.

WSR 03-22-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed November 5, 2003, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-010.

Title of Rule: WAC 388-501-0165 Determination process for coverage of medical equipment and medical or dental services.

Purpose: The department is updating the definition of "medical necessity" and supporting terms in order to incorporate the use of medical information that is supported by scientific evidence in its determination of services. In order to ensure consistency with the updated definitions and support the use of evidence-based health care service determinations, the department is amending WAC 388-501-0165 to include definitions specific to the determination process, clarify provider responsibilities to support the determination of a ser-

vice or equipment as being medically necessary, and clarify the department's basis for determining medical necessity.

Statutory Authority for Adoption: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Statute Being Implemented: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Bill Hagens, P.O. Box 45500, Olympia, WA 98504, (360) 725-1337.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is being amended to include the use of scientific evidence in the department's coverage and service determinations; to help ensure the department's clients will not be harmed or injured by inappropriate service utilization in view of the robust development and availability of new drugs, treatments, and therapies; to help ensure that available resources be spent in the most effective manner to improve the health of clients; and to help expedite service determinations.

The anticipated effects are as stated above.

Proposal Changes the Following Existing Rules: The rule described in Title of Rule and Purpose above is being amended to include definitions related to the new definition of "medical necessity" and ensure the process and provisions described in the rule are consistent with the new definition.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will not have a more than minor impact on the small businesses affected by it.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and concludes that it meets the definition of a "significant legislative rule" as defined by the legislature. An analysis of the probable costs and probable benefits is available from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 5, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not sooner than December 10, 2003.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-03-035, filed 1/12/00, effective 2/12/00)

WAC 388-501-0165 Determination process for coverage of medical equipment and medical or dental services. This section applies to fee-for-service (FFS) requests for medical equipment and medical or dental services (~~that require prior authorization~~).

~~(1) ((MAA evaluates requests on an individual basis, and bases the decision to approve or deny on submitted and obtainable evidence))~~ The following definitions apply to the terms used this section:

(a) "Efficacy" means that the service or supply has been studied in peer-reviewed literature or under acceptable scientific standards which demonstrate results under ideal conditions.

(b) "Evidence" means information demonstrating that services are effective in improving health outcomes. For new health care services, effectiveness is determined by scientific evidence. For existing health care services, effectiveness is determined first by scientific evidence, then by professional standards, then by expert opinion.

(c) "Purpose" means a health care service that is intended to treat a medical condition.

(d) "Scope" means the most appropriate supply or level of service, considering potential benefits and harms to the client.

(2) MAA evaluates requests for services or equipment on an individual basis. MAA approves a request for an eligible client when the service or equipment is:

(a) Medically necessary; and

(b) Covered under the scope of coverage of the client's medical assistance program.

(3) MAA evaluates requests for services or equipment on an individual basis. MAA denies a request when ((MAA determines)) the service or equipment is not:

(a) Medically((/dentally)) necessary;

(b) Covered((;or

(c) Generally considered as acceptable treatment by the medical/dental profession based on the medical/dental standard of practice, or is investigative or experimental in nature. However, MAA may approve such a request if the provider submits sufficient objective clinical evidence demonstrating that a client's particular circumstances make the request medically/dentally necessary.

(3) Requests for covered services and equipment are approved when MAA determines that the service or equipment is medically necessary as defined in WAC 388-500-0005 or dentally necessary as defined in WAC 388-535-1050.

(4)) under the scope of coverage of the client's medical assistance program;

(c) Covered because the client is not eligible at the time the service or equipment is received, regardless of any prior authorization; or

(d) Considered by MAA to be safe because the effectiveness in the provider community differs greatly from the efficacy reported in the peer reviewed literature.

(4) The examining health care provider responsible for the client's diagnosis and/or treatment must submit ((specific evidence)) information to document that the purpose, scope, and evidence is sufficient to determine if the covered service or equipment is medically((/dentally)) necessary. Such evidence may include, but is not limited to:

(a) A client-specific physiological description of the disease, injury, impairment, or other ailment;

(b) Pertinent laboratory findings;

(c) X-ray and/or imaging reports;

(d) Individual patient records pertinent to the case or request; and

(e) Photographs and/or videos when requested by MAA((;

(f) Dental X-rays; and

(g) Objective medical/dental information, including but not limited to medically/dentally acceptable clinical findings and diagnoses resulting from physical or mental examinations)).

(5) When determining medical necessity, MAA gives substantial weight to ((objective medical/dental information and resulting conclusions from an examining physician/dentist responsible for the client's diagnosis and/or treatment.

(a) MAA accepts the examining physician's/dentist's uncontradicted and adequately substantiated conclusion with respect to medical/dental necessity, unless MAA presents specific detailed reasons for rejecting that conclusion. MAA's reasons will be consistent with sound medical/dental practice and supported by objective medical/dental information in the client's file.

(b) If two or more examining physicians/dentists provide conflicting medical/dental information or conclusions about medical/dental necessity for the request under review, MAA will use all information submitted to reach a decision. If MAA concludes the request is not medically/dentally necessary, MAA will enumerate specific reasons, supported by objective medical/dental information in the client's file, for that decision)) the purpose, scope, and evidence submitted by the health care provider in a request for service or equipment.

(6) Within fifteen calendar days of receiving a request for services or equipment:

(a) MAA approves or denies the request (in the case of a request for emergency service(s), MAA approves or denies a request within seventy-two hours of receipt); or

(b) ((Requests additional justifying information from the prescribing physician, dentist, specialty therapist, and/or service vendor if the documentation submitted is insufficient to reasonably determine medical or dental necessity. Examples of information that MAA may request are shown in subsection (4) of this section. MAA sends a copy of the request to the client at the same time.

(i) If MAA does not receive the information within thirty days of the date requested, MAA denies the original request

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~~within the next five working days on the basis of insufficient justification of medical/dental necessity;~~

~~(ii) If MAA receives the information within thirty days, MAA makes a final determination on the request within five working days of the receipt of that additional information)) MAA classifies the request as pending when additional information to document the purpose, scope, and evidence is requested.~~

(7) When MAA denies all or part of a request for a covered service(s) or equipment, MAA sends the client and the provider written notice of the denial within five working days of the decision. The notice includes:

(a) The WAC reference(s) used as a basis for the decision;

(b) A summary statement of the specific facts MAA relied upon for the decision;

(c) An explanation of the reasons for the denial, including the reasons why the specific facts relied upon did not meet the requirements for approval;

~~(d) ((When required by)) If applicable under subsection (5) of this section, a specific statement of the reasons ((and supporting facts)) for rejecting any medical((/dental)) information or conclusions of an examining ((physician/dentist)) health care provider;~~

(e) Notice of the client's right to a fair hearing and filing deadlines;

(f) Instructions about how to request the hearing;

(g) A statement that the client may be represented at the hearing by legal counsel or other representative; and

~~(h) ((Upon the client's)) A statement that the client may request((;)) the name and address of the nearest legal services office.~~

(8) When MAA receives a request for a noncovered service(s) or equipment, MAA may(=

~~(a) Approve the request as an exception to rule according to WAC 388-501-0160; or~~

~~(b)) deny the request as a noncovered service, and send the client and the provider written notice of the denial within five working days of the decision. The notice includes:~~

~~((#)) (a) The WAC reference(s) used as a basis for the decision;~~

~~((#)) (b) The reason for the denial;~~

~~((#)) (c) Notice of the client's right to a fair hearing and filing deadlines;~~

~~((iv)) (d) Instructions about how to request the hearing;~~

~~((v)) (e) A statement that the client may be represented at the hearing by legal counsel or other representative; and~~

~~((vi) Upon the client's))~~

~~(f) A statement that the client may request((;)) the name and address of the nearest legal services office.~~

(9) When MAA denies a request for a noncovered service(s) or equipment, a client whose request is denied may request MAA to approve the request as an exception to rule according to WAC 388-501-0160.

(10) If a fair hearing is requested, MAA or the client may request an independent medical((/dental)) assessment. MAA ((will pay)) pays for the independent assessment if MAA agrees that it is necessary, or ((a fair hearing)) an administrative law judge determines that the assessment is necessary.

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

WSR 03-22-089

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed November 5, 2003, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-24-010.

Title of Rule: Chapter 388-500 WAC, Medical definitions.

Purpose: To update the definition of "medical necessity" in order to incorporate the use of medical information that is supported by scientific evidence in its determination of services. To include definitions for new or existing terms that may be necessary to clearly define "medically necessary." To ensure consistency with the medical definitions and WAC 388-501-0165. To carry out the directives of ESHB 1299.PL, an act relating to evidence-based health services purchasing by state purchased health care programs.

Statutory Authority for Adoption: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Statute Being Implemented: RCW 74.08.090, ESHB 1299 (chapter 276, Laws of 2003).

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Ann Myers, P.O. Box 45533, Olympia, WA 98504, (360) 725-1345; Implementation and Enforcement: Bill Hagens, P.O. Box 45500, Olympia, WA 98504, (360) 725-1337.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule amends the definition of "medical necessity" and related rules.

The rule is being amended to include the use of scientific evidence in the department's coverage and service determinations; to help ensure the department's clients will not be harmed or injured by inappropriate service utilization in view of the robust development and availability of new drugs, treatments, and therapies; to help ensure that available resources be spend in the most effective manner to improve the health of clients; and to help expedite service determinations.

The anticipated effects are as stated above.

Proposal Changes the Following Existing Rules: The rule described in Title of Rule and Purpose above is being amended to include a reference to scientific evidence, include definitions related to the new definition of "medical necessity."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule and concludes that it will not have a more than minor impact on the small businesses affected by it.

RCW 34.05.328 applies to this rule adoption. The department has analyzed the proposed rule and concludes that it meets the definition of a "significant legislative rule" as defined by the legislature. An analysis of the probable costs and probable benefits is available from the person listed above.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 5, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not sooner than December 10, 2003.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3913, #100246 [WSR 98-15-066], filed 7/13/98, effective 7/30/98)

WAC 388-500-0005 Medical definitions. Unless defined in this chapter or in other chapters of the *Washington Administrative Code*, use definitions found in the *Webster's New World Dictionary*. This section contains definitions of words and phrases the department uses in rules for medical programs. Definitions of words used for both medical and financial programs are defined under WAC 388-22-030.

"Assignment of rights" means the client gives the state the right to payment and support for medical care from a third party.

"Base period" means the time period used in the limited casualty program which corresponds with the months considered for eligibility.

"Beneficiary" means an eligible person who receives:

((*) (1) A federal cash Title XVI benefit; and/or

((*) (2) State supplement under Title XVI; or

((*) (3) Benefits under Title XVIII of the Social Security Act.

"Benefit period" means the time period used in determining whether Medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. The benefit period ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of

benefit periods a beneficiary may receive. Benefit period also means a "spell of illness" for Medicare payments.

"Cabulance" means a vehicle for hire designed and used to transport a physically restricted person.

"Carrier" means:

((*) (1) An organization contracting with the federal government to process claims under Part B of Medicare; or

((*) (2) A health insurance plan contracting with the department.

"Categorical assistance unit (CAU)" means one or more family members whose eligibility for medical care is determined separately or together based on categorical relatedness.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act. See WAC 388-503-0310, chapter 388-517 WAC and WAC 388-523-2305.

"Children's health program" means a state-funded medical program for children under age eighteen:

((*) (1) Whose family income does not exceed one hundred percent of the federal poverty level; and

((*) (2) Who are not otherwise eligible under Title XIX of the Social Security Act.

"Coinsurance-Medicare" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which Medicare does not pay. Under Part A, coinsurance is a per day dollar amount. Under Part B, coinsurance is twenty percent of reasonable charges.

"Community services office (CSO)" means an office of the department which administers social and health services at the community level.

"Cost-effective" means that the benefits and harms relative to costs represent an economically efficient use of resources. Cost-effective does not necessarily mean lowest price.

"Couple" means, for the purposes of an SSI-related client, an SSI-related client living with a person of the opposite sex and both presenting themselves to the community as husband and wife. The department shall consider the income and resources of such couple as if the couple were married except when determining institutional eligibility.

"Deductible-Medicare" means an initial specified amount that is the responsibility of the client.

((*) (1) **"Part A of Medicare-inpatient hospital deductible"** means an initial amount of the medical care cost in each benefit period which Medicare does not pay.

((*) (2) **"Part B of Medicare-physician deductible"** means an initial amount of Medicare Part B covered expenses in each calendar year which Medicare does not pay.

"Delayed certification" means department approval of a person's eligibility for Medicaid made after the established application processing time limits.

"Department" means the state department of social and health services.

"Early and periodic screening, diagnosis and treatment (EPSDT)" also known as the "healthy kids" program, means a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible for Medicaid or the children's health program.

"Effective" means that the service or supply can reasonably be expected to produce the intended results and to have expected benefits that outweigh potential harmful effects.

"Electronic fund transfers (EFT)" means automatic bank deposits to a client's or provider's account.

"Emergency medical condition" means the sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- ((*) (1) Placing the patient's health in serious jeopardy;
- ((*) (2) Serious impairment to bodily functions; or
- ((*) (3) Serious dysfunction of any bodily organ or part.

"Emergency medical expense requirement" means a specified amount of expenses for ambulance, emergency room or hospital services, including physician services in a hospital, incurred for an emergency medical condition that a client must incur prior to certification for the medically indigent program.

"Essential spouse" see "spouse."

"Expert opinion" means a position or view expressed by a person with a high degree of scientific knowledge and skill in a specific field or health care scope of practice, based on the most widely accepted scientific information available.

"Extended care patient" means a recently hospitalized Medicare patient needing relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

"Garnishment" means withholding an amount from earned or unearned income to satisfy a debt or legal obligation.

"Grandfathered client" means:

((*) (1) A noninstitutionalized person who meets all current requirements for Medicaid eligibility except the criteria for blindness or disability; and

((*) (2) Was eligible for Medicaid in December 1973 as blind or disabled whether or not the person was receiving cash assistance in December 1973; and

((*) (3) Continues to meet the criteria for blindness or disability and other conditions of eligibility used under the Medicaid plan in December 1973; and

((*) (4) An institutionalized person who was eligible for Medicaid in December 1973 or any part of that month, as an inpatient of a medical institution or resident of an intermediate care facility that was participating in the Medicaid program and for each consecutive month after December 1973 who:

((*) (5) Continues to meet the requirements for Medicaid eligibility that were in effect under the state's plan in December 1973 for institutionalized persons; and

((*) (6) Remains institutionalized.

"Health care provider" means a person or entity, as listed in WAC 388-502-0010, who provides health care services to eligible clients.

"Health care service" means a service or item undertaken or delivered primarily to treat a medical condition or to maintain or restore functional ability. A health care service is considered to be new if it is not yet in widespread use for the medical condition and client indications being considered.

"Health maintenance organization (HMO)" means an entity licensed by the office of the insurance commissioner to

provide comprehensive medical services directly to an eligible enrolled client in exchange for a premium paid by the department on a prepaid capitation risk basis.

"Health outcomes" means the results that affect health status as measured by the length or quality of a client's life.

"Healthy kids," see "EPSDT."

"Home health agency" means an agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence.

"Hospital" means an institution licensed as a hospital by the department of health.

"Income for an SSI-related client," means the receipt by an individual of any property or service which the client can apply either directly, by sale, or conversion to meet the client's basic needs for food, clothing, and shelter.

((*) (1) **"Earned income"** means gross wages for services rendered and/or net earnings from self-employment.

((*) (2) **"Unearned income"** means all other income.

"Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. This includes medical facilities, nursing facilities, and institutions for the mentally retarded.

((*) (1) **"Institution-public"** means an institution, including a correctional institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

((*) (2) **"Institution for mental diseases"** means an institution primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases including medical attention, nursing care, and related services.

((*) (3) **"Institution for the mentally retarded or a person with related conditions"** means an institution that:

((*) (a) Is primarily for the diagnosis, treatment or rehabilitation of the mentally retarded or a person with related conditions; and

((*) (b) Provides, in a protected residential setting, ongoing care, twenty-four hour supervision, evaluation, and planning to help each person function at the greatest ability.

((*) (4) **"Institution for tuberculosis"** means an institution for the diagnosis, treatment, and care of a person with tuberculosis.

((*) (5) **"Medical institution"** means an institution:

((*) (a) Organized to provide medical care, including nursing and convalescent care;

((*) (b) With the necessary professional personnel, equipment and facilities to manage the health needs of the patient on a continuing basis in accordance with acceptable standards;

((*) (c) Authorized under state law to provide medical care; and

((*) (d) Staffed by professional personnel. Services include adequate physician and nursing care.

"Intermediary" means an organization having an agreement with the federal government to process Medicare claims under Part A.

"Legal dependent" means a person for whom another person is required by law to provide support.

"**Limited casualty program (LCP)**" means a medical care program for medically needy, as defined under WAC 388-503-0320 and for medically indigent, as defined under WAC 388-503-0370.

"**Medicaid**" means the federal aid Title XIX program under which medical care is provided to persons eligible for:

((*) (1) Categorically needy program as defined in WAC 388-503-0310 and 388-511-1105; or

((*) (2) Medically needy program as defined in WAC 388-503-0320.

"**Medical assistance.**" See "**Medicaid.**"

"**Medical assistance administration (MAA)**" means the unit within the department of social and health services authorized to administer the Title XIX Medicaid and the state-funded medical care programs.

"**Medical assistance unit (MAU)**" means one or more family members whose eligibility for medical care is determined separately or together based on financial responsibility.

"**Medical care services**" means the limited scope of care financed by state funds and provided to general assistance (GAU) and ADATSA clients.

"**Medical condition**" means a disease, illness, injury, genetic or congenital defect, or a biological or psychological condition that lies outside the range of normal, age-appropriate human variation and interferes with the physical or mental functions needed to cope with everyday life. For medical assistance administration (MAA) purposes, "medical condition" also includes pregnancy.

"**Medical consultant**" means a physician employed by the department.

"**Medical facility**" see "**Institution.**"

"**Medically indigent (MI)**" means a state-funded medical program for a person who has an emergency medical condition requiring hospital-based services.

"**Medically necessary**" (~~is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent worsening of conditions in the client that endanger life, or cause suffering or pain, or result in an illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or mal-function. There is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the client requesting the service. For the purpose of this section, "course of treatment" may include mere observation or, where appropriate, no treatment at all~~) means a health care service is:

(1) For the purpose of treating (i.e., prevent, diagnose, detect, treat, or palliate) a medical condition;

(2) The most appropriate supply or level of care, considering potential benefits and harms to the client;

(3) Cost-effective for the condition compared to alternative health care services, including no service; and

(4) Known to be effective in improving health outcomes.

(a) For new health care services, effectiveness is determined by the department, based on scientific evidence.

(b) For existing health care services, effectiveness and efficacy is determined by the department, in the following order of priority:

(i) Scientific evidence;

(ii) Professional standards; then

(iii) Expert opinion.

"**Medically needy (MN)**" is the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"**Medicare**" means the federal government health insurance program for certain aged or disabled clients under Titles II and XVIII of the Social Security Act. Medicare has two parts:

((*) (1) "**Part A**" covers the Medicare inpatient hospital, post-hospital skilled nursing facility care, home health services, and hospice care.

((*) (2) "**Part B**" is the supplementary medical insurance benefit (SMIB) covering the Medicare doctor's services, outpatient hospital care, outpatient physical therapy and speech pathology services, home health care, and other health services and supplies not covered under Part A of Medicare.

"**Medicare assignment**" means the method by which the provider receives payment for services under Part B of Medicare.

"**Month of application**" means the calendar month a person files the application for medical care. When the application is for the medically needy program, at the person's request and if the application is filed in the last ten days of that month, the month of application may be the following month.

"**Nursing facility**" means any institution or facility the department (~~(of health))~~ of health licenses as a nursing facility, or a nursing facility unit of a licensed hospital, that the:

((*) (1) Department certifies; and

((*) (2) Facility and the department agree the facility may provide skilled nursing facility care.

"**Outpatient**" means a nonhospitalized patient receiving care in a hospital outpatient or hospital emergency department, or away from a hospital such as in a physician's office, the patient's own home, or a nursing facility.

"**Patient transportation**" means client transportation to and from covered medical services under the federal Medicaid and state medical care programs.

"**Physician**" means a doctor of medicine, osteopathy, or podiatry who is legally authorized to perform the functions of the profession by the state in which the services are performed.

"**Professional activity study (PAS)**" means a compilation of inpatient hospital data, conducted by the commission of professional and hospital activities, to determine the average length of hospital stay for patients.

"**Professional review organization for Washington (PRO-W)**" means the state level organization responsible for determining whether health care activities:

((*) (1) Are medically necessary;

((*) (2) Meet professionally acceptable standards of health care; and

((*) (3) Are appropriately provided in an outpatient or institutional setting for beneficiaries of Medicare and clients of Medicaid and maternal and child health.

"Prosthetic devices" means replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her practice as defined by state law to:

((*) (1) Artificially replace a missing portion of the body;

((*) (2) Prevent or correct physical deformity or mal-function; or

((*) (3) Support a weak or deformed portion of the body.

"Provider" or "provider of service" means an institution, agency, or person:

((*) (1) Who has a signed agreement with the department to furnish medical care, goods, and/or services to clients; and

((*) (2) Is eligible to receive payment from the department.

"Resources for an SSI-related client," means cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

((*) (1) If an individual can reduce a liquid asset to cash, it is a resource.

((*) (2) If an individual cannot reduce an asset to cash, it is not considered an available resource.

((*) (3) Liquid means properties that are in cash or are financial instruments which are convertible to cash such as, but not limited to, cash, savings, checking accounts, stocks, mutual fund shares, mortgage, or a promissory note.

((*) (4) Nonliquid means all other property both real and personal evaluated at the price the item can reasonably be expected to sell for on the open market.

"Retroactive period" means the three calendar months before the month of application.

"Spell of illness" see "benefit period."

"Scientific evidence" means evidence that consists primarily of the results of controlled clinical trials that either directly or indirectly demonstrate the effect of the service on health outcomes. If controlled clinical trials are not available, observational studies that demonstrate a causal relationship between the service and health outcomes can be used. Partially controlled observational studies and uncontrolled clinical series may be suggestive, but do not by themselves demonstrate a causal relationship unless the magnitude of the effect observed exceeds anything that could be explained either by the natural history of the medical condition or potential experimental biases. If controlled trials are not available, case studies that show a consistent relationship between service and health outcomes may be used for rare health conditions.

"Spendedown" means the process by which a person uses incurred medical expenses to offset income and/or resources to meet the financial standards established by the department.

"Spouse" means:

((*) (1) "Community spouse" means a person living in the community and married to an institutionalized person or to a person receiving services from a home and community-based waived program as described under chapter 388-515 WAC.

((*) (2) "Eligible spouse" means an aged, blind or disabled husband or wife of an SSI-eligible person, with whom such a person lives.

((*) (3) "Essential spouse" means, a husband or wife whose needs were taken into account in determining old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) client for December 1973, who continues to live in the home and to be the spouse of such client.

((*) (4) "Ineligible spouse" means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person and who has not applied or is not eligible to receive SSI.

((*) (5) "Institutionalized spouse" means a married person in an institution or receiving services from a home or community-based waived program.

((*) (6) "Nonapplying spouse" means an SSI-eligible person's husband or wife, who has not applied for assistance.

"SSI-related" means an aged, blind or disabled person not receiving an SSI cash grant.

"Supplemental security income (SSI) program, Title XVI" means the federal grant program for aged, blind, and disabled established by section 301 of the Social Security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

"Supplementary payment (SSP)" means the state money payment to persons receiving benefits under Title XVI, or who would, but for the person's income, be eligible for such benefits, as assistance based on need in supplementation of SSI benefits. This payment includes:

((*) (1) "Mandatory state supplement" means the state money payment to a person who, for December 1973, was a client receiving cash assistance under the department's former programs of old age assistance, aid to the blind and disability assistance; and

((*) (2) "Optional state supplement" means the elective state money payment to a person eligible for SSI benefits or who, except for the level of the person's income, would be eligible for SSI benefits.

"Third party" means any entity that is or may be liable to pay all or part of the medical cost of care of a medical program client.

"Title XIX" is the portion of the federal Social Security Act that authorizes grants to states for medical assistance programs. Title XIX is also called Medicaid.

"Transfer" means any act or omission to act when title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person; including delivery of personal property, bills of sale, deeds, mortgages, pledges, or any other instrument conveying or relinquishing an interest in property. Transfer of title to a resource occurs by:

((*) (1) An intentional act or transfer; or

((*) (2) Failure to act to preserve title to the resource.

"Value-fair market for an SSI-related person" means the current value of a resource at the price for which the resource can reasonably be expected to sell on the open market.

"Value of compensation received" means, for SSI-related medical eligibility, the gross amount paid or agreed to be paid by the purchaser of a resource.

"Value-uncompensated" means, for SSI-related medical eligibility, the fair market value of a resource, minus the amount of compensation received in exchange for the resource.

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

WSR 03-22-090

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed November 5, 2003, 10:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-062.

Title of Rule: New WAC 388-865-0465 Adult residential treatment facility certification—Additional standards.

Purpose: The Mental Health Division has developed this new rule to be consistent with rules being developed for residential treatment facilities by the Department of Health.

Statutory Authority for Adoption: RCW 71.05.560.

Statute Being Implemented: Chapter 71.05 RCW.

Summary: This rule is being developed to be consistent with the rules being developed for residential treatment facilities by the Department of Health.

Reasons Supporting Proposal: Treatment standards are more appropriate for regulation by the mental health program.

Name of Agency Personnel Responsible for Drafting and Implementation: Kathy Burns Peterson, P.O. Box 45320, Olympia, WA 98504, (360) 902-0843; and Enforcement: Darleen Vernon, P.O. Box 45320, Olympia, WA 98504, (360) 902-0873.

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 changes are intended to result in improved delivery of services to DSHS clients. See Purpose, Summary and Reasons Supporting Proposal above.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes are improvements for clarity and do not have an economic impact to small businesses or small nonprofits compared to current rules for these facilities.

RCW 34.05.328 does not apply to this rule adoption. The department finds that this rule does not meet the definition of a significant legislative rule in RCW 34.05.328 (5)(c)(iii), and the provisions of this statute do not apply.

Hearing Location: Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by December 5, 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, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not sooner than December 10, 2003.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-865-0465 Adult residential treatment facility certification—Additional standards. In order to be certified to provide services at an adult residential treatment facility, the licensed mental health agency must assure that all general minimum standards for community support are met, and in addition:

(1) Be licensed as a mental health adult residential treatment facility by the department of health under chapter 246-377 WAC; and

(2) Be certified to provide services to a consumer on a less restrictive alternative court order consistent with WAC 388-865-0466.

WSR 03-22-091

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed November 5, 2003, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-19-117.

Title of Rule: WAC 388-71-05640 through 388-71-05952 Individual provider and home care agency provider qualifications.

Purpose:

- Incorporating nurse delegation core training in in-home settings, as required by HB 1753 (chapter 140, Laws of 2003).
- Rules are reorganized for clarity and to allow for future revisions.

See Explanation of Rule for a list of proposed new rules.

Statutory Authority for Adoption: RCW 74.39A.050, chapters 18.79 and 18.88A RCW.

Statute Being Implemented: RCW 74.39A.050, chapters 18.79 and 18.88A RCW, chapter 140, Laws of 2003.

Summary: Incorporating nurse delegation core training requirements in in-home settings and reorganizing rules for clarity and to allow for future revisions.

Reasons Supporting Proposal: To meet requirements of HB 1753 (chapter 140, Laws of 2003).

Name of Agency Personnel Responsible for Drafting: Barbara Hanneman, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2540; Implementation and Enforcement: Kay Kramer Sievers, 3906 172nd Street N.E., Suite 101, Arlington, WA 98223, (360) 651-6828.

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: Incorporating nurse delegation core training in in-home settings, as required by HB 1753 (chapter 140, Laws of 2003). Existing rules are reorganized for clarity and to allow for future revisions.

This rule making includes adoption of proposed new sections WAC 388-71-05805 What is nurse delegation core training?, 388-71-05810 What knowledge and skills must nurse delegation core training include?, 388-71-05815 Is competency testing required for nurse delegation core training?, 388-71-05820 Is there a challenge test for nurse delegation core training?, 388-71-05825 What documentation is required for successful completion of nurse delegation core training?, 388-71-05830 Who is required to complete nurse delegation core training?, and 388-71-05895 What additional qualifications are required for instructors of nurse delegation core training?

Proposal Changes the Following Existing Rules: Existing WAC 388-71-05800 through 388-71-05952 will be renumbered ("recodified") to allow for future revisions of this chapter. See the list of current (listed as "old") WAC numbers and their corresponding new WAC numbers at the end of the accompanying WAC text. Minor clarifying changes and WAC references have also been made to existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and concluded that no new costs will be imposed on the businesses.

RCW 34.05.328 applies to this rule adoption. The department has determined that the rules meet the definition of a "significant legislative rule." A cost benefit analysis was completed and is available upon request from Tiffany Sevruck, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on December 9, 2003, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by December 2, 2003, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, mail to P.O. Box 45850, Olympia, WA 98504-5850, deliver to 4500 10th Avenue S.E., Lacey, WA, fax (360) 664-6185, e-mail fernaa@dshs.wa.gov, by 5:00 p.m., December 9, 2003.

Date of Intended Adoption: Not sooner than December 10, 2003.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-0520 Are there training requirements for an individual provider or a home care agency provider of an adult client? An individual provider or a home care agency provider for an adult client must meet the training requirements in WAC ((388-71-05910)) 388-71-05665 through ((388-71-05952)) 388-71-05909.

NURSE DELEGATION CORE TRAINING

NEW SECTION

WAC 388-71-05805 What is nurse delegation core training? Nurse delegation core training is required before a nursing assistant may be delegated a nursing task. DSHS approves instructors for nurse delegation core training.

NEW SECTION

WAC 388-71-05810 What knowledge and skills must nurse delegation core training include? Only the curricula developed by DSHS may be used for nurse delegation core training.

NEW SECTION

WAC 388-71-05815 Is competency testing required for nurse delegation core training? Passing the DSHS competency test is required for successful completion of nurse delegation core training, as provided under WAC 388-71-05835 through 388-71-05865.

NEW SECTION

WAC 388-71-05820 Is there a challenge test for nurse delegation core training? There is no challenge test for nurse delegation core training.

NEW SECTION

WAC 388-71-05825 What documentation is required for successful completion of nurse delegation core training? (1) Nurse delegation core training must be documented by a certificate of successful completion of training, issued by the instructor or training entity, that includes:

- (a) The name of the trainee;
- (b) The name of the training;
- (c) The name of the training entity giving the training;
- (d) The instructor's name and signature; and
- (e) The date(s) of training.

(2) The trainee must be given an original certificate. Home care agencies must keep a copy of the certificate on file.

NEW SECTION

WAC 388-71-05830 Who is required to complete nurse delegation core training, and when? Before performing any delegated nursing task, individual providers and home care agency providers must:

- (1) Successfully complete DSHS-designated nurse delegation core training;
- (2) Be a nursing assistant registered or certified under chapter 18.88A RCW; and
- (3) If a nursing assistant registered, successfully complete basic training.

NEW SECTION

WAC 388-71-05895 What additional qualifications are required for instructors of nurse delegation core training? An instructor for nurse delegation core training must have a current RN license in good standing.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05910 What definitions apply to WAC ((388-71-05911)) 388-71-05670 through ((388-71-05952)) 388-71-05909? "Client" means an individual age eighteen or older, receiving in-home services through Medicaid personal care, COPES, or Chore programs. As applicable, the term client also means the client's legal guardian or other surrogate decision maker.

"Competency" means the minimum level of information and skill trainees are required to know and be able to demonstrate.

"DSHS" refers to the department of social and health services.

"Learning outcomes" means the specific information, skills and behaviors desired of the learner as a result of a specific unit of instruction, such as what they would learn by the end of a single class or an entire course. Learning outcomes are generally identified with a specific lesson plan or curriculum.

"Routine interaction" means contact with clients that happens regularly.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05918 Is there an alternative to the basic training for some health care workers? Certain health care workers may complete the modified basic training instead of basic training if they meet the requirements in WAC ((388-71-05929)) 388-71-05760.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05919 What core knowledge and skills must be taught in basic training? The basic training knowledge and skills must include all of the learning outcomes and competencies published by the department for the following core knowledge and skills:

(1) Understanding and using effective interpersonal and problem solving skills with clients, family members, and other care team members;

(2) Taking appropriate action to promote and protect client rights, dignity, and independence;

(3) Taking appropriate action to promote and protect the health and safety of the client and the caregiver;

(4) Correctly performing required personal care tasks while incorporating client preferences, maintaining the client's privacy and dignity, and creating opportunities that encourage client independence;

(5) Adhering to basic job standards and expectations.

The basic training learning outcomes and competencies may be obtained from the DSHS aging and ((Adult)) disability services administration.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05920 Is competency testing required for basic training? Competency testing is required for basic training as provided under WAC ((388-71-05938)) 388-71-05835 through ((388-71-05944)) 388-71-05865.

MODIFIED BASIC TRAINING

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05924 What is modified basic training? Modified basic training is a subset of the basic training curriculum designed for certain health care workers defined in WAC ((388-71-05929)) 388-71-05760, whose previous training includes many of the competencies taught in the full basic training. Only the training curriculum developed by DSHS may be used for modified basic training.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05925 What knowledge and skills must be included in modified basic training? Modified basic training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills:

(1) Client rights, including mandatory reporting requirements;

(2) Medication assistance regulations;

(3) Nurse delegation regulations;

(4) Assessment and observations in home and community settings;

(5) Documentation in home and community settings;

(6) Service planning in home and community care settings;

(7) Resource information, including information on continuing education; and

(8) Self-directed care regulations.

The modified basic learning outcomes and competencies may be obtained from the DSHS aging and ((adult)) disability services administration.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05926 Is competency testing required for modified basic training? Competency testing is required for modified basic training as provided under WAC ((388-71-05938)) 388-71-05835 through ((388-71-05944)) 388-71-05865.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05941 What training must include the DSHS-developed competency test? Basic ((and)) training, modified basic training, and nurse delegation core training must include the DSHS-developed competency test.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05943 What form of identification must providers show a tester before taking a competency or challenge test? Providers must show a tester photo identification before taking a competency test (or challenge test, when applicable) for basic ((or)) training, modified basic training, or nurse delegation core training.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05946 Must instructors be approved by DSHS or an AAA? (1) DSHS must approve any instructor under contract with DSHS to conduct basic ((or)) training, modified basic training, or nurse delegation core training classes using the training curricula developed by DSHS. DSHS may select contracted instructors using any applicable contracting procedures. Contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through the contracting procedure.

(2) DSHS contracts with area agencies on aging (AAA) or other entities to conduct orientation, basic, modified basic, nurse delegation core training, and continuing education training programs for individual providers and home care agency providers. The training entity must approve any instructor under contract with the entity to conduct training programs. The entity's contractors must meet the minimum qualifications for instructors under this chapter and any additional qualifications established through the entity's contracting procedures.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05947 Can DSHS or the AAA deny or terminate a ((contract)) contract with an instructor or training entity? (1) DSHS or an area agency on aging (AAA), as applicable, may determine not to accept an offer by a person or organization seeking a contract with DSHS or the AAA to conduct training programs. No administrative remedies are available to dispute DSHS' or the AAA's deci-

sion not to accept an offer, except as may be provided through the contracting process.

(2) DSHS or the AAA may terminate any training contract in accordance with the terms of the contract. The contractor's administrative remedies shall be limited to those specified in the contract.

AMENDATORY SECTION (Amending WSR 02-15-064, filed 7/11/02, effective 8/11/02)

WAC 388-71-05949 What are the minimum qualifications for an instructor for basic ((or)), modified basic or nurse delegation core training? An instructor for basic ((or)), modified basic, or nurse delegation core training must meet the following minimum qualifications:

- (1) General qualifications:
 - (a) Twenty-one years of age;
 - (b) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).
- (2) Education and work experience:
 - (a) Upon initial approval or hire, must have:
 - (i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or
 - (ii) An associate degree in a health field and six months of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.
 - (3) Teaching experience:
 - (a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or
 - (b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and must attend a class on adult education that meets the requirements of WAC ((388-71-05951)) 388-71-05899.
 - (4) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;
 - (5) Instructors who will administer tests must have experience or training in assessment and competency testing; and
 - (6) If required under WAC ((388-71-05923)) 388-71-05730 or ((388-71-05929)) 388-71-05760, instructors must successfully complete basic or modified basic training prior to beginning to train others.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05951 What physical resources are required for basic ((or)), modified basic, or nurse delegation core classroom training and testing? (1) Classroom facilities used for basic ((or)), modified basic, or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.

PROPOSED

(2) Testing sites must provide adequate space for testing, comfort, lighting, and lack of disturbance appropriate for the written or skills test being conducted. Appropriate supplies and equipment necessary for the particular test must be provided.

AMENDATORY SECTION (Amending WSR 02-10-117, filed 4/30/02, effective 5/31/02)

WAC 388-71-05952 What standard training practices must be maintained for basic ((~~or~~)), modified basic, or nurse delegation core classroom training and testing?

The following training standards must be maintained for basic ((~~or~~)), modified basic, or nurse delegation core classroom training and testing:

- (1) Training, including all breaks, must not exceed eight hours within one day;
- (2) Training provided in short time segments must include an entire unit, skill or concept;
- (3) Training must include regular breaks; and
- (4) Students attending a classroom training must not be expected to leave the class to attend to job duties, except in an emergency.

NEW SECTION

The following sections of the Washington Administrative Code, as amended, are recodified as follows:

Old WAC Number	New WAC Number
388-71-05910	388-71-05665
388-71-05918	388-71-05705
388-71-05919	388-71-05710
388-71-05920	388-71-05715
388-71-05924	388-71-05735
388-71-05925	388-71-05740
388-71-05926	388-71-05745
388-71-05941	388-71-05850
388-71-05943	388-71-05860
388-71-05946	388-71-05875
388-71-05947	388-71-05880
388-71-05949	388-71-05890
388-71-05951	388-71-05905
388-71-05952	388-71-05909

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
388-71-0580	388-71-05640
388-71-05911	388-71-05670
388-71-05912	388-71-05675
388-71-05913	388-71-05680
388-71-05914	388-71-05685

388-71-05915	388-71-05690
388-71-05916	388-71-05695
388-71-05917	388-71-05700
388-71-05921	388-71-05720
388-71-05922	388-71-05725
388-71-05923	388-71-05730
388-71-05927	388-71-05750
388-71-05928	388-71-05755
388-71-05929	388-71-05760
388-71-05930	388-71-05765
388-71-05931	388-71-05770
388-71-05932	388-71-05775
388-71-05933	388-71-05780
388-71-05934	388-71-05785
388-71-05935	388-71-05790
388-71-05936	388-71-05795
388-71-05937	388-71-05799
388-71-05938	388-71-05835
388-71-05939	388-71-05840
388-71-05940	388-71-05845
388-71-05942	388-71-05855
388-71-05944	388-71-05865
388-71-05945	388-71-05870
388-71-05948	388-71-05885
388-71-05950	388-71-05899

WSR 03-22-092
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed November 5, 2003, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-101.

Title of Rule: WAC 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted.

Purpose: The purpose of this proposed rule making is to require labels for strong beer to list the beer's alcohol content, stated in terms of percentage of alcohol by volume. Strong beer is defined in law as a malt beverage containing more than 8% alcohol by weight (approximately 10% by volume).

Statutory Authority for Adoption: RCW 66.08.030, 66.04.010, 66.28.120.

Statute Being Implemented: RCW 66.04.010, 66.28.120.

Summary: Chapter 167, Laws of 2003 allows strong beer to be distributed by private distributors and to be sold by grocery stores, beer/wine specialty shops, beer/wine restaurants, beer/wine private clubs, and taverns ("strong beer" is defined in law as a malt beverage containing more than 8% alcohol by weight or approximately 10% by volume). Previously, strong beer could only be sold to-go in liquor stores.

Currently consumers are accustomed to beer being approximately 3.5% to 5.5% alcohol by weight. With the passage of this law, beer now has no upper limit and the range of alcohol content is much greater. We believe it is important that consumers are aware of the alcohol content for strong beer, which is outside the range that has been traditionally available in grocery/convenience stores.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, Licensing and Regulation Director, 3000 Pacific Avenue S.E., Olympia, (360) 664-1600.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposed rule making is to require labels for strong beer to list the beer's alcohol content. Strong beer is defined in law as a malt beverage containing more than 8% alcohol by weight (approximately 10% by volume). Chapter 167, Laws of 2003 allows strong beer to be distributed by private distributors and to be sold by grocery stores, beer/wine specialty shops, beer/wine restaurants, beer/wine private clubs, and taverns. Previously, strong beer could only be sold to-go in liquor stores. Currently consumers are accustomed to beer being approximately 3.5% to 5.5% alcohol by weight. With the passage of this law, beer now has no upper limit and the range of alcohol content is much greater. We believe it is important that consumers are aware of the alcohol content for strong beer, which is outside the range that has been traditionally available in grocery/convenience stores.

Proposal Changes the Following Existing Rules: Amend WAC 314-20-020 to add a new subsection to require labels for strong beer to list the beer's alcohol content.

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

RCW 34.05.328 does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

Hearing Location: Liquor Control Board Headquarters, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on January 7, 2004, at 10 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by January 6, 2004, TDD (360) 586-4727 or (360) 664-1648.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, fax (360) 664-9689, by January 14, 2004.

Date of Intended Adoption: January 21, 2004.

November 5, 2003

Merritt D. Long
Chair

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

WAC 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted. (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on a form prescribed by the board which is one copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires reissuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) No label shall be used that is misleading.

(5) Every producer, importer, or distributor of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to commercial standards.

(6) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

(7) For strong beer, the label must contain the beer's alcohol content, stated in terms of percentage of alcohol by volume. Per RCW 66.04.010, strong beer means any malt beverage that contains more than eight percent of alcohol by weight, which is approximately ten percent of alcohol by volume.

**WSR 03-22-094
PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

[Filed November 5, 2003, 11:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-105.

Title of Rule: Commercial account rate filing exemption.

Purpose: WAC 284-24-120 sunsets on December 31, 2003. This rule suspends the rate filing requirements under chapter 48.19 RCW for a "large commercial property casualty account" as defined in the rule. This proposal will eliminate the sunset provision and update the definition of a large commercial property casualty account.

Other Identifying Information: Insurance Commissioner Matter No. R 2003-04.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.100(6), and 48.19.080.

Statute Being Implemented: RCW 48.19.080.

Summary: The proposed rule will remove the sunset provision and change the definition of "large commercial property casualty account" so that a large account must meet two of six criteria. The premium threshold, which is the primary criterion in the existing rule, is raised from \$25,000 to \$100,000.

Reasons Supporting Proposal: The rule will be more consistent with options proposed by the NAIC. The proposed rule will have lower thresholds than the NAIC in two areas. The NAIC proposal includes an aggregate premium threshold of \$500,000 and a minimum employee threshold of 500. The proposed rule will have a premium threshold of \$100,000 and an employee threshold of 200. It is the objective to establish reasonable standards which will encourage insurers to take advantage of the exemption when it is appropriate.

Name of Agency Personnel Responsible for Drafting: Lisa Smego, P.O. Box 40255, Olympia, WA 98504-0255, (360) 705-7042; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7117; and Enforcement: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7117 and Leslie Krier, 810 3rd Avenue, Suite 650, Seattle, WA 98104, (360) 464-6204.

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: WAC 284-24-120 sunsets on December 31, 2003. This rule suspends the rate filing requirements under chapter 48.19 RCW for "large commercial property casualty account" as defined in the rule. This proposal will eliminate the sunset provision and update the definition of a large commercial property casualty account to be more consistent with criteria adopted by the National Association of Insurance Commissioners (NAIC) Property and Casualty Committee to exempt large accounts from rate and form filing requirements. The proposed rule has criteria with lower thresholds in some respects.

Currently few insurers use the existing rate filing exemption, so any change to the rule will have minimal effect.

Proposal Changes the Following Existing Rules: The primary change is to eliminate the sunset clause and to add criteria which are more consistent with the approach that was discussed at the NAIC. The current rule has a \$25,000 estimated premium threshold (excluding workers compensation). The proposed rule includes these thresholds (of which two must be met):

- Annual premiums of \$100,000 or more, excluding workers compensation insurance;
- Net revenues or sales in excess of \$100 million;
- More than 200 employees;
- Net worth over \$50 million;
- Is a not-for-profit organization or public entity with an annual budget or assets of at least \$45 million; or
- Is a municipality with a population over 50,000.

The goal is to adopt objective criteria that are similar to those anticipated to be used in other states. The agency also

intends to propose legislation which will enable it to exempt certain forms from filing requirements. If the legislation passes, it is anticipated that a similar rule would be filed dealing with form filing exemptions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Few insurers use the existing exemption, and the affected regulated entities are not small businesses.

RCW 34.05.328 applies to this rule adoption. This proposal is a significant legislative rule for the purposes of RCW 34.05.328. A copy of the preliminary cost-benefit analysis is available upon request. Contact Kacy Scott, Kacys@oic.wa.gov, (360) 725-7041.

Hearing Location: Insurance Commissioner's Office, Room TR 120, 5000 Capitol Boulevard, Tumwater, WA 98501, on December 10, 2003, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Lori Villaflores by December 8, 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 December 8, 2003.

Date of Intended Adoption: December 22, 2003.

November 5, 2003

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 2001-09, filed 12/28/01, effective 12/31/01)

WAC 284-24-120 Suspension of rate filing requirements—Large commercial accounts. (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are suspended with respect to large commercial property casualty accounts.

(2) For purposes of this section, "large commercial property casualty account" means insurance coverage that:

(a) ~~((Pertains to))~~ Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(b) Is purchased by a business, ((nonprofit)) not-for-profit organization, or public entity(;

~~(b) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and~~

~~(e) Has an estimated annual collected premium of \$25,000))~~ with enough insurance buying experience to negotiate with insurers in a largely unregulated environment and that meets any two of the following criteria:

(i) Annual premiums of one hundred thousand dollars or more, excluding workers compensation insurance issued by the department of labor and industries and types of insurance listed in subsection (6) of this section;

(ii) Net revenues or sales in excess of one hundred million dollars;

(iii) More than two hundred employees;

(iv) Net worth over fifty million dollars;

(v) Is a not-for-profit organization or public entity with an annual budget or assets of at least forty-five million dollars;

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(vi) Is a municipality with a population over fifty thousand.

(3) Before an insurer issues coverage in reliance on this section, the insurer or its agent shall notify the insured in writing that the rates have not been and will not be filed for the commissioner's approval.

(4) Property rates used on large commercial property casualty accounts will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006.

(5) The commissioner retains the right and ability to examine the rates used on large commercial property casualty accounts to ascertain whether they meet the requirements of RCW 48.19.020 and other statutes. The insurer shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination.

(6) Subsection (1) of this section does not apply to:

(a) Professional liability insurance, including medical malpractice insurance;

(b) Directors' and officers' liability insurance purchased by individuals;

(c) Motor vehicle service contract reimbursement insurance, as defined in RCW 48.96.010(4); and

(d) Master policies under which certificates of coverage are issued to individual consumers, households, businesses, or other organizations.

~~((7) If this subsection is not amended, the provisions of this section shall expire on December 31, 2003.)~~

annual update to be used for the first half of the calendar year 2004.

Name of Agency Personnel Responsible for Drafting: Gilbert Brewer, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6133; 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 above.

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

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

Hearing Location: Department of Revenue, Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on December 10, 2003, at 10:00 a.m.

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

Submit Written Comments to: Gilbert Brewer, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail gilb@dor.wa.gov, by December 10, 2003.

Date of Intended Adoption: December 17, 2003.

November 5, 2003

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

WSR 03-22-100
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 5, 2003, 11:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-05-084 [03-17-098].

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 a 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 that values to be updated twice a year. This is the semi-

AMENDATORY SECTION (Amending WSR 03-14-072, filed 6/26/03, effective 7/1/03)

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 ~~((July))~~ January 1 through ~~((December))~~ July 31, ~~((2003))~~ 2004:

(TABLE 1—Stampage Value Table
Stampage Value Area 1
July 1 through December 31, 2003

Species Name	Species Code	Timber Quality	Distance Zone Number	Stampage Values per Thousand Board Feet Net Scribner Log Scale(1)				
				1	2	3	4	5
Douglas-Fir	DF	1	1	\$421	\$414	\$407	\$400	\$393
		2	2	374	367	360	353	346
		3	3	362	355	348	341	334
		4	4	358	351	344	337	330
Western Hemlock and Western Redcedar(2)	RC	1	1	814	807	800	793	786
Other Conifer(3)	WH	1	1	330	323	316	309	302
		2	2	236	229	222	215	208
		3	3	233	226	219	212	205
		4	4	231	224	217	210	203
Red Alder	RA	1	1	333	326	319	312	305
		2	2	284	277	270	263	256

Black Cottonwood	BC	1	1	1	1	1	1	1
Other Hardwood	OH	1	1	182	175	168	161	154
Douglas-Fir Poles	DPL	1	1	676	669	662	655	648
Western Redcedar Poles	RCP	1	1	1079	1072	1065	1058	1051
Chipwood	CHW	1	1	1	1	1	1	1
RC Shake-Blocks	RCS	1	1	303	296	289	282	275
RC Shingle-Blocks	RCP	1	1	121	114	107	100	93
RC & Other Posts(4)	RCP	1	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(5)	DFX	1	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(5)	TFX	1	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington—See conversion methods WAC 458-40-680.
(2) Includes Alaska Cedar.
(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce-Pacific Silver Fir as "White Fir."
(4) Stampage value per 8 lineal foot or portion thereof.
(5) Stampage value per lineal foot.

(TABLE 2—Stampage Value Table
Stampage Value Area 2
July 1 through December 31, 2003

Species Name	Species Code	Timber Quality	Distance Zone Number	Stampage Values per Thousand Board Feet Net Scribner Log Scale(1)				
				1	2	3	4	5
Douglas-Fir	DF	1	1	\$384	\$377	\$370	\$363	\$356
		2	2	379	372	365	358	351
		3	3	377	370	363	356	349
		4	4	285	278	271	264	257
Western Hemlock and Western Redcedar(2)	RC	1	1	814	807	800	793	786
Other Conifer(3)	WH	1	1	330	323	316	309	302
		2	2	250	243	236	229	222
		3	3	229	222	215	208	201
		4	4	226	219	212	205	198
Red Alder	RA	1	1	333	326	319	312	305
		2	2	284	277	270	263	256

Black Cottonwood	BC	1	1	1	1	1	1	1
Other Hardwood	OH	1	1	182	175	168	161	154
Douglas-Fir Poles	DPL	1	1	676	669	662	655	648
Western Redcedar Poles	RCP	1	1	1079	1072	1065	1058	1051
Chipwood	CHW	1	1	1	1	1	1	1
RC Shake-Blocks	RCS	1	1	303	296	289	282	275
RC Shingle-Blocks	RCP	1	1	121	114	107	100	93
RC & Other Posts(4)	RCP	1	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees(5)	DFX	1	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(5)	TFX	1	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, and Subalpine Fir are all commonly referred to as "White Fir."
(4) Stampage value per 8 lineal foot or portion thereof.
(5) Stampage value per lineal foot.

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 (t)

Species	Name	Code	Number	Timber				
				Quality	Distance	Zone	Number	Number
Douglas Fir (2)		DF	1	\$384	\$377	\$370	\$263	\$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 (2)		RC	1	814	807	800	793	786
Western Hemlock and Other Comifer (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	1
Other Hardwood		OH	1	182	175	168	161	154
Douglas Fir Poles		DPL	1	676	669	662	655	648
Western Redcedar Poles		RCP	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 (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)		OTX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per 8 lineal feet or portion thereof.
 (6) Stumpage value per lineal foot.

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TABLE 3 - Stumpage Value Table

Stumpage Value Area 3
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale (t)

Species	Name	Code	Number	Timber				
				Quality	Distance	Zone	Number	Number
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 Comifer (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	1
Other Hardwood		OH	1	182	175	168	161	154
Douglas Fir Poles		DPL	1	676	669	662	655	648
Western Redcedar Poles		RCP	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 (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)		OTX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington - See conversion methods WAC 458-40-680.
 (2) Includes Western Larch.
 (3) Includes Alaska Cedar.
 (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (5) Stumpage value per 8 lineal feet or portion thereof.
 (6) Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2003

Stumpage Values per Thousand Board Feet Net Scribner Log Scale(1)

Species	Name	Timber						
		Quality	Distance	Zone	Number	Number		
Douglas Fir(2)		DF	+	\$272	\$265	\$258	\$251	\$244
Lodgepole Pine		LP	+	160	153	146	139	132
Ponderosa Pine		PP	+	310	303	296	289	282
Ponderosa Pine		LP	2	213	206	199	192	185
Western Redcedar(3)		RC	+	530	523	516	509	502
True Firs and Spruce(4)		WH	+	150	143	136	129	122
Western White Pine		WP	+	370	363	356	349	342
Hardwoods		OH	+	50	43	36	29	22
Western Redcedar Poles		RCL	+	530	523	516	509	502
Small Logs		SMB	+	28	27	26	25	24
Red Alder		RA	+	333	326	319	312	305
Black Cottonwood		BC	+	+	+	+	+	+
Other Hardwood		OH	+	182	175	168	161	154
Douglas Fir Poles		DPL	+	676	669	662	655	648
Western Redcedar Poles		RCL	+	1079	1072	1065	1058	1051
Chipwood		CHW	+	+	+	+	+	+
RC Shake Blocks		RCS	+	303	296	289	282	275
RC Shingle Blocks		RCP	+	121	114	107	100	93
RC & Other Posts(s)		RCP	+	0.45	0.45	0.45	0.45	0.45
DC Christmas Trees(6)		DCX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)		OTX	+	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 foot 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 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	Timber						
		Quality	Distance	Zone	Number	Number		
Douglas Fir(2)		DF	+	\$479	\$472	\$465	\$458	\$451
Lodgepole Pine		LP	+	160	153	146	139	132
Ponderosa Pine		PP	+	310	303	296	289	282
Ponderosa Pine		LP	2	213	206	199	192	185
Western Redcedar(3)		RC	+	814	807	800	793	786
Western Hemlock and Other Conifer(4)		WH	+	330	323	316	309	302
Other Hardwood		OH	+	182	175	168	161	154
Douglas Fir Poles		DPL	+	676	669	662	655	648
Western Redcedar Poles		RCL	+	1079	1072	1065	1058	1051
Chipwood		CHW	+	+	+	+	+	+
RC Shake Blocks		RCS	+	303	296	289	282	275
RC Shingle Blocks		RCP	+	121	114	107	100	93
RC & Other Posts(s)		RCP	+	0.45	0.45	0.45	0.45	0.45
DC Christmas Trees(6)		DCX	+	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)		OTX	+	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 foot or portion thereof.
(6) Stumpage value per lineal foot.

PROPOSED

TABLE 8—Stampage Value Table
Stampage Value Area 10
July 1 through December 31, 2003

Stampage Values per Thousand Board Feet Net Scriber Log Scale(1)

Species Name	Quantity	Distance	Zone Number				
			1	2	3	4	5

Douglas Fir(2)	DF	1	\$370	\$263	\$356	\$349	\$342
Douglas Fir(2)	DF	2	366	359	352	345	338
Douglas Fir(2)	DF	3	363	356	349	342	335
Douglas Fir(2)	DF	4	352	345	338	331	324
Lodgepole Pine	LP	1	160	153	146	139	132
Lodgepole Pine	LP	2	213	206	199	192	185
Ponderosa Pine	PP	1	310	303	296	289	282
Ponderosa Pine	PP	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
Western Hemlock and Other Conifer(4)	WH	2	228	221	214	207	200
Western Hemlock and Other Conifer(4)	WH	3	219	212	205	198	191
Western Hemlock and Other Conifer(4)	WH	4	195	188	181	174	167
Red Alder	RA	1	319	312	305	298	291
Red Alder	RA	2	270	263	256	249	242
Black Cottonwood	BC	1	1	1	1	1	1
Black Cottonwood	BC	2	168	161	154	147	140
Other Hardwood	OH	1	168	161	154	147	140
Douglas Fir Poles	DPL	1	662	655	648	641	634
Douglas Fir Poles	DPL	2	662	655	648	641	634
Western Redcedar Poles	RCL	1	1065	1058	1051	1044	1037
Western Redcedar Poles	RCL	2	1065	1058	1051	1044	1037
Chipwood	CHW	1	1	1	1	1	1
Chipwood	CHW	2	303	296	289	282	275
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shake Blocks	RCS	2	121	114	107	100	93
RC & Other Posts(5)	RCP	1	0.45	0.45	0.45	0.45	0.45
RC & Other Posts(5)	RCP	2	0.25	0.25	0.25	0.25	0.25
DF Christmas Trees(6)	DFX	1	0.50	0.50	0.50	0.50	0.50
DF Christmas Trees(6)	DFX	2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(6)	OTX	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) Stampage value per lineal foot or portion thereof.
- (6) Stampage value per lineal foot.

PROPOSED

Stampage Values per Thousand Board Feet Net Scriber Log Scale(1)

Species Name	Quantity	Distance	Zone Number				
			1	2	3	4	5

Douglas Fir(2)	DF	1	\$277	\$270	\$263	\$256	\$249
Douglas Fir(2)	DF	2	261	254	247	240	233
Ponderosa Pine	PP	1	333	326	319	312	305
Ponderosa Pine	PP	2	261	254	247	240	233
Lodgepole Pine	LP	1	209	202	195	188	181
Lodgepole Pine	LP	2	333	326	319	312	305
Western Redcedar(3)	RC	1	530	523	516	509	502
Western Redcedar(3)	RC	2	261	254	247	240	233
True Firs and Spruce(4)	WH	1	212	205	198	191	184
True Firs and Spruce(4)	WH	2	212	205	198	191	184
Western White Pine	WP	1	370	363	356	349	342
Western White Pine	WP	2	370	363	356	349	342
Hardwoods	OH	1	50	43	36	29	22
Hardwoods	OH	2	50	43	36	29	22
Western Redcedar Poles	RCL	1	530	523	516	509	502
Western Redcedar Poles	RCL	2	530	523	516	509	502
Small Logs	SML	1	19	18	17	16	15
Small Logs	SML	2	19	18	17	16	15
Chipwood	CHW	1	1	1	1	1	1
Chipwood	CHW	2	92	85	78	71	64
RC Shake & Shingle Blocks	RCP	1	92	85	78	71	64
RC Shake & Shingle Blocks	RCP	2	121	114	107	100	93
LP & Other Posts(5)	LPP	1	0.35	0.35	0.35	0.35	0.35
LP & Other Posts(5)	LPP	2	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees(6)	PX	1	0.25	0.25	0.25	0.25	0.25
Pine Christmas Trees(6)	PX	2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	OTX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees(7)	OTX	2	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stampage value per 8 lineal feet or portion thereof.
- (6) Stampage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (7) Stampage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
 January 1 through July 31, 2004

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	\$465	\$458	\$451	\$444	\$437
		2	357	350	343	336	329
		3	352	345	338	331	324
		4	346	339	332	325	318
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	268	261	254	247	240
		2	216	209	202	195	188
		3	216	209	202	195	188
		4	216	209	202	195	188
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	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 ⁽²⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes 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 ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 January 1 through July 31, 2004

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	\$379	\$372	\$365	\$358	\$351
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	318	311	304	297	290
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	275	268	261	254	247
		2	223	216	209	202	195
		3	200	193	186	179	172
		4	190	183	176	169	162
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁴⁾	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 ⁽²⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁶⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁶⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes 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 ton.

⁽⁵⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁶⁾ Stumpage value per lineal foot.

PROPOSED

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 January 1 through July 31, 2004

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	\$343	\$336	\$329	\$322	\$315
		2	308	301	294	287	280
		3	308	301	294	287	280
		4	308	301	294	287	280
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	282	275	268	261	254
		2	230	223	216	209	202
		3	181	174	167	160	153
		4	125	118	111	104	97
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽²⁾	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 ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽²⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽²⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 January 1 through July 31, 2004

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	\$375	\$368	\$361	\$354	\$347
		2	375	368	361	354	347
		3	375	368	361	354	347
		4	326	319	312	305	298
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽²⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽²⁾	WH	1	261	254	247	240	233
		2	209	202	195	188	181
		3	203	196	189	182	175
		4	167	160	153	146	139
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽²⁾	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 ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽²⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽²⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

⁽¹⁾ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

⁽²⁾ Includes Western Larch.

⁽³⁾ Includes Alaska-Cedar.

⁽⁴⁾ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁽⁵⁾ Stumpage value per ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

PROPOSED

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 January 1 through July 31, 2004

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	386	379	372	365	358
		3	345	338	331	324	317
		4	343	336	329	322	315
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	871	864	857	850	843
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	248	241	234	227	220
		2	196	189	182	175	168
		3	187	180	173	166	159
		4	187	180	173	166	159
Red Alder	RA	1	339	332	325	318	311
		2	277	270	263	256	249
Black Cottonwood	BC	1	1	1	1	1	1
Other Hardwood	OH	1	166	159	152	145	138
Douglas-Fir Poles	DFL	1	654	647	640	633	626
Western Redcedar Poles	RCL	1	1191	1184	1177	1170	1163
Chipwood ⁽⁵⁾	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 ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	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 ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot.

TABLE 6—Stumpage Value Table
Stumpage Value Area 6
 January 1 through July 31, 2004

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	\$258	\$251	$244	$237	$230
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	577	570	563	556	549
True Firs and Spruce ⁽⁴⁾	WH	1	135	128	121	114	107
Western White Pine	WP	1	308	301	294	287	280
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	577	570	563	556	549
Small Logs ⁽⁵⁾	SML	1	26	25	24	23	22
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	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 ton.
⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.
⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁽⁸⁾ Stumpage value per lineal foot.

PROPOSED

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through July 31, 2004**

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	\$263	\$256	\$249	\$242	\$235
Lodgepole Pine	LP	1	177	170	163	156	149
Ponderosa Pine	PP	1	285	278	271	264	257
		2	227	220	213	206	199
Western Redcedar ⁽³⁾	RC	1	592	585	578	571	564
True Firs and Spruce ⁽⁴⁾	WH	1	177	170	163	156	149
Western White Pine	WP	1	315	308	301	294	287
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	592	585	578	571	564
Small Logs ⁽⁵⁾	SML	1	19	18	17	16	15
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁽⁶⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁷⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	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 ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁽⁸⁾ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through July 31, 2004**

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	\$361	\$354	\$347	\$340	\$333
		2	361	354	347	340	333
		3	361	354	347	340	333
		4	312	305	298	291	284
Lodgepole Pine	LP	1	150	143	136	129	122
Ponderosa Pine	PP	1	274	267	260	253	246
		2	202	195	188	181	174
Western Redcedar ⁽³⁾	RC	1	857	850	843	836	829
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	247	240	233	226	219
		2	195	188	181	174	167
		3	189	182	175	168	161
		4	153	146	139	132	125
Red Alder	RA	1	325	318	311	304	297
		2	263	256	249	242	235
Black Cottonwood	BC	1	1	1	1	1	
Other Hardwood	OH	1	152	145	138	131	124
Douglas-Fir Poles	DFL	1	640	633	626	619	612
Western Redcedar Poles	RCL	1	1177	1170	1163	1156	1149
Chipwood ⁽⁵⁾	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 ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	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 ton.

⁽⁶⁾ Stumpage value per 8 lineal feet or portion thereof.

⁽⁷⁾ Stumpage value per lineal foot.

PROPOSED

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ((July)) January 1 through ((December)) July 31, ((2003)) 2004:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((July)) January 1 through ((December)) July 31, ((2003)) 2004**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	- \$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	- \$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
((July)) January 1 through ((December)) July 31, ((2003)) 2004**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	- \$145.00

PROPOSED

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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 03-22-069
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 4, 2003, 10:30 a.m.]

Title of Rule: WAC 296-800-310 Exit routes and employee alarm systems.

Purpose: On July 8, 2003, the Occupational Safety and Health Administration (OSHA) found our rules regarding exit routes and employee alarm systems not at-least-as-effective-as the federal rule. The proposed changes will make our rule at-least-as-effective-as the federal equivalent.

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: The Occupational Safety and Health Administration (OSHA) found our rules regarding exit routes and employee alarm systems not at-least-as-effective-as the federal rule. The proposed changes will make our rule at-least-as-effective-as the federal equivalent.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-800-310 Exit routes and employee alarm systems, contains requirements on how to notify and evacuate employees during emergency situations. There are no anticipated effects of this rule making.

Proposal Changes the Following Existing Rules: The following sections are affected by this rule making:

AMENDED SECTIONS:

WAC 296-800-310 Summary.

- The proposal adds an important statement, which references the National Fire Protection Association (NFPA) 101-2000, the Life Safety Code.

WAC 296-800-31010 Make sure that exit routes are large enough.

- The proposal changes the ceiling of an exit route to seven feet six inches high.

WAC 296-800-31020 Make sure that each exit route leads outside.

- The proposal adds refuge area to where an exit route can lead.

WAC 296-800-31070 Install and maintain an appropriate employee alarm system.

- The proposal adds an exemption, stating you don't need an alarm system if employees can promptly see or smell a fire or other hazards in time to provide adequate warning to other employees.

WAC 296-800-370 Definitions.

- The proposal adds definitions for:
 - Occupant load
 - Refuge area
 - Self-lighting or self-luminous.

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY January 6, 2004.

November 4, 2003

Paul Trause

Director

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-310 Summary. Your responsibility: To provide and maintain emergency exit routes and to install and maintain adequate employee alarm systems.

IMPORTANT:

An employer who demonstrates compliance with the exit route provisions of NFPA 101-2000, the Life Safety Code, will be in compliance with the corresponding requirements of this section.

Exit routes:

You must:

Provide an adequate number of exit routes.

WAC 296-800-31005.

Make sure that exit routes are large enough.

WAC 296-800-31010.

Make sure that exit routes meet their specific design and construction requirements.

WAC 296-800-31015.

Make sure that each exit route leads outside.

WAC 296-800-31020.

Provide unobstructed access to exit routes.

WAC 296-800-31025.

Exit doors must be readily opened from the inside.

WAC 296-800-31030.

Use side-hinged doors to connect rooms to exit routes.

WAC 296-800-31035.

Provide outdoor exit routes that meet requirements.

WAC 296-800-31040.

Minimize danger to employees while they are using emergency exit routes.

WAC 296-800-31045.

Mark exits adequately.

WAC 296-800-31050.

Provide adequate lighting for exit routes and signs.

WAC 296-800-31053.

Maintain the fire retardant properties of paints or other coatings.

WAC 296-800-31055.

Maintain emergency safeguards.

WAC 296-800-31060.

Maintain exit routes during construction and repair.

WAC 296-800-31065.

Provide doors in freezer or refrigerated rooms that open from the inside.

WAC 296-800-31067.

Employee alarm systems:

You must:

Install and maintain an appropriate employee alarm system.

WAC 296-800-31070.

Establish procedures for sounding emergency alarms.

WAC 296-800-31075.

Test the employee alarm system.

WAC 296-800-31080.

Exemption: This rule does not apply to vehicles, vessels, or other mobile structures.

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book.

AMENDATORY SECTION (Amending WSR 01-23-060, filed 11/20/01, effective 12/1/01)

WAC 296-800-31010 Make sure that exit routes are large enough. You must:

- Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.

- Make sure the capacity of an exit route does not decrease at any point.

- Make sure an exit route is at least ~~((6))~~ 7 feet ~~((8))~~ 6 inches high at all points.

- ~~Make sure ((objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, do not reduce the minimum height and width of the exit route))~~ projections from the ceiling do not reach a point less than 6 feet 8 inches from the floor.

- Make sure exit routes are at least 28 inches wide at all points between any handrails.

- If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

- Make sure objects that stick out into the exit route, such as cabinets on walls, do not reduce the minimum width of the exit route.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-31020 Make sure that each exit route leads outside. You must:

- Make sure that building exit routes lead:

- Directly outside or to a street, walkway~~((;))~~, refuge area, or to an open space with access to the outside.

- To streets, walkways, or open spaces large enough to accommodate all building occupants likely to use the exit.

- Make sure the exit routes clearly show the route employees use to leave the building in an emergency.

- Install a standard safeguard with a warning sign, if a doorway or corner of a building could allow an employee to walk in front of an engine or trolley.

- Use doors, partitions, or other effective means to show employees the correct route out of the building, if the stairs in your exit route lead anywhere but out of the building.

Note: If the stairs in your exit route lead past the exit to the basement, you might install a gate at the point they lead towards that basement. The gate could help your employees stay on the exit route taking them out of the building.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-800-31070 Install and maintain an appropriate employee alarm system.

Exemptions:

- If you have ten or fewer employees in a particular workplace, you can use direct voice communication to sound the alarm, if all employees can hear it. For this kind of workplace, you do not need a back-up system.
- In workplaces where employees would not otherwise be able to recognize audible or visible alarms, you can use tactile devices to alert them.

You must:

- Make sure that a working employee alarm system with a distinctive signal to warn employees of fire or other emergencies is installed and maintained~~((, unless employees can see or smell a fire or other hazard))~~.

Exemption: You do not need an alarm system if employees can promptly see or smell a fire or other hazard in time to provide adequate warning to other employees.

- Make sure that the following systems meet the requirements of this rule, if you use them as your employee alarm system:

- Supervisory alarms

- Discharge alarms

- Detection systems required on fixed extinguishing systems

- Detection systems required on fire suppression systems

- Make sure that your employee alarm systems are:

- Providing enough warning to allow employees to safely escape from the workplace, the immediate work area, or both.

- Noticeable above surrounding noise or light levels by all employees in the affected portions of the workplace.

- Distinctive and recognizable as a signal, to evacuate the work area.

- Restored to working order as soon as possible, after each test or alarm.

- Supervised, if installed after July 1, 1982, and if it has that capacity.

- Able to alert assigned personnel whenever a malfunction exists in the system.

- Adequately warning employees of emergencies.

- Serviced, maintained, and tested by a person trained in the alarm system's design and functions to keep the system operating reliably and safely.

- In working order, except when undergoing repairs or maintenance.

- Warning employees of fire or other emergencies with a distinctive signal, if they are not able to see or smell a fire or other hazard.

- Manual actuation devices that, if provided, are unobstructed, easy to find, and readily accessible.
- Using alarm devices, components, combinations of devices, or systems with approved construction and installation. This applies to steam whistles, air horns, strobe lights, or similar lighting devices, as well as tactile devices.
- Supplied with spare alarm devices available to restore the system promptly if a component breaks, is worn, or destroyed.
- Kept in full operating condition by maintaining and replacing power supplies as often as necessary.
- Supplied with a back-up means of alarm, such as employee runners or telephones, when regular systems are out of service.

AMENDATORY SECTION (Amending WSR 03-18-090, filed 9/2/03, effective 11/1/03)

WAC 296-800-370 Definitions.

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical**, WAC 296-800-280 means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or
- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in **Electrical**, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in material safety data sheets (MSDSs) as Exposure Records, WAC 296-800-180 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:
 - Partial or complete information from individual employee exposure or medical records or
 - Information collected from health insurance claim records
- The analysis is not final until it has been:
 - Reported to the employer or
 - Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

- Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

- As used in **Electrical**, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be deter-

mined over the shortest time period feasible and should not exceed fifteen minutes.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

- Airborne chemical agent which is any of the following:
 - Dust - solid particles suspended in air, that are created

by actions such as:

- Handling.
- Drilling.
- Crushing.
- Grinding.
- Rapid impact.
- Detonation.

- Deprecitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

- Fume - solid particles suspended in air, that are created by condensation from the gaseous state.

- Gas - a normally formless fluid, such as air, which 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. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying 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:
 - Corrosive - a substance that, upon contact, 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.

- Irritant - a substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

- Toxicant - a substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The Chemical Abstracts Service (CAS) rules of nomenclature

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

- Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

- Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 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)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can

- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

A substance that, upon contact, 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.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

- Handling.
- Drilling.

- Crushing.
- Grinding.
- Rapid impact.
- Detonation.
- Decrementation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
 - Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
 - Material safety data sheets indicating that the material may pose a hazard to human health;
- OR**
- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial

Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

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.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in employer chemical hazard communication, WAC 296-800-170 and material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice;
- Corrective notice;

- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

• Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;

- Gas, flammable means:

– A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or

– A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

• Liquid, flammable means 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 99% or more of the total volume of the mixture.

• Solid, flammable means a solid, other than a blasting agent or explosive as defined in 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 which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

– Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

– Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

Foreseeable emergency

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

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.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any physical stress such as noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure which:

- Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS); or
- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Employer Chemical Hazard Communication, WAC 296-800-170 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

A chemical, mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. Based on statistically significant evidence from at least one study conducted using established scientific principles. Health hazards include:

- Carcinogens
- Toxic or highly toxic agents
- 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
- Hot or cold conditions.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS)

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by material safety data sheet and label preparation, chapter 296-839 WAC.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or non-hand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupant load

The maximum number of people allowed in a particular building or portion of a building at any one time.

Occupational Safety and Health Administration (OSHA)

Created in 1970 when the U.S. Congress passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for workers. OSHA oversees state plans (such as WISHA in Washington) that have elected to administer the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

- Office areas of manufacturing and production facilities, not including process areas.

- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is 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.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or 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 (PELs)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

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.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First aid
- Medical services
- Dressing
- Showering

- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- at least once every 2 weeks

OR

- 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

• Possession of a recognized degree, certificate, or professional standing;

OR

• Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Refuge area

• A protected space along an exit route that is separated from other spaces inside the building by a barrier with at least a one-hour fire resistance-rating

OR

• A floor in a building with an automatic sprinkler system that has at least two spaces that are separated by smoke-resistant partitions. See WAC 296-24-607 for requirements for automatic sprinkler systems.

Repeat violation

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

Responsible party

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Self-lighting or self-luminous

A light source that

• Is illuminated by a self-contained power source other than batteries

AND

• Operates independently from external power sources.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

- leading from one level or floor to another,
- leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted.

Time weighted average (TWA₈)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer
- The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in employer chemical hazard communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, rain-tight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day
- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

- The term workplace means:

– Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

– As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

2100 Evergreen Park Drive S.W., P.O. Box 40916, Olympia, WA 98504-0916.

Statutory Authority for Adoption: RCW 43.33A.010 - [43.33A.]230.

Statute Being Implemented: RCW 43.33A.100.

Summary: Change of address to reflect new office, meeting room, and address location for Washington State Investment Board.

Reasons Supporting Proposal: WSIB moved to new office location.

Name of Agency Personnel Responsible for Drafting: Liz Mendizabal, 2100 Evergreen Park Drive S.W., Olympia, WA, 956-4616; Implementation and Enforcement: WSIB, 2100 Evergreen Park Drive S.W., Olympia, WA, 956-4600.

Name of Proponent: WSIB, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes address in WAC per new location of WSIB headquarters.

Proposal Changes the Following Existing Rules: [No information supplied by agency].

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 Liz Mendizabal, WSIB, 2100 Evergreen Park Drive S.W., Olympia, WA 98504, AND RECEIVED BY January 5, 2004.

November 5, 2003

Liz Mendizabal

Communications and
Legislative Coordinator

AMENDATORY SECTION (Amending Order 81-1, filed 11/10/81)

WAC 287-02-030 Description of central and field organization of the state investment board. The state investment board is a state agency empowered to perform all duties prescribed by law with respect to the investment of trust and public funds. The administrative offices of the state investment board and its staff are located at ((314 Insurance Building)) 2100 Evergreen Park Drive S.W., Olympia, Washington.

AMENDATORY SECTION (Amending Order 81-1, filed 11/10/81)

WAC 287-02-130 State investment board address. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17

WSR 03-22-082**EXPEDITED RULES****STATE INVESTMENT BOARD**

[Filed November 5, 2003, 9:39 a.m.]

Title of Rule: WAC 287-01-06 [287-01-030, 287-02-030, and 287-02-130].

Purpose: Change of address to reflect new office location of the Washington State Investment Board (WSIB) at

RCW and these rules, requests for copies of the board's decisions and other matters, shall be addressed as follows: State Investment Board, c/o Public Records Officer, (~~(314 Insurance Building)~~) 2100 Evergreen Park Drive S.W., P.O. Box 40916, Olympia, Washington 98504-0916.

AMENDATORY SECTION (Amending WSR 95-15-080, filed 7/18/95, effective 8/18/95)

WAC 287-01-030 Regular board meetings. The regular meetings of the state investment board are held on the third Thursday of each month, beginning at 9:30 a.m. at the board's offices at (~~(2424 Heritage Court)~~) 2100 Evergreen Park Drive S.W., Olympia, Washington 98504-0916.

WSR 03-22-083
EXPEDITED RULES
DEPARTMENT OF HEALTH

[Filed November 5, 2003, 9:43 a.m.]

Title of Rule: WAC 246-320-010 Hospital licensing definitions and 246-320-370 Emergency contraception.

Purpose: Amends chapter 246-320 WAC to include a new section to address SSB 6537, Emergency care for sexual assault victims, which passed in the 2002 legislative session.

Other Identifying Information: Chapter 116, Laws of 2002.

Statutory Authority for Adoption: RCW 70.41.350 and 70.41.030.

Statute Being Implemented: RCW 70.41.350 and 70.41.360.

Summary: The Department of Health is required to develop rules requiring hospitals that provide emergency care to victims of sexual assault to provide the victim with written and oral information about emergency contraception, inform victims of the option to be provided emergency contraception, and to provide emergency contraception immediately if requested by the victim.

Reasons Supporting Proposal: The proposed rules implement statutory requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Byron Plan, 310 Israel Road S.E., Olympia, WA 98501, (360) 236-2916.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 116, Laws of 2002 requires every hospital providing emergency care to a victim of sexual assault to provide the victim with medically and factually accurate, unbiased written and oral information about emergency contraception; to orally inform each victim of sexual assault of her option to be provided emergency contraception; and, if not medically contraindicated, to provide emergency contraception immediately at the hospital to each victim of sexual assault who requests it. Rules will help ensure that emergency rooms are aware of the requirements and that informa-

tion and emergency care is provided consistently among facilities.

Proposal Changes the Following Existing Rules: WAC 246-320-010 is amended to include definitions consistent with the law, including sexual assault, victim of sexual assault, emergency care to victims of sexual assault, emergency contraception, and secretary.

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 Gary Bennett, Director, Facilities and Services Licensing, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY January 6, 2004.

November 5, 2003

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-04-052, filed 1/28/99, effective 3/10/99)

WAC 246-320-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" will include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of healthcare organizations (JCAHO).

(3) "Administrative business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, 8:00 a.m. to 5:00 p.m., exclusive of recognized state of Washington holidays.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Airborne precaution room" means a room that is designed and equipped to care for patients known or suspected to be infected with microorganisms transmitted by airborne droplet nuclei (small-particle residue [five microns or

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smaller in size] of evaporated droplets containing microorganisms that remain suspended in the air and can be widely dispersed by air currents within a room or over a long distance).

(6) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(7) "Alteration":

(a) "Alteration" means any change, addition, remodel or modification in construction, or occupancy to an existing hospital or a portion of an existing hospital.

(b) "Major alteration" means any physical change within an existing hospital that changes the occupancy (as defined in state building code) and scope of service within a room or area, results in reconstruction to major portions of a floor or department, or requires revisions to building systems or services.

(c) "Minor alteration" means any physical change to an existing hospital which does not affect the structural integrity of the hospital building, which does not affect fire and life safety, and which does not add beds or facilities over those for which the hospital is licensed.

(8) "Ambulatory" means an individual physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(9) "Area" means a portion of a room or building that is separated from other functions in the room or portions of the building by a physical barrier or adequate space.

(10) "Assessment" means the: (a) Systematic collection and review of patient-specific data; (b) process established by a hospital for obtaining appropriate and necessary information about each individual seeking entry into a health care setting or service; and (c) information to match an individual's need with the appropriate setting and intervention.

(11) "Authentication" means the process used to verify that an entry is complete, accurate, and final.

(12) "Bathing facility" means a bathtub or shower, but does not include sitz bath or other fixtures designated primarily for therapy.

(13) "Birthing room" or "labor-delivery-recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn, and to accommodate her support people during the complete process of vaginal childbirth.

(14) "Child" means an individual under the age of eighteen years.

(15) "Clean" when used in reference to a room, area, or facility means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(16) "Communication system" means telephone, intercom, nurse call or wireless devices used by patients and staff to communicate.

(17) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. The care is provided by multidisciplinary teams of highly experienced and

skilled physicians, nurses, pharmacists or other allied health professionals who have the ability to interpret complex therapeutic and diagnostic information and access to highly sophisticated equipment.

(18) "Department" means the Washington state department of health.

(19) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

(20) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(21) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(22) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(23) "Direct access" means access to one room from another room or area without going through an intervening room or into a corridor.

(24) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer such agent prior to administration of the agent.

(25) "Drugs" as defined in RCW 18.64.011(3) means:

(a) Articles recognized in the official U.S. pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(26) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(27) "Easily cleanable" means readily accessible and made with materials and finishes fabricated to permit complete removal of residue or dirt by accepted cleaning methods.

(28) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(29) "Emergency care to victims of sexual abuse" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

(30) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including, but not limited to, administer-

ing two increased doses of certain contraceptive pills within seventy-two hours of sexual contact.

~~((31))~~ (31) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need and the time and place care and treatment is to be given.

~~((30))~~ (32) "Facilities" means a room or area and equipment serving a specific function.

~~((34))~~ (33) "Failure or major malfunction" means an essential environmental, life safety or patient care function, equipment or process ceasing operation or capability of working as intended and any back up, reserve or replacement to the function, equipment or process has not occurred or is nonexistent. Such as, but not limited to, the:

(a) Normal electrical power ceases and the emergency generator(s) do not function;

(b) Ventilation system ceases to operate or reverses air flow and causes contaminated air to circulate into areas where it was not designated or intended to flow; or

(c) Potable water in the hospital becomes contaminated so it cannot be used.

~~((32))~~ (34) "Family" means individuals important to and designated by a patient who need not be relatives.

~~((33))~~ (35) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply is controlled by handles not less than four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply is controlled through a mixing valve designed and installed to be operated by the foot.

~~((34))~~ (36) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((35))~~ (37) "Grade" means the level of the ground adjacent to the building. The ground must be level or slope downward for a distance of at least ten feet away from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((36))~~ (38) "He, him, his, or himself" means an individual of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

~~((37))~~ (39) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

~~((38))~~ (40) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services

would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Maternity homes, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((39))~~ (41) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

~~((40))~~ (42) "Infant" means a baby or very young child up to one year of age.

~~((41))~~ (43) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

~~((42))~~ (44) "Inpatient" means a patient receiving services that require admission to a hospital for twenty-four hours or more.

~~((43))~~ (45) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring physical support and treatment beyond support required for a normal neonate and may include the following:

(a) Electronic cardiorespiratory monitoring;

(b) Gavage feedings;

(c) Parenteral therapy for administration of drugs; and

(d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

~~((44))~~ (46) "Interventional service facility" means a facility other than operating room (OR) where invasive procedures are performed.

~~((45))~~ (47) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but

not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

((46)) (48) "JCAHO" means joint commission on accreditation of healthcare organizations.

((47)) (49) "Labor room" means a room in which an obstetric patient is placed during the first stage of labor, prior to being taken to the delivery room.

((48)) (50) "Labor-delivery-recovery (LDR) room," "birthing room," or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn and to accommodate her support people during the complete process of vaginal childbirth.

((49)) (51) "Licensed practical nurse," abbreviated LPN, means an individual licensed under provisions of chapter 18.78 RCW.

((50)) (52) "Long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

((51)) (53) "Maintainable" means able to preserve or keep in an existing condition.

((52)) (54) "Maintenance" means the work of keeping something in suitable condition.

((53)) (55) "Major permanent loss of function" means sensory, motor, physiological, or intellectual impairment not present on admission requiring continued treatment or lifestyle change. When this condition cannot be immediately determined, the designation will be made when the patient is discharged with continued major loss of function, or two weeks have elapsed with persistent major loss of function, whichever occurs first.

((54)) (56) "Medical staff" means physicians and may include other practitioners appointed by the governing authority to practice within the parameters of the governing authority and medical staff bylaws.

((55)) (57) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

((56)) (58) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

((57)) (59) "Must" means compliance is mandatory.

((58)) (60) "Multidisciplinary treatment team" means a group of individuals from the various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

((59)) (61) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission

which may result in emotional or behavioral problems, physical manifestations, and disordered development.

((60)) (62) "Neonate" or "newborn" means a newly born infant under twenty-eight days of age.

((61)) (63) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed for constant nursing, medical care, and treatment of high-risk infants who may require:

(a) Continuous ventilatory support, twenty-four hours per day;

(b) Intravenous fluids or parenteral nutrition;

(c) Preoperative and postoperative monitoring when anesthetic other than local is administered;

(d) Cardiopulmonary or other life support on a continuing basis.

((62)) (64) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

((63)) (65) "Newborn nursery care" means the provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

((64)) (66) "New construction" means any of the following:

(a) New buildings to be licensed as a hospital;

(b) Additions to an existing hospital;

(c) Conversion of an existing building or portions thereof for use as a hospital;

(d) Alterations to an existing hospital.

((65)) (67) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

((66)) (68) "Notify" means to provide notice of required information to the department by the following methods, unless specifically stated otherwise in this chapter:

(a) Telephone;

(b) Facsimile;

(c) Written correspondence; or

(d) In person.

((67)) (69) "Nursing unit" means a separate physical and functional unit of the hospital including a group of patient rooms, with ancillary, administrative, and service facilities necessary for nursing service to the occupants of these patient rooms.

((68)) (70) "Nutritional assessment" means an assessment of a patient's nutritional status conducted by a registered dietician.

((69)) (71) "Nutritional risk screen" means a part of the initial assessment that can be conducted by any trained member of the multidisciplinary treatment team.

((70)) (72) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

((71)) (73) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

((72)) (74) "Operating room (OR)" means a room within the surgical department intended for invasive and non-invasive procedures requiring anesthesia.

((73)) (75) "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

((74)) (76) "Outpatient services" means services that do not require admission to a hospital for twenty-four hours or more.

((75)) (77) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital.

((76)) (78) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

((77)) (79) "Patient related technology" means equipment used in a patient care environment to support patient treatment and diagnosis, such as electrical, battery and pneumatic powered technology as well as support equipment and disposables.

((78)) (80) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((79)) (81) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

((80)) (82) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

((81)) (83) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

((82)) (84) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

((83)) (85) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H₂O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H₂O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

((84)) (86) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition usually requiring specialized equipment.

((85)) (87) "Protective precaution room" means a room designed and equipped for care of patients with a high risk for contracting infections, such as bone marrow and organ transplant patients.

((86)) (88) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

((87)) (89) "Psychiatric service" means the treatment of patients pertinent to the psychiatric diagnosis whether or not the hospital maintains a psychiatric unit.

((88)) (90) "Psychiatric unit" means a separate area of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

((89)) (91) "Reassessment" means ongoing data collection comparing the most recent data with the data collected on the previous assessment(s).

((90)) (92) "Recovery unit" means a special physical and functional area for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

((91)) (93) "Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((92)) (94) "Remodel" means the reshaping or reconstruction of a part or area of the hospital.

((93)) (95) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, an apparatus, or a drug given not required to treat a patient's medical symptoms.

((94)) (96) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

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~~((95))~~ (97) "Seclusion room" means a small, secure room specifically designed and organized for temporary placement, care, and observation of one patient and for an environment with minimal sensory stimuli, maximum security and protection, and visual observation of the patient by authorized personnel and staff. Doors of seclusion rooms are provided with staff-controlled locks.

~~((96))~~ (98) "Secretary" means the secretary of the department of health.

(99) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: Provided, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

~~((97))~~ (100) "Sensitive area" means a room used for surgery, transplant, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, emergency or critical care including, but not limited to, intensive and cardiac care or areas where immunosuppressed inpatients are located and central supply room.

~~((98))~~ (101) "Sexual assault" ~~((or "rape" mean consistent with applicable law and regulation and based on the hospital's definition))~~ has the same meaning as in RCW 70.125.030.

~~((99))~~ (102) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout without aerators including brush and handsfree soap dispenser.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(d) "Handsfree handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(e) "Handwash sink" means a plumbing fixture of adequate size and proper design for washing hands, with adjacent soap dispenser and single service hand drying device.

~~((100))~~ (103) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

~~((101))~~ (104) "Special procedure" means a distinct and/or special diagnostic exam or treatment, such as, but not limited to, endoscopy, angiography, and cardiac catheterization.

~~((102))~~ (105) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

~~((103))~~ (106) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

~~((104))~~ (107) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing

or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of anesthetizing agents.

~~((105))~~ (108) "Surrogate decision-maker" means an individual appointed to act on behalf of another. Surrogates make decisions only when an individual is without capacity or has given permission to involve others.

~~((106))~~ (109) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

~~((107))~~ (110) "Toilet" means a room containing at least one water closet.

~~((108))~~ (111) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

(a) Pharmacologic, surgical, or supportive;

(b) Specific for a disorder; or

(c) Symptomatic to relieve symptoms without effecting a cure.

~~((109))~~ (112) "Treatment room" means a hospital room for medical, surgical, dental, or psychiatric management of a patient.

~~((110))~~ (113) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

(114) "Water closet" means a plumbing fixture fitted with a seat and device for flushing the bowl of the fixture with water.

~~((111))~~ (115) "Will" means compliance is mandatory.

~~((112))~~ (116) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation will be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features will be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

~~((113))~~ (117) "Work surface" means a flat hard horizontal surface such as a table, desk, counter, or cart surface.

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

NEW SECTION

WAC 246-320-370 Emergency contraception. The purpose of this section is to ensure that hospitals with emer-

gency rooms or services provide emergency contraception as a treatment option to any woman who seeks treatment as a result of a sexual assault. Every hospital that provides emergency services must:

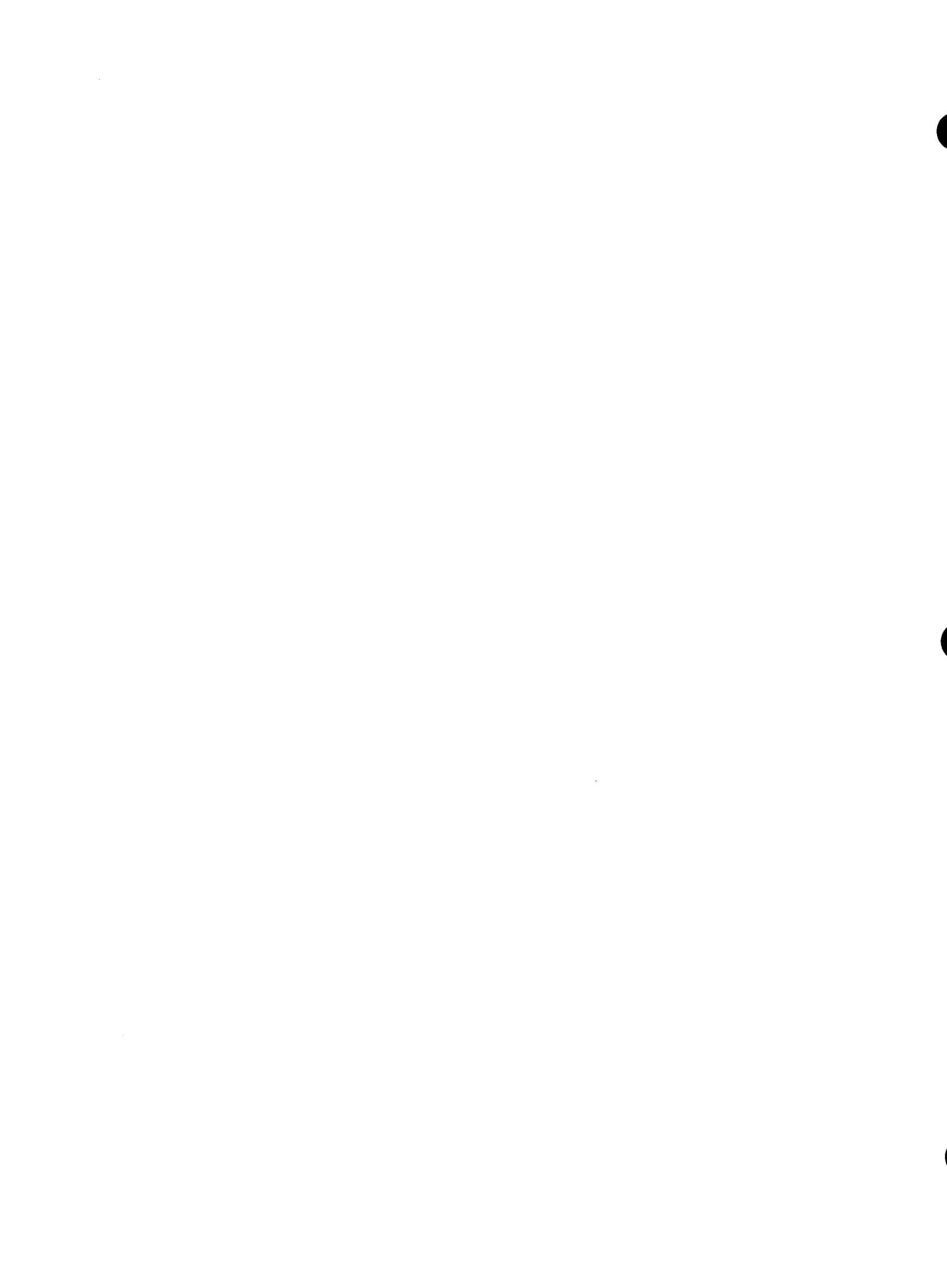
Develop and implement policies and procedures regarding the provision of twenty-four-hour/seven-day per week emergency care to victims of sexual assault;

Provide the victim of sexual assault with medically and factually accurate and unbiased written and oral information about emergency contraception;

Orally inform the victim in a language she understands of her option to be provided emergency contraception at the hospital; and

Provide emergency contraception, as defined in WAC 246-320-010, to the victim of sexual assault if the victim requests it, and if the emergency contraception is not medically contraindicated.

EXPEDITED



WSR 03-21-039
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)

[Filed October 8, 2003, 2:55 p.m.]

Date of Adoption: October 3, 2003.

Purpose: The department is adopting rules to reflect operating changes that are necessary to: (1) Comply with federal requirements for Medicaid dialysis reimbursements; (2) meet Department of Social and Health Services (DSHS) utilization and cost containment initiative (UCCI) budget targets; and (3) comply with the Governor's Executive Order on Regulatory Reform. The new sections created by this rule change are WAC 388-540-015, 388-540-025, 388-540-035, 388-540-045, 388-540-055, 388-540-065, 388-540-101, 388-540-105, 388-540-110, 388-540-120, 388-540-130, 388-540-140, 388-540-150, 388-540-160, 388-540-170, 388-540-180, 388-540-190, 388-540-200, and 388-540-210.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-540-010, 388-540-020, 388-540-030, 388-540-040, 388-540-050 and 388-540-060; and amending WAC 388-540-001 and 388-540-005.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.510, 74.09.520, 74.09.522.

Other Authority: 42 C.F.R. 405.2101.

Adopted under notice filed as WSR 03-14-103 on June 30, 2003.

Changes Other than Editing from Proposed to Adopted Version: There is a correction to WAC 388-540-110 Eligibility, adding alien emergency medical and deleting medically indigent (MI). WAC 388-540-200 Epoetin alpha (EPO) therapy. WAC 388-540-200(1) was amended to add subsections (1)(c)(i) and (1)(c)(ii).

As a result of comments received, the following changes were made in the rules as proposed (Additions indicated by underlined text, deletions indicated by ~~strike through text~~):

NEW SECTION

WAC 388-540-110 Eligibility. (1) To be eligible for the kidney center services described in this section, a client must be diagnosed with end-stage renal disease (ESRD) or acute renal failure and be covered under one of the following programs:

- (a) Categorically needy program (CNP);
 - (b) Children's health insurance program (CHIP);
 - ~~(e) Medically indigent program (MI) (Emergency hospital and ambulance only);~~
 - (cd) General assistance-unemployable (GAU);
 - (de) Limited casualty program—Medically needy program (MNP); or
 - (e) Alien emergency medical; or
 - (f) Qualified Medicare beneficiary (QMB)—(MAA pays only for Medicare premium, co-insurance and deductible);
- (2) Managed care enrollees must have dialysis services arranged directly through their designated plan.

NEW SECTION

WAC 388-540-200 Epoetin alpha (EPO) therapy. The medical assistance administration (MAA) reimburses the kidney center for EPO therapy when:

- (1) Administered in the kidney center to a client:
 - (a) With a hematocrit less than thirty-three percent or a hemoglobin less than eleven when therapy is initiated; or

(b) Continuing EPO therapy with a hematocrit between thirty and thirty-six percent.

(c) Medical justification documented in the client's record is required for hematocrits greater than thirty-six or hemoglobins greater than twelve. Medical justification includes:

(i) Documentation that dose is being titrated downward to bring a patient's hematocrit back within target range; or

(ii) Documentation that it is medically necessary for the client to have a target hematocrit greater than thirty-six percent.

(2) Provided to a home dialysis client:

(a) Under the same hematocrit/hemoglobin guidelines as stated in (1)(a) and (b) of this section; and

(b) When permitted by Washington Board of Pharmacy Rules. (Refer to WAC 246-905-020 Home dialysis program—Legend drugs.)

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 6, 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 13, Amended 2, Repealed 6.

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 19, Amended 2, Repealed 6.

Effective Date of Rule: Thirty-one days after filing.

October 3, 2003

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Chapter 388-540 WAC

**KIDNEY ((CENTERS)) DISEASE PROGRAM
 AND KIDNEY CENTER SERVICES**

KIDNEY DISEASE PROGRAM (STATE FUNDED)

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

WAC 388-540-001 Purpose. ~~((The department administers state funds to assist eligible clients with medical care costs associated with end stage renal disease (ESRD)))~~ This section (WAC 388-540-001 through 388-540-065) contains rules for the state-funded kidney disease program (KDP). The kidney disease program is designed to help clients who have end-stage renal disease, but who do not meet the eligibility standards for Medicaid.

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

WAC 388-540-005 Definitions. The following definitions and those found in WAC 388-500-0005, ~~((Medical definitions;))~~ apply to this chapter ~~((Defined words and phrases~~

are bolded in the text)) for the purpose of administering the kidney disease program.

"**Adequate consideration**" means that the reasonable value of goods or services received in exchange for transferred property approximates the reasonable value of the property transferred;

"**Affiliate**" means a facility, hospital, unit, business, or person having an agreement with a **kidney center** to provide specified services to **ESRD** patients;

"**Application for ((~~kidney disease program (KDP)~~) eligibility**" means the form provided by MAA, which the client completes and submits to the contracted kidney center to determine KDP eligibility;

"**Application documentation**" means either a "**Medicaid medical determination**" letter from the DSHS community services office, or a KDP "**client recertification waiver**" form.

"**Assets**" means income, resources, or any real or personal property that a person or the person's spouse owns and could convert to cash to be used for support or maintenance;

"**Certification**" means the **kidney center** has determined a client eligible for the KDP for a defined period of time;

"**End-stage renal disease (ESRD)**" means that stage of renal impairment which is irreversible and permanent, and requires dialysis or kidney ((~~transplantation~~) transplant to ameliorate uremic symptoms and maintain life;

"**KDP application period**" means the time between the date ((~~of~~) the client signed the completed application for eligibility and ((~~certification~~) the date the client is certified for participation in the program;

"**KDP client**" means a resident of the state who has a diagnosis of ESRD and meets the financial and medical eligibility criteria ((~~to be~~) as determined ((~~eligible by a contracted kidney center~~) by a KDP contractor;

"**KDP client recertification waiver for Medicaid review**" means a KDP eligibility form that may in some circumstances be used in place of a "**Medicaid medical assistance determination letter.**"

"**KDP contract manual**" ((~~is~~) means a set of policies and procedures for ((~~contracting~~) contracted kidney centers;

"**KDP contractor**" means a kidney center or other ESRD facility that has contracted with the Washington state department of social and health services (DSHS), kidney disease program to provide ESRD-related services to KDP clients.

"**Kidney center**" means a facility as defined and certified by the federal government to:

(1) Provide **ESRD** services;

(2) ((~~Provide the services specified in this chapter; and~~

(3)) Promote and encourage home dialysis for a client when medically indicated; and

(3) For the purposes of WAC 388-540-032 through 388-540-060, it is a facility that has entered into a contract with Washington state department of social and health services (DSHS), kidney disease program to provide ESRD-related services.

"**Kidney disease program (KDP)**" ((~~is~~) means a ((~~public~~) state-funded program that ((~~helps~~) provides financial assistance to eligible clients with the costs of ESRD-related medical care;

"**Medicaid medical assistance determination letter**" means a medical assistance client eligibility letter from the DSHS community services office.

((~~"Recertifying client" means a KDP client who was determined eligible the previous year for the KDP and will continue to qualify under this chapter;~~)

"**Resident**" means a person who lives in Washington state on more than a temporary basis.

"**Substantial financial change**" means((~~:~~

(1) The elimination of a client's required annual deductible amount; or

(2)) the increase or decrease of income or assets ((~~by fifteen hundred dollars~~) that may affect eligibility.

NEW SECTION

WAC 388-540-015 Client eligibility for kidney disease program (KDP). Clients must meet the following criteria to be considered KDP eligible:

(1) Be a Washington state resident;

(2) Be diagnosed with end-stage renal disease (ESRD);

(3) Be determined ineligible for Medicaid;

(4) Exhaust or be ineligible for all other resources providing similar benefits;

(5) Have countable income which is equal to or less than:

(a) Two hundred percent of the federal poverty level (FPL) or;

(b) Three hundred percent of the FPL with an annual deductible required equal to the income amount which is in excess of two hundred percent of the FPL.

(6) Have countable resources that are either equal to or less than fifteen thousand dollars, or are exempt. Exempt resources are:

(a) A home, defined as real property owned by a client as principal place of residence together with surrounding and contiguous property, not to exceed five acres;

(b) Household furnishings; and

(c) An automobile.

(7) The effective date of eligibility is the first day of the month the application for eligibility is signed by the client.

NEW SECTION

WAC 388-540-025 Kidney disease program (KDP) eligibility determination. The kidney center and client must comply with the following rules to determine KDP eligibility:

(1) The KDP contractor must:

(a) Inform the client of the requirements for KDP eligibility as defined in this chapter and provide the client with necessary department forms and instructions;

(b) Determine client eligibility using department policies, rules, and instructions; and

(c) Forward the completed application for eligibility, and the application documentation to the KDP program manager at the medical assistance administration (MAA). (The KDP program manager may amend or terminate a client's certification period within thirty days of receipt if the application is incomplete or inaccurate.)

(2) A person applying for KDP must:

(a) Complete the application for eligibility and submit any necessary documentation to the kidney center;

(b) Apply for Medicaid, obtain a written Medicaid medical assistance determination letter, submit a copy to the kidney center; and

(c) Apply for Medicare.

(3) A client reapplying for continued eligibility must:

(a) Complete the KDP application for eligibility and submit any documentation necessary to determine eligibility to the kidney center;

(b) Apply for Medicaid forty-five days before the end of the KDP certification period, obtain a written Medicaid eligibility determination, and submit a copy to the kidney center; or

(c) Have applied for Medicaid within the previous five years and continue to be ineligible.

(4) The KDP application period is:

(a) One hundred and twenty days for a new client; and

(b) Forty-five days prior to the end of a certification period for a client requesting recertification.

(5) The KDP contractor may request an extension of application time limits from MAA when extenuating circumstances prevent the client from completing the application or recertification process within the specified time limits.

(6) The KDP contractor certifies the client for no more than one year from the first day of the month of application, unless the client:

(a) Needs medical coverage for less than one year; or

(b) Has a substantial financial change, in which case the client must complete a new application for eligibility.

NEW SECTION

WAC 388-540-035 Kidney disease program (KDP)—Transfer of resources without adequate consideration. A person may be ineligible for the KDP if the person knowingly and willfully assigns or transfers nonexempt resources at less than fair market value within two years preceding the date of application, for the purpose of qualifying or continuing to qualify for the program.

NEW SECTION

WAC 388-540-045 Kidney disease program (KDP) provider requirements. (1) The KDP contractor must:

(a) Be a Medicare-certified end-stage renal disease (ESRD) facility; and

(b) Have a valid KDP client services contract with the department.

(2) The KDP contractor must provide, directly or through an affiliate:

(a) Professional consultation, personal instructions, medical treatment and care, drug products and all supplies necessary for carrying out a medically-sound end-stage renal disease (ESRD) treatment program;

(b) Dialysis for clients with ESRD when medically indicated;

(c) Kidney transplant treatment, either directly or by referral, when medically indicated;

(d) Treatment for conditions directly related to ESRD such as anemia or venous access infections; and

(e) Supplies and equipment for home dialysis.

(3) The provider must maintain adequate records for audit and review purposes, including:

(a) Medical charts and records that meet the requirements of WAC 388-502-0020; and

(b) Eligibility determination records.

(4) The contractor must meet other obligations as required by their contract with the KDP program.

NEW SECTION

WAC 388-540-055 Kidney disease program (KDP) covered services. The KDP program covers the cost of health care services essential to the treatment of end stage renal disease (ESRD) and its complications. Covered services include:

(1) Mandatory services that must be provided by the KDP contractor:

(a) Dialysis:

(i) Center dialysis—Covers the cost of dialysis and related services provided in a kidney center;

(ii) Home dialysis—Covers the cost of providing dialysis and related services in the home; and

(iii) Dialysis while hospitalized—Covers the cost of dialysis and related services while the client is confined to an acute care facility and is unable to dialyze at his/her regular site.

(b) Medication—As defined in the approved drug list in the KDP manual.

(2) Optional services that may be provided by the KDP contractor:

(a) Venous access surgery—Covers costs associated with surgically preparing the client for dialysis and medical complications related to the venous access site;

(b) Laboratory tests and x-rays considered to be part of the overall treatment plan for ESRD;

(c) Post-transplant visit to assess client's ESRD status; and

(d) Health insurance premiums including co-pays and deductibles, when found to be cost-effective.

NEW SECTION

WAC 388-540-065 Kidney disease program (KDP)—Reimbursement. (1) The medical assistance administration (MAA) reimburses KDP contractors:

(a) Within the limits of legislative funding for the program;

(b) According to the terms of each kidney center's contract with the department; and

(c) According to the provisions of the KDP contract manual.

(2) The KDP contractor must submit the following documentation to MAA:

(a) A description of the services for which reimbursement is requested; and

(b) Statement of client's financial eligibility for the KDP.

(3) MAA limits KDP reimbursement for out-of-state services to fourteen days per calendar year. Reimbursement is paid only to KDP contractors. Out-of-state dialysis providers must operate under sub-contract or agreement with an in-

state KDP contractor in order to receive reimbursement under this program.

KIDNEY CENTER SERVICES

NEW SECTION

WAC 388-540-101 Purpose and scope. This section describes the medical assistance administration (MAA) reimbursement rules for free-standing kidney centers providing dialysis and end-stage renal disease services to MAA clients.

NEW SECTION

WAC 388-540-105 Definitions. The following definitions and those found in WAC 388-500-0005, apply to this chapter.

"Acute dialysis" means dialysis given to patients who are not ESRD patients, but who require dialysis of temporary kidney failure due to a sudden trauma (e.g., traffic accident or ingestion of certain drugs, etc.).

"Affiliate" means a facility, hospital, unit, business, or person having an agreement with a kidney center to provide specified services to ESRD patients.

"Agreement" means a written document executed between an ESRD facility and another facility in which the other facility agrees to assume responsibility for furnishing specified services to patients and for obtaining reimbursement for those services.

"Back-up dialysis" means dialysis given to a patient under special circumstances, in a situation other than the patient's usual dialysis environment. Examples are:

- (1) Dialysis of a home dialysis patient in a dialysis facility when patient's equipment fails;
- (2) Inhospital dialysis when the patient's illness requires more comprehensive care on an inpatient basis;
- (3) Pre- and post-operative dialysis provided to transplant patients.

"Composite rate" means a payment method in which all standard equipment, supplies, and services are calculated into a blended rate. All in-facility dialysis and all home dialysis treatments are billed under the composite rate system.

"Continuous ambulatory peritoneal dialysis (CAPD)" means a type of dialysis where the patient's peritoneal membrane is used as the dialyzer. The patient dialyzes at home, using special supplies, but without the need for a machine. (See "Peritoneal dialysis.")

"Continuous cycling peritoneal dialysis (CCPD)" means a type of peritoneal dialysis where the patient dialyzes at home and utilizes an automated peritoneal cyclor for delivering dialysis.

"Dialysate" means an electrolyte solution, containing elements such as potassium, sodium chloride, etc., surrounding the membrane or fibers and allowing exchange of substances with the patient's blood in the dialyzer.

"Dialysis" means a process by which dissolved substances are removed from a patient's body by diffusion from one fluid compartment to another across a semipermeable membrane.

"Dialysis session" means the period of time beginning when the patient arrives at the facility and ending when the

patient departs from the facility. In the case of home dialysis, the time period beginning when the patient prepares for dialysis and ending when the patient is disconnected from the machine.

"Dialyzer" means the synthetic porous membrane or fibers, contained in a supporting structure, through which blood flows for the purpose of eliminating harmful substances, and replacing them with useful ones.

"Drug-related supplies" means nonpharmaceutical items necessary for administration or delivery of a drug.

"Durable medical equipment (DME)" means equipment that:

- (1) Can withstand repeated use;
- (2) Is primarily and customarily used to serve a medical purpose;
- (3) Generally is not useful to a person in the absence of illness or injury; and
- (4) Is appropriate for use in the client's place of residence.

"End-stage renal disease (ESRD)" means the stage of renal impairment that is irreversible and permanent, and requires dialysis or kidney transplant to ameliorate uremic symptoms and maintain life.

"Epoetin alpha (EPO)" means the biologically engineered protein that stimulates the bone marrow to make new red blood cells. It is used in the treatment of anemia.

"Free-standing kidney center" means a limited care facility, not operated by a hospital, certified by the federal government to provide ESRD services.

"Hemodialysis" means a method of dialysis in which blood from a patient's body is circulated through an external device or machine and then returned to the patient's bloodstream. Hemodialysis is usually done in a kidney center or facility. It can be done at home with a trained dialysis helper.

"Home dialysis" means any dialysis performed at home.

"Home dialysis helper" means a person trained to assist the client in home dialysis.

"In-facility dialysis," for the purpose of this chapter only, in-facility dialysis means dialysis of any type performed on the premises of a kidney center or other free-standing ESRD facility.

"Intermittent peritoneal dialysis (IPD)" means a type of peritoneal dialysis in which dialysis solution is infused into the peritoneal cavity, allowed to remain there for a period of time, and then drained out. IPD is usually done in a kidney center or facility. It can be done at home with a trained home dialysis helper.

"Kidney center" means a facility as defined and certified by the federal government to:

- (1) Provide ESRD services;
- (2) Provide the services specified in this chapter; and
- (3) Promote and encourage home dialysis for a client when medically indicated.

"Maintenance dialysis" means the usual periodic dialysis treatments given to a client who has ESRD.

"Peritoneal dialysis" means a procedure that introduces dialysate into the abdominal cavity to remove waste products through the peritoneum. Three forms of peritoneal dialysis are continuous ambulatory peritoneal dialysis, continuous

cycling peritoneal dialysis, and intermittent peritoneal dialysis.

"**Self-dialysis unit**" means a unit in a free-standing kidney center where dialysis is performed by an ESRD client who has completed training in self-dialysis.

"**Standard ESRD lab tests**" means certain laboratory tests that the Centers for Medicare and Medicaid include in their composite rate calculations. These tests are identified in MAA's kidney center billing instructions.

"**Take home drugs**" means outpatient prescription drugs that are administered outside of a provider's office.

NEW SECTION

WAC 388-540-110 Eligibility. (1) To be eligible for the kidney center services described in this section, a client must be diagnosed with end-stage renal disease (ESRD) or acute renal failure and be covered under one of the following programs:

- (a) Categorically needy program (CNP);
- (b) Children's health insurance program (CHIP);
- (c) General assistance-unemployable (GAU);
- (d) Limited casualty program—Medically needy program (MNP);
- (e) Alien emergency medical; or
- (f) Qualified Medicare beneficiary (QMB)—(MAA pays only for Medicare premium, co-insurance and deductible).

(2) Managed care enrollees must have dialysis services arranged directly through their designated plan.

NEW SECTION

WAC 388-540-120 Provider requirements. To receive reimbursement from the medical assistance administration (MAA) for providing care to MAA clients, a kidney center must:

(1) Be a Medicare-certified end-stage renal disease (ESRD) facility and have a signed core provider agreement with MAA (see chapter 388-502 WAC);

(2) Meet requirements found in chapter 388-502 WAC;

(3) Provide only those services within the scope of their provider's license; and

(4) Provide, either directly or through an affiliate, all physical facilities, professional consultation, personal instructions, medical treatment, care, and all supplies necessary for carrying out an medically-sound ESRD treatment program, including all of the following:

- (a) Dialysis for ESRD clients;
- (b) Kidney transplant treatment, either directly or by referral, for ESRD clients when medically indicated;
- (c) Treatment for conditions directly related to ESRD;
- (d) Training and supervision of supporting personnel and clients for home dialysis, medical care, and treatment; and
- (e) Supplies and equipment for home dialysis.

NEW SECTION

WAC 388-540-130 Covered services. (1) The medical assistance administration (MAA) covers the following services and supplies subject to the restrictions and limitations in this section and other applicable published WAC:

- (a) In-facility dialysis;
- (b) Home dialysis;
- (c) Training for self-dialysis;
- (d) Home dialysis helpers;
- (e) Dialysis supplies;
- (f) Diagnostic lab work;
- (g) Treatment for anemia; and
- (h) Intravenous drugs.

(2) Covered services are subject to the limitations specified by MAA. Providers must obtain prior authorization (PA) or expedited prior authorization (EPA) before providing services that exceed specified limits in quantity, frequency or duration (refer to WAC 388-501-0165 for the PA process).

NEW SECTION

WAC 388-540-140 Noncovered services. (1) The medical assistance administration (MAA) does not reimburse kidney centers for the following:

- (a) Blood and blood products (refer to WAC 388-540-190);
- (b) Personal care items such as slippers, toothbrushes, etc.; or
- (c) Additional staff time or personnel costs. Staff time is paid through the composite rate. Home dialysis helpers are the only personnel cost paid outside the composite rate (refer to WAC 388-540-160).

(2) MAA reviews all initial requests for noncovered services based on WAC 388-501-0165.

NEW SECTION

WAC 388-540-150 Reimbursement—General. (1) Kidney center services described in this section are paid by one of two methods:

(a) **Composite rate payments**—This is a payment method in which all standard equipment, supplies and services are calculated into a blended rate.

(i) A single dialysis session and related services are reimbursed through a single composite rate payment (refer to WAC 388-540-160).

(ii) Composite rate payments for continuous ambulatory peritoneal dialysis (CAPD) or continuous cycling peritoneal dialysis (CCPD) are limited to thirty-one per month for an individual client.

(iii) Composite rate payments for all other types of dialysis sessions are limited to fourteen per month for an individual client.

(b) **Noncomposite rate payments**—End-stage renal disease (ESRD) services and items covered by the medical assistance administration (MAA) but not included in the composite rate are billed and paid separately (refer to WAC 388-540-170).

(2) **Limitation extension request**—MAA evaluates billings for covered services that are subject to limitations or other restrictions, and approves such services beyond those limitations or restrictions when medically necessary, under the standards of WAC 388-501-0165.

(3) **Take-home drugs**—MAA reimburses kidney centers for take-home drugs only when they meet the conditions described in WAC 388-540-170(1). Other drugs for at-home

use must be billed by a pharmacy and be subject to MAA pharmacy rules.

(4) **Medical nutrition**—Medical nutrition products must be billed by a pharmacy or a durable medical equipment (DME) provider.

(5) **Medicare eligible clients**—MAA does not reimburse kidney centers as a primary payer for Medicare eligible clients.

NEW SECTION

WAC 388-540-160 Items and services included in the composite rate. (1) The following equipment, supplies, and services for in-facility and home dialysis are included in the composite rate:

- (a) Medically necessary dialysis equipment;
 - (b) All dialysis services furnished by the facility's staff;
 - (c) Standard end-stage renal disease laboratory tests (refer to WAC 388-540-180);
 - (d) Home dialysis support services including delivery, installation, and maintenance of equipment;
 - (e) Purchase and delivery of all necessary dialysis supplies;
 - (f) Declotting of shunts and any supplies used to declog shunts;
 - (g) Oxygen and the administration of oxygen;
 - (h) Staff time used to administer blood and nonroutine parenteral items;
 - (i) Noninvasive vascular studies; and
 - (j) Training for self-dialysis and home dialysis helpers.
- (2) The medical assistance administration (MAA) issues a composite rate payment only when all of the above items and services are furnished or available at each dialysis session.
- (3) If the facility fails to furnish or have available any of the above items, MAA does not pay for any part of the items and services that were furnished.

NEW SECTION

WAC 388-540-170 Items and services not included in the composite rate. The following items and services are not included in the composite rate and must be billed separately, subject to the restrictions or limitations in this section and other applicable published WAC:

- (1) Drugs related to treatment, including but not limited to epoetin alpha (EPO) and diazepam. The drug must:
 - (a) Be prescribed by a physician;
 - (b) Meet the rebate requirements described in WAC 388-530-1125; and
 - (c) Meet the requirements of WAC 246-905-020 when provided for home use.
- (2) Supplies used to administer drugs and blood;
- (3) Blood processing fees charged by the blood bank (refer to WAC 388-540-190); and
- (4) Home dialysis helpers.

NEW SECTION

WAC 388-540-180 Laboratory services. (1) Laboratory services included in the composite rate, performed by

either the facility or an independent laboratory, must not be billed separately except as provided for in (b) of this subsection:

(a) Standard end-stage renal disease (ESRD) lab tests are included in the composite rate when performed at recommended intervals (see billing instructions for current list).

(b) The standard ESRD lab tests referred to in (a) of this subsection can be reimbursed separately from the composite rate only when it is medically necessary to test more frequently:

- (i) Proof of medical necessity must be documented in the client's medical record when billing for more frequent testing. A diagnosis of end-stage renal disease is not sufficient;
- (ii) The claim must include information on the nature of the illness or injury (diagnosis, complaint or symptom) requiring the performance of the test(s); or
- (iii) An ICD-9CM diagnosis code may be shown in lieu of a narrative description.

(2) All separately-billable, ESRD laboratory services must be billed by and reimbursed to the lab that performs the test.

NEW SECTION

WAC 388-540-190 Blood products and services. (1) The medical assistance administration (MAA) reimburses free-standing kidney centers for:

- (a) Blood processing and other fees assessed by non-profit blood centers that do not charge for the blood or blood products themselves; and
 - (b) Costs incurred by the center to administer its in-house blood procurement program.
- (2) MAA does not reimburse centers for blood or blood products (refer to WAC 388-550-6500).
- (3) Staff time used to administer blood or blood products is reimbursed only through the composite rate (refer to WAC 388-540-150 and 388-540-160).

NEW SECTION

WAC 388-540-200 Epoetin alpha (EPO) therapy. The medical assistance administration (MAA) reimburses the kidney center for EPO therapy when:

- (1) Administered in the kidney center to a client:
 - (a) With a hematocrit less than thirty-three percent or a hemoglobin less than eleven when therapy is initiated;
 - (b) Continuing EPO therapy with a hematocrit between thirty and thirty-six percent; or
 - (c) Medical justification documented in the client's record is required for hematocrits greater than thirty-six or hemoglobins greater than twelve. Medical justification includes:
 - (i) Documentation that dose is being titrated downward to bring a patient's hematocrit back within target range; or
 - (ii) Documentation that it is medically necessary for the client to have a target hematocrit greater than thirty-six percent.

(2) Provided to a home dialysis client:

- (a) Under the same hematocrit/hemoglobin guidelines as stated in (1)(a) and (b) of this section; and

(b) When permitted by Washington Board of Pharmacy Rules. (Refer to WAC 246-905-020 Home dialysis program—Legend drugs.)

NEW SECTION

WAC 388-540-210 Injectable drugs given in the kidney center. Injectable drugs administered in the kidney center are reimbursed up to the medical assistance administration's (MAA) published maximum fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-540-010	Services.
WAC 388-540-020	Reimbursement.
WAC 388-540-030	KDP eligibility requirements.
WAC 388-540-040	Transfer of resources without adequate consideration.
WAC 388-540-050	Fiscal information.
WAC 388-540-060	KDP eligibility determination.

WSR 03-22-003

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed October 22, 2003, 3:44 p.m., effective January 1, 2004]

Date of Adoption: October 21, 2003.

Purpose: WAC 251-04-035 stipulates exemptions from Title 251 WAC, including the Washington Personnel Resources Board's definitions for students, part-time, or temporary employees, and part-time professional consultants as stated in chapter 41.06 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 251-04-035.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 03-19-129 on September 17, 2003.

Changes Other than Editing from Proposed to Adopted Version: Under WSR 03-19-129 two separate alternatives were proposed. The board adopted the modification to WAC 251-04-035 from alternative #1 but did not act upon WAC 251-14-015, which was also proposed as part of alternative #1.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 1, 2004.

October 21, 2003

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 03-13-051, filed 6/12/03, effective 6/12/03)

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.

(i) Employees who are either exempt under WAC 251-04-035 (2)(d) or exceptions authorized under WAC 251-19-120(8), and who work more than three hundred fifty hours in

PERMANENT

any twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, exclusive of overtime or time worked under subsection (2)(a) of this subsection, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the Public Employment Relations Commission.

(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.

WSR 03-22-012

PERMANENT RULES

FORENSIC INVESTIGATIONS COUNCIL

[Filed October 24, 2003, 11:03 a.m., effective December 1, 2003]

Date of Adoption: October 24, 2003.

Purpose: To set forth procedures governing applications for state death investigations account assistance.

Statutory Authority for Adoption: RCW 43.103.090 (1)(d).

Adopted under notice filed as WSR 03-19-099 on September 15, 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 6, 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 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: December 1, 2003.

October 24, 2003

Fred A. Johnson

Chair

RULES RELATING TO THE AUTHORIZATION OF FUNDING ASSISTANCE TO LOCAL JURISDICTIONS FOR THE INVESTIGATION OF MULTIPLE DEATHS

NEW SECTION

WAC 218-10-005 Authority. This chapter is adopted pursuant to Chapter 142, Washington Laws of 1999, relating to the authority of the Forensic Investigations Council to prescribe rules governing the disbursement of funds to local jurisdictions to assist them in the investigation of multiple

deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions.

[NEW SECTION]

WAC 218-10-010 Purpose. The purpose of this chapter is to set forth the procedures governing all applications for state death investigations account assistance.

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

[NEW SECTION]

WAC 218-10-015 Definitions. (1) "Death investigation budget" shall mean the local jurisdiction's appropriation into the coroner or medical examiner budgets for the determination of cause and manner of death.

(2) "Local jurisdiction" shall mean a city, town, or county of the State of Washington.

(3) "Multiple deaths involving multiple local jurisdictions" shall mean that the deaths occurred in two or more geographically distinct local jurisdictions.

(4) "Unanticipated" shall mean an event having a disproportionate fiscal impact, relative to the local jurisdiction's death investigation budget and which cannot be reasonably foreseen in the normal budget process.

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

[NEW SECTION]

WAC 218-10-020 Eligibility standards. (1) Only the following investigations are eligible for funding assistance:

(a) Investigations of multiple deaths involving unanticipated, extraordinary, and catastrophic events; or

(b) Investigations of multiple deaths involving multiple local jurisdictions.

(2) Funding assistance shall be limited to supplementations of the death investigation budget of a local jurisdiction.

(3) Funding assistance shall not be used to supplant monies reasonably available from other state or federal sources.

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

[NEW SECTION]

WAC 218-10-025 Application process. To qualify for consideration and eligibility for assistance from the state death investigations account, the legislative authority of the local jurisdiction shall:

(1) Submit to the Forensic Investigations Council an application on a form approved by the Council; and

(2) Provide any additional information requested by the Forensic Investigations Council, in order to evaluate the request for assistance.

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

[NEW SECTION]

WAC 218-10-030 Effective date. (1) This Rule shall take effect on December 1, 2003.

(2) Funding assistance shall be available only for death investigations that commenced after August 1, 2003.

PERMANENT

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

WSR 03-22-020
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed October 27, 2003, 10:20 a.m.]

Date of Adoption: October 15 [17], 2003.

Purpose: The amendments increase the fees for the attached programs by percentages allowable within I-601 limitations.

Citation of Existing Rules Affected by this Order: Amending WAC 246-310-990 Certificate of need review fees, 3.2%, 246-320-990 Acute care hospital fees, 3% increase, 246-322-990 Private psychiatric hospital fees, 3% increase, 246-324-990 Alcoholism hospital fees, 3% increase, 246-325-990 Adult residential rehabilitation center fees, 3.2%, 246-326-990 Alcoholism treatment facility fees, 3.2% increase, 246-329-990 Childbirth center fees, 3.2% increase, 246-335-990 In-home services fees, 3.2% increase, and 246-380-990 Survey fees for institutions and facilities, 3.2% increase.

Statutory Authority for Adoption: RCW 43.70.250 and 70.38.105(5).

Adopted under notice filed as WSR 03-18-092 on September 2, 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 9, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
 Secretary

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of ~~((fifty-one))~~ fifty-three dollars and ~~((eighty-five))~~ forty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of ~~((fifty-one))~~ fifty-three dollars and ~~((eighty-five))~~ forty cents for each licensed bed space.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ~~((eighty-four))~~ eighty-six dollars and ~~((thirty))~~ eighty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-322-990 Private psychiatric hospital fees. Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((fifty-one))~~ fifty-three dollars and ~~((eighty-five))~~ forty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of one hundred (~~twenty-eight~~) thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the ARRC;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and
- (3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-326-990 Fees. Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of one hundred (~~twenty-eight~~) thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

- (3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 02-13-061, filed 6/14/02, effective 7/15/02)

WAC 246-329-990 Fees. Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred (~~thirty~~) forty-seven dollars and eighty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

AMENDATORY SECTION (Amending WSR 02-18-026, filed 8/23/02, effective 10/1/02)

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

- (a) An initial twelve-month license fee of one thousand five hundred forty-eight dollars for each service category for new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;
- (b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows:
- (c) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	\$(1,500.00) <u>1,548.00</u>	\$(750.00) <u>774.00</u>	\$(450.00) <u>464.40</u>	5 or less	\$(500.00) <u>516.00</u>
6 to 15	\$(2,110.00) <u>2,177.50</u>	\$(790.00) <u>815.30</u>	\$(815.00) <u>841.10</u>	6 to 10	\$(1,000.00) <u>1,032.00</u>
16 to 50	\$(2,400.00) <u>2,476.80</u>	\$(1,174.99) <u>1,212.60</u>	\$(875.00) <u>903.00</u>	11 to 15	\$(1,500.00) <u>1,548.00</u>
51 to 100	\$(3,025.00) <u>3,121.80</u>	\$(1,882.29) <u>1,942.50</u>	\$(1,025.00) <u>1,057.80</u>	16 to 20	\$(2,000.00) <u>2,064.00</u>
101 or more	\$(3,115.00) <u>3,214.70</u>	\$(1,980.00) <u>2,043.40</u>	\$(1,100.00) <u>1,135.20</u>		

- (d) For multiple service category licenses:
 - (i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or
 - (ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and
- (e) A change of ownership fee of one hundred (~~fifty~~) fifty-four dollars and eighty cents for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

- (b) A complete on-site survey resulting from a substantiated complaint; or
- (c) A follow-up compliance survey.
- (3) A licensee with deemed status shall pay fees according to this section.
- (4) A licensee shall submit an additional late fee in the amount of twenty-five dollars and eighty cents per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 02-20-040, filed 9/24/02, effective 11/1/02)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Annual Fee Per Facility	Facility/Project Type	Review Fee
(1) Food Service		Ambulatory Surgical Centers/Facilities	\$((12,964)) <u>13,379.00</u>
(a) As defined in WAC 246-215-009(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.	\$ ((550)) <u>567.60</u>	Amendments to Issued Certificates of Need	\$((8,171)) <u>8,432.00</u>
		Emergency Review	\$((5,259)) <u>5,427.00</u>
		Exemption Requests	
		• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	\$((5,259)) <u>5,427.00</u>
(b) Food service establishments or concessions that do not prepare potentially hazardous foods.	\$ ((276)) <u>284.80</u>	• Bed Banking/Conversions	\$((856)) <u>883.00</u>
(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.		• Determinations of Nonreviewability	\$((1,222)) <u>1,261.00</u>
		• Hospice Care Center	\$((1,101)) <u>1,136.00</u>
		• Nursing Home Replacement/Renovation Authorizations	\$((1,101)) <u>1,136.00</u>
		• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	\$((1,101)) <u>1,136.00</u>
(2) State institutions or facilities.		• Rural Hospital/Rural Health Care Facility	\$((1,101)) <u>1,136.00</u>
(a) Institutions or facilities operating a food service: The annual fee shall be nine dollars times the population count plus five hundred (fifty) <u>sixty-seven</u> dollars and <u>sixty cents</u> . The population count shall mean the average daily population for the past twelve months (January through December).		Extensions	
(b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars times the population count.		• Bed Banking	\$((489)) <u>505.00</u>
(c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.		• Certificate of Need/Replacement Renovation Authorization Validity Period	\$((489)) <u>505.00</u>
		Home Health Agency	\$((15,654)) <u>16,155.00</u>
		Hospice Agency	\$((13,942)) <u>14,388.00</u>
		Hospice Care Centers	\$((8,171)) <u>8,432.00</u>
		Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	\$((25,684)) <u>26,506.00</u>
		Kidney Disease Treatment Centers	\$((15,900)) <u>16,409.00</u>
		Nursing Homes (Including CCRCs and TCUs)	\$((29,354)) <u>30,293.00</u>

PERMANENT

AMENDATORY SECTION (Amending WSR 03-07-096, filed 3/19/03, effective 4/19/03)

WAC 246-310-990 Certificate of need review fees. (1) An application for a certificate of need under chapter 246-310 WAC must include payment of a fee consisting of the following:

- (a) A review fee based on the facility/project type;
- (b) If more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

(2) The fee for amending a pending certificate of need application is determined as follows:

- (a) If an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) If an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) If an amendment to a pending certificate of need application results in any other change as identified in WAC 246-310-100, a fee of one thousand three hundred (~~nine~~) fifty-one dollars must accompany the amendment application.

(3) If a certificate of need application is returned by the department under WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) If an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) If an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) If an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions are non-refundable.

WSR 03-22-021

PERMANENT RULES

DEPARTMENT OF HEALTH

(Recreational Therapy)

[Filed October 27, 2003, 10:21 a.m.]

Date of Adoption: September 23, 2003.

Purpose: All practitioners must demonstrate completion of AIDS education prior to initially obtaining a health care credential. The proposed rule establishes the number of hours of AIDS education and training that are required for recreational therapists.

Statutory Authority for Adoption: Chapter 18.230 RCW and RCW 70.24.270.

Other Authority: RCW 70.24.250.

Adopted under notice filed as WSR 03-17-057 on August 18, 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 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 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

M. C. Selecky
Secretary

AIDS REQUIREMENT

NEW SECTION

WAC 246-927-010 How many hours of AIDS prevention and information education do I need? Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

WSR 03-22-024

PERMANENT RULES

BOARD FOR VOLUNTEER

FIREFIGHTERS AND RESERVE OFFICERS

[Filed October 27, 2003, 11:10 a.m., effective January 1, 2004]

Date of Adoption: October 23, 2003.

Purpose: Amending chapter 491-02 WAC to adopt new actuarial tables for use in calculating joint survivor pensions, survivor pensions, and lump sum settlements for pensions.

Citation of Existing Rules Affected by this Order: Amending chapter 491-02 WAC.

Statutory Authority for Adoption: RCW 41.24.290(2).

Adopted under notice filed as WSR 03-19-095 on September 15, 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: January 1, 2004.

October 27, 2003
Brigitte K. Smith
Executive Secretary

AMENDATORY SECTION (Amending WSR 99-21-052, filed 10/18/99, effective 1/1/00)

WAC 491-02-095 Actuarial tables, schedules, and factors. This chapter contains the tables, schedules, and fac-

tors adopted by the board for volunteer fire fighters and reserve officers pursuant to the authority granted by RCW 41.24.185 for calculating optional retirement allowances of members of retirement systems administered by the board. These tables, schedules, and factors were adopted by the board upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from January 1, ((2000)) 2004, until such time as these tables, schedules, and factors are amended by the board following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before January 1, ((2000)) 2004, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the board in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

((BOARD FOR VOLUNTEER FIRE FIGHTERS
TABLE #1

JOINT/SURVIVORS PENSION

MEMBER YOUNGER

Age Difference	Option II (100%)
-20	0.948
-19	0.945
-18	0.940
-17	0.936
-16	0.933
-15	0.929
-14	0.925
-13	0.921
-12	0.916
-11	0.910
-10	0.906
-9	0.900
-8	0.895
-7	0.889
-6	0.882
-5	0.876
-4	0.868
-3	0.860
-2	0.849
-1	0.836

MEMBER OLDER

Age Difference	Option II (100%)
0	0.822
1	0.808
2	0.796

3	0.787
4	0.782
5	0.778
6	0.773
7	0.766
8	0.757
9	0.746
10	0.736
11	0.729
12	0.724
13	0.720
14	0.715
15	0.711
16	0.708
17	0.704
18	0.702
19	0.698
20	0.695
21	0.692
22	0.689
23	0.686
24	0.683
25	0.681
26	0.679
27	0.677
28	0.675
29	0.673
30	0.671
31	0.669
32	0.668
33	0.667
34	0.666
35	0.664
36	0.663
37	0.662
38	0.661
39	0.660
40	0.659

Age difference = member's age minus beneficiary's age

BOARD FOR VOLUNTEER FIRE FIGHTERS
TABLE #2

SURVIVORS PENSION

0	0	1.0000
	1	.9915
	2	.9830
	3	.9746
	4	.9661
	5	.9576

PERMANENT

PERMANENT

Permanent

5843	3				5991	6
5797	4				9407	7
5751	5				9322	8
5705	6				9237	9
5659	7				9152	10
5613	8				9068	11
5567	9				8983	0
5521	10				8908	1
5475	11				8834	2
5429	0	6			8759	3
5388	1				8685	4
5347	2				8610	5
5306	3				8536	6
5265	4				8461	7
5224	5				8387	8
5182	6				8312	9
5141	7				8238	10
5100	8				8163	11
5059	9				8089	0
5018	10				8023	1
4977	11			7	7957	2
4936	0				7892	3
4899	1				7826	4
4862	2				7760	5
4825	3				7694	6
4789	4				7629	7
4752	5				7563	8
4715	6				7497	9
4678	7				7431	10
4642	8				7366	11
4605	9				7300	0
4568	10				7242	1
4531	11				7183	2
4494	0	8			7125	3
4461	1				7067	4
4428	2				7009	5
4395	3				6951	6
4362	4				6892	7
4329	5				6834	8
4296	6				6776	9
4263	7				6718	10
4230	8				6660	11
4197	9				6601	0
4164	10				6550	1
4131	11			9	6498	2
4098	0				6446	3
4068	1				6395	4
4039	2				6343	5
4009	3				6291	6
3979	4				6240	7
3950	5				6188	8
3920	6				6136	9
3890	7				6085	10
3860	8				6033	11
3831	9				5981	0
3801	10				5935	1
3771	11				5889	2

10	0	-3742		9	-2468
	1	-3715		10	-2450
	2	-3688		11	-2432
	3	-3661	15	0	-2414
	4	-3635		1	-2398
	5	-3608		2	-2381
	6	-3581		3	-2365
	7	-3554		4	-2348
	8	-3528		5	-2332
	9	-3501		6	-2316
	10	-3474		7	-2299
	11	-3447		8	-2283
11	0	-3420		9	-2267
	1	-3396		10	-2250
	2	-3372		11	-2234
	3	-3348	16	0	-2218
	4	-3324		1	-2203
	5	-3300		2	-2188
	6	-3275		3	-2173
	7	-3251		4	-2158
	8	-3227		5	-2143
	9	-3203		6	-2128
	10	-3179		7	-2113
	11	-3154		8	-2098
12	0	-3130		9	-2084
	1	-3108		10	-2069
	2	-3087		11	-2054
	3	-3065	17	0	-2039
	4	-3043		1	-2025
	5	-3021		2	-2012
	6	-2999		3	-1998
	7	-2977		4	-1985
	8	-2955		5	-1971
	9	-2933		6	-1957
	10	-2912		7	-1944
	11	-2890		8	-1930
13	0	-2868		9	-1917
	1	-2848		10	-1903
	2	-2828		11	-1890
	3	-2808	18	0	-1876
	4	-2789		1	-1864
	5	-2769		2	-1851
	6	-2749		3	-1839
	7	-2729		4	-1826
	8	-2709		5	-1814
	9	-2689		6	-1802
	10	-2670		7	-1789
	11	-2650		8	-1777
14	0	-2630		9	-1764
	1	-2612		10	-1752
	2	-2594		11	-1740
	3	-2576	19	0	-1727
	4	-2558		1	-1716
	5	-2540		2	-1705
	6	-2522		3	-1693
	7	-2504		4	-1682
	8	-2486		5	-1671

PERMANENT

1132	3				
1124	4				
1117	5				
1110	6				
1102	7				
1095	8				
1088	9				
1080	10				
1073	11				
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1059	1				
1052	2				
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1019	7				
1012	8				
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0998	10				
0992	11	26			
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0973	2				
0966	3				
0960	4				
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0923	10				
0917	11	27			
0911	0				
0905	1				
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0894	3				
0888	4				
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0877	6				
0871	7				
0865	8				
0860	9				
0854	10				
0848	11	28			
0842	0				
0837	1				
0832	2				
0827	3				
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0790	10				
0785	11				
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1614	10				
1603	11				
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1540	5				
1529	6				
1519	7				
1509	8				
1498	9				
1488	10				
1478	11				
1467	0	21			
1458	1				
1448	2				
1439	3				
1429	4				
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1410	6				
1401	7				
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1382	9				
1372	10				
1363	11				
1353	0	22			
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1209	5				
1201	6				
1193	7				
1185	8				
1177	9				
1169	10				
1161	11				
1153	0	24			
1146	1				
1139	2				

PERMANENT

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0741	8				
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0731	10				
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0627	10				
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0608	3				
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0538	10				
0535	11				
0531	0				
0528	1				
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0506	8				
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0000	3				
0000	4				

PERMANENT

6	.0000			3	.0000
7	.0000			4	.0000
8	.0000			5	.0000
9	.0000			6	.0000
10	.0000			7	.0000
11	.0000			8	.0000
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	2	.0000		11	.0000
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	4	.0000		1	.0000
	5	.0000		2	.0000
	6	.0000		3	.0000
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	9	.0000		6	.0000
	10	.0000		7	.0000
	11	.0000		8	.0000
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	6	.0000			
	7	.0000			
	8	.0000			
	9	.0000			
	10	.0000			
	11	.0000			
43	0	.0000			
	1	.0000			
	2	.0000			

BOARD FOR VOLUNTEER FIRE FIGHTERS
TABLE #3

LUMP SUM SETTLEMENTS

AGE	FACTOR	AGE	FACTOR
20	13.5031945	60	10.5436530
21	13.4828384	61	10.3813085
22	13.4611435	62	10.2142476
23	13.4380193	63	10.0431489
24	13.4133963	64	9.8688692
25	13.3871605	65	9.6924284
26	13.3592278	66	9.5149814
27	13.3294828	67	9.3377061
28	13.2978313	68	9.1617871
29	13.2641359	69	8.9884173
30	13.2283033	70	8.8188080
31	13.1901943	71	8.6543209
32	13.1496774	72	8.4968388
33	13.1066190	73	8.3489101
34	13.0608717	74	8.2138433
35	13.0124419	75	8.0958080
36	12.9608581	76	7.9752319
37	12.9060159	77	7.84162108
38	12.8477966	78	7.6984515
39	12.7860919	79	6.7697852
40	12.7208125	80	6.4606387
41	12.6518603	81	6.1625724
42	12.5791754	82	5.8728597
43	12.5027332	83	5.5923305
44	12.4225027	84	5.3202466

AGE	FACTOR	AGE	FACTOR	Member Younger		Member Older	
				Age Differ- ence	Option 2 100%	Age Differ- ence	Option 2 100%
45	12.3384922	85	5.0556034				
46	12.2507383	86	4.7984798	-10	0.927	10	0.805
47	12.1592074	87	4.5483893	-9	0.923	11	0.802
48	12.0638174	88	4.3052420	-8	0.920	12	0.787
49	11.9644609	89	4.0701933	-7	0.916	13	0.784
50	11.8609398	90	3.8435578	-6	0.912	14	0.780
51	11.7530134	91	3.6246900	-5	0.908	15	0.777
52	11.6404264	92	3.4128550	-4	0.901	16	0.773
53	11.5229103	93	3.2069188	-3	0.896	17	0.770
54	11.4002076	94	3.0106933	-2	0.889	18	0.767
55	11.2720392	95	2.8258567	-1	0.879	19	0.764
56	11.1381509	96	2.6477190			20	0.762
57	10.9983815	97	2.4748732			21	0.759
58	10.8526988	98	2.3066632			22	0.756
59	10.7011985	99	2.1427960))			23	0.754
						24	0.752
						25	0.750
						26	0.748
						27	0.746
						28	0.744
						29	0.743
						30	0.741
						31	0.740
						32	0.738
						33	0.737
						34	0.736
						35	0.735
						36	0.734
						37	0.733
						38	0.732
						39	0.731
						40	0.730

Board for Volunteer Fire Fighters and Reserve Officers

Table #1

Joint/Survivor Pension

Option 2 (Joint and 100% Survivor Pension with Pop-up)

(WAC 415-02-380)

Member Younger		Member Older	
Age Differ- ence	Option 2 100%	Age Differ- ence	Option 2 100%
-20	0.958	0	0.870
-19	0.955	1	0.862
-18	0.952	2	0.857
-17	0.949	3	0.844
-16	0.947	4	0.840
-15	0.944	5	0.836
-14	0.940	6	0.831
-13	0.937	7	0.818
-12	0.934	8	0.814
-11	0.930	9	0.809

Table #2

Survivor Pension

Early Retirement Factors

(WAC 415-02-320)

Years Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.0000	0.9933	0.9866	0.9799	0.9732	0.9665	0.9598	0.9531	0.9464	0.9397	0.9330	0.9263
1	0.9200	0.9133	0.9066	0.8999	0.8932	0.8865	0.8798	0.8731	0.8664	0.8597	0.8530	0.8463
2	0.8400	0.8333	0.8266	0.8199	0.8132	0.8065	0.7998	0.7931	0.7864	0.7797	0.7730	0.7663
3	0.7600	0.7558	0.7516	0.7474	0.7432	0.7390	0.7348	0.7306	0.7264	0.7222	0.7180	0.7138
4	0.7100	0.7058	0.7016	0.6974	0.6932	0.6890	0.6848	0.6806	0.6764	0.6722	0.6680	0.6638
5	0.6600	0.6558	0.6516	0.6474	0.6432	0.6390	0.6348	0.6306	0.6264	0.6222	0.6180	0.6138
6	0.6100	0.6058	0.6016	0.5974	0.5932	0.5890	0.5848	0.5806	0.5764	0.5722	0.5680	0.5638
7	0.5600	0.5558	0.5516	0.5474	0.5432	0.5390	0.5348	0.5306	0.5264	0.5222	0.5180	0.5138

PERMANENT

Years Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
8	0.5100	0.5067	0.5034	0.5001	0.4968	0.4935	0.4902	0.4869	0.4836	0.4803	0.4770	0.4737
9	0.4700	0.4667	0.4634	0.4601	0.4568	0.4535	0.4502	0.4469	0.4436	0.4403	0.4370	0.4337
10	0.4300	0.4267	0.4234	0.4201	0.4168	0.4135	0.4102	0.4069	0.4036	0.4003	0.3970	0.3937
11	0.3900	0.3867	0.3834	0.3801	0.3768	0.3735	0.3702	0.3669	0.3636	0.3603	0.3570	0.3537
12	0.3500	0.3467	0.3434	0.3401	0.3368	0.3335	0.3302	0.3269	0.3236	0.3203	0.3170	0.3137
13	0.3100	0.3083	0.3066	0.3049	0.3032	0.3015	0.2998	0.2981	0.2964	0.2947	0.2930	0.2913
14	0.2900	0.2883	0.2866	0.2849	0.2832	0.2815	0.2798	0.2781	0.2764	0.2747	0.2730	0.2713
15	0.2700	0.2683	0.2666	0.2649	0.2632	0.2615	0.2598	0.2581	0.2564	0.2547	0.2530	0.2513
16	0.2500	0.2483	0.2466	0.2449	0.2432	0.2415	0.2398	0.2381	0.2364	0.2347	0.2330	0.2313
17	0.2300	0.2283	0.2266	0.2249	0.2232	0.2215	0.2198	0.2181	0.2164	0.2147	0.2130	0.2113
18	0.2100	0.2092	0.2084	0.2076	0.2068	0.2060	0.2052	0.2044	0.2036	0.2028	0.2020	0.2012
19	0.2000	0.1992	0.1984	0.1976	0.1968	0.1960	0.1952	0.1944	0.1936	0.1928	0.1920	0.1912
20	0.1900	0.1892	0.1884	0.1876	0.1868	0.1860	0.1852	0.1844	0.1836	0.1828	0.1820	0.1812
21	0.1800	0.1792	0.1784	0.1776	0.1768	0.1760	0.1752	0.1744	0.1736	0.1728	0.1720	0.1712
22	0.1700	0.1692	0.1684	0.1676	0.1668	0.1660	0.1652	0.1644	0.1636	0.1628	0.1620	0.1612
23	0.1600	0.1592	0.1584	0.1576	0.1568	0.1560	0.1552	0.1544	0.1536	0.1528	0.1520	0.1512
24	0.1500	0.1492	0.1484	0.1476	0.1468	0.1460	0.1452	0.1444	0.1436	0.1428	0.1420	0.1412
25	0.1400	0.1392	0.1384	0.1376	0.1368	0.1360	0.1352	0.1344	0.1336	0.1328	0.1320	0.1312
26	0.1300	0.1292	0.1284	0.1276	0.1268	0.1260	0.1252	0.1244	0.1236	0.1228	0.1220	0.1212
27	0.1200	0.1192	0.1184	0.1176	0.1168	0.1160	0.1152	0.1144	0.1136	0.1128	0.1120	0.1112
28	0.1100	0.1092	0.1084	0.1076	0.1068	0.1060	0.1052	0.1044	0.1036	0.1028	0.1020	0.1012
29+	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000	0.1000

**Table #3
Lump-Sum Settlements**

Age	Factor	Age	Factor
20	12.7335330	60	10.0726845
21	12.7191510	61	9.9030688
22	12.7036393	62	9.7274751
23	12.6870065	63	9.5462842
24	12.6688761	64	9.3601408
25	12.6496453	65	9.1682895
26	12.6287501	66	8.9710880
27	12.6062073	67	8.7693452
28	12.5820349	68	8.5617611
29	12.5558736	69	8.3481095
30	12.5281256	70	8.1282574
31	12.4982502	71	7.9049634
32	12.4666517	72	7.7673880
33	12.4331717	73	7.4434669
34	12.3976573	74	7.2070202
35	12.3601450	75	6.9674370
36	12.3203083	76	6.7250943
37	12.2778326	77	6.4800919
38	12.2327750	78	6.2326266
39	12.1844828	79	5.9832374
40	12.1332130	80	5.7325776
41	12.0783450	81	5.4813743
42	12.0199820	82	5.2319096
43	11.9577175	83	4.9851840

Age	Factor	Age	Factor
44	11.8915114	84	4.7422313
45	11.8211694	85	4.5041150
46	11.7461884	86	4.2722117
47	11.6665967	87	4.0482355
48	11.5816343	88	3.8341147
49	11.4912414	89	3.6319683
50	11.3949206	90	3.4438535
51	11.2923916	91	3.2716047
52	11.1841811	92	3.1136352
53	11.0693428	93	2.9700277
54	10.9474827	94	2.8403701
55	10.8184363	95	2.7238456
56	10.6826650	96	2.6193178
57	10.5407844	97	2.5253520
58	10.3917265	98	2.4401933
59	10.2356241	99	2.3616744

**WSR 03-22-025
PERMANENT RULES
DEPARTMENT OF REVENUE**

[Filed October 27, 2003, 11:31 a.m.]

Date of Adoption: October 27, 2003.

Purpose: WAC 458-07-020 provides information about the revaluation of real property for purposes of property taxation in counties that do not revalue all real property each year. It provides information about when an assessor is

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authorized to revalue real property, using appraisal judgment, outside of the approved revaluation cycle. It also provides information about incomplete revaluations and the requirement to provide taxpayers with a revaluation notice when there is any change in the assessed value of real property. This rule has been revised to delete a reference to RCW 90.60.160, a statute that was decodified in September 2001.

WAC 458-07-035 provides information about the listing and valuing of real property for purposes of property taxation, including specific information about the valuation of subdivisions of real property. It also provides information about paying property taxes on a partial interest in real property. This rule has been revised to incorporate recent legislation (chapter 23, Laws of 2003). The legislation provided that, except in certain circumstances, no segregation of real property can be made for purposes of paying property taxes on a partial interest in the property unless all current year and delinquent taxes and assessments on the entire parcel have been paid in full. The law previously only required that all delinquent taxes and assessments on the entire parcel be paid in full before a segregation could be made.

Citation of Existing Rules Affected by this Order: Amending WAC 458-07-020 Revaluation of real property—Multiyear counties and 458-07-035 Listing of property—Subdivisions and segregation of interests.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Adopted under notice filed as WSR 03-17-096 on August 20, 2003; and WSR 03-17-097 on August 20, 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 27, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-01-043, filed 12/7/99, effective 1/7/00)

WAC 458-07-020 Revaluation of real property—Multiyear counties. (1) **Introduction.** This rule provides information about the revaluation of real property in a county where all real property is not revalued each year. It explains when an assessor is authorized to revalue real property using appraisal judgment outside of the approved revaluation cycle.

It also explains what happens when the area of the county being physically inspected and revalued in a particular year is not completed in that year. Finally, this rule explains the requirement that revaluation notices be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property.

(2) **Revaluation cycles.** In a county where all real property is not revalued each year, all real property must be physically inspected and revalued at current true and fair market value on a proportional basis within the county each year of a two, three, or four-year cycle. Approximately equal portions of the taxable property of the county must be physically inspected and revalued each year of the cycle. Alternatively, the department may approve a plan whereby the county assessor physically inspects and revalues all real property in the county once every two years.

~~((2))~~ (3) **Revaluation outside of approved cycle.** In certain circumstances the assessor is authorized to revalue real property, using appraisal judgment, outside of the approved revaluation cycle. These revaluations must not be arbitrary or capricious, nor violate the equal protection clauses of the federal and state Constitutions, nor the uniformity clause of the state Constitution. The assessor may disregard the revaluation cycle and change a property valuation, as appropriate, in the following situations:

(a) If requested by a property owner, when a notice of decision pertaining to the value of real property is received under RCW 36.70B.130 (Notice of decision—Distribution; local project review), ~~((RCW 90.60.160 (Final permit decision—Notice forwarded to county assessor; environmental permit assistance);))~~ chapter 35.22 RCW (First Class Cities), chapter 35.63 RCW (Planning Commissions), chapter 35A.63 RCW (Planning and Zoning in Code Cities), or chapter 36.70 RCW (Planning Enabling Act);

(b) When the owner or person responsible for payment of taxes on any real property petitions the assessor for a reduction in the assessed value in accordance with RCW 84.40.039, within three years of adoption of a restriction by a government entity;

(c) When there has been a "definitive change of land use designation" by an authorized land use authority, and the revaluation is in accordance with RCW 84.48.065;

(d) When a bona fide mistake has been made by the assessor in a prior valuation made within the current valuation cycle. The change in property valuation is not retroactive to the prior year;

(e) When property has been destroyed, in whole or in part, and is entitled to a reduction in value in accordance with chapter 84.70 RCW; or

(f) When property has been subdivided or merged.

~~((3))~~ (4) **Revaluation areas—Incomplete revaluation.** In any year, when the area of the county being physically inspected and revalued is not completed in that year, the portion remaining must be completed before beginning the physical inspection and revaluation of another area in the succeeding year. For any portion of a revaluation area that was not completed in the year intended, the value of real property in that portion is still determined as of January 1st of the assessment year originally intended, but the new appraised value is placed on the assessment rolls, and is sub-

ject to appeal by the taxpayer, in the assessment year the property is actually inspected and revalued. All areas of the county must be physically inspected and revalued within the cycle established in the revaluation plan filed with the department.

((4)) (5) **Change of value notice.** In a county that revalues all real property on a multiyear cycle, revaluation notices must be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal. For additional information about revaluation notices, refer to WAC 458-12-360.

AMENDATORY SECTION (Amending WSR 00-01-043, filed 12/7/99, effective 1/7/00)

WAC 458-07-035 Listing of property—Subdivisions and segregation of interests. (1) **Introduction.** This rule explains when the assessor must begin the listing and valuation of property in the county. It also provides information relating to the listing and valuation of subdivisions of real property. Finally, this rule explains when a person will be allowed to pay property taxes on their partial interest in a parcel of real property.

(2) **Listing of property.** The assessor must begin the listing and valuation of all property in the county, except new construction and mobile homes not previously assessed in this state, not later than December 1st of each year, and complete the listing and valuation not later than May 31st of the succeeding year. The listing and valuation of new construction and mobile homes not previously assessed in this state must be completed by August 31st of each year.

((2)) (3) **Valuation of subdivisions.** The assessor must list and value all subdivisions of real property at one hundred percent of true and fair value as follows:

(a) If an advance tax deposit was paid in accordance with RCW 58.08.040, each lot of a subdivision must be valued by October 30th of the year following the recording of the plat, replat, altered plat, or binding site plan. The value established ((shall)) will be the value of the lot as of January 1st of the year the original parcel was last revalued. Each lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, ((shall)) must be placed on the roll for that assessment year. Each lot of a subdivision that is valued after May 31st, or the closing of the assessment roll, whichever is later, ((shall)) must be placed on the roll for the succeeding assessment year; and

(b) If no advance tax deposit was paid, each lot of a subdivision must be valued by the end of the calendar year following the recording of the plat, map, subdivision, or replat. The value established ((shall)) must be the value of the lot as of January 1st of the year the original parcel was last revalued. Each lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, ((shall)) must be placed on the roll for that assessment year. Each lot of a subdivision that is valued after May 31st, or the closing of the assessment roll, whichever is later, ((shall)) must be placed on the roll for the succeeding assessment year.

((3)) (4) **Petition for payment of taxes on partial interest.** Any person desiring to pay taxes on only their inter-

est in a parcel of real property, whether their interest is a divided interest or an undivided interest, may do so by applying to the assessor of the county where the property is located. The assessor ((shall)) must determine the value of the applicant's interest and certify that value to the county treasurer who ((shall)) will accept payment of taxes for the applicant's interest in the property. No segregation of the property ((shall)) can be made unless all current year and delinquent taxes and assessments on the entire parcel have been paid in full, except for the following situations, in which all current year and delinquent taxes and assessments on the entire parcel need not first be paid in full:

- (a) When property is being acquired for public use; and
- (b) When a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise.

WSR 03-22-026

PERMANENT RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed October 27, 2003, 1:43 p.m.]

Date of Adoption: October 23, 2003.

Purpose: Develop policies and procedures related to student progress toward degrees and certificates.

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

Adopted under notice filed as WSR 03-18-002 on August 20, 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 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: Thirty-one days after filing.

October 24, 2003

DelRae Oderman

Executive Assistant

Agency Rules Coordinator

NEW SECTION

WAC 131-12-080 Student progress toward degrees and certificates. In the 2003 legislative session the legislature passed a bill that requires community and technical colleges to adopt policies and procedures to expedite students'

progress toward their program goals. The intent of the legislation is to encourage students enrolled in degree or certificate programs to complete their programs with limited additional credits. The policies and procedures should address:

(1) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete an associate degree or certificate;

(2) Students who have a pattern of dropping more than twenty-five percent of their course load; and

(3) Students who remain on academic probation for more than one quarter.

Colleges will report to the state board for community and technical colleges the policies and procedures that they approve.

WSR 03-22-029
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed October 28, 2003, 8:33 a.m.]

Date of Adoption: October 28, 2003.

Purpose: Update language, remove outdated sections, correct language and spelling errors, move and/or combine sections for clarity and accuracy, modify sections on phenoxy herbicides for clarification, add requirement for positive identification for purchase of restricted use pesticides, clarify record-keeping requirements and modify pesticide licensing examination requirements to meet new legislation statutes.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-1010 through 16-228-1590.

Statutory Authority for Adoption: Chapters 17.21, 15.58, 34.05 RCW.

Adopted under notice filed as WSR 03-17-095 on August 20, 2003.

Changes Other than Editing from Proposed to Adopted Version:

- In WAC 16-228-1231(7) a positive identification for restricted use pesticide purchases will only be required if the purchaser is unknown to the dealer. The language addressing an annual positive identification when the dealer verifies the certified applicator's license number is retained.
- In WAC 16-228-1300 (1)(h) crop or site information will be required to be listed by dealers only for the purchase of restricted use pesticides.
- In WAC 16-228-1520 (1)(d) the word "plane" is changed to "aircraft."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 45, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 45, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 45, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 28, 2003

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1010 ((Definitions.)) What are the definitions that apply to this chapter? The definitions ((set forth)) in this section ((shall)) apply throughout this chapter, unless the context requires otherwise ((requires)):

(1) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

~~(2) ("Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.~~

~~(3))~~ "Authorized agent" is any ((person)) individual who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

~~((4))~~ (3) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated ((synthetic)) material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized ((persons)) individuals and nonpest domestic animals from gaining access to the bait. ~~((The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry.))~~ Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

~~((5))~~ (4) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

~~((6))~~ (5) "Blossoming plants" means:

(a) When there are five or more open blooms per square yard on average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges ~~((- provided that))~~. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, ((white blossomed peas, second bloom

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e(f)) hops, peas (Pisum sp.), pears (second bloom) and potatoes ((and hops))). For the purposes of this definition, "bloom" means a flower head, raceme or spike with one or more open flowers.

((7)) (6) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

((8)) (7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

((9)) (8) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant or a system maintenance compound applied with irrigation water.

((10)) (9) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

~~((11)) (10) "Complete wood destroying organism inspection" means (a) an inspection of a structure for the purpose of determining (i) evidence of infestation(s), and (ii) damage, and (iii) conducive conditions; or (b) any wood destroying organism inspection which is conducted as the result of a telephone solicitation by an inspection firm or pest control business, even if the inspection would otherwise fall within the definition of a limited wood destroying organism inspection.~~

~~(12) "Conducive conditions" means those conditions which may lead to or enhance an infestation of wood destroying organisms.~~

~~((13)) (10) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.~~

(11) "Controlled disposal site" means any place where solid or liquid waste is disposed of: Provided(,;) that the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency(~~:- Provided further, That~~). The site ((is)) must be fenced, barricaded or otherwise enclosed or attended by some person in charge to ((facilitate)) control((-) the access of domestic animals, pets, and unauthorized persons.

((14)) (12) "Department" means the Washington state department of agriculture.

((15)) (13) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to ((field strength)) the application rate for adequate coverage (such as water).

((16)) (14) "Director" means the director of the department or a duly authorized representative.

((17)) (15) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

((18)) (16) "EPA" means the United States Environmental Protection Agency.

((19)) (17) "EPA restricted use pesticide" means any pesticide (~~with restricted uses as~~) classified for restricted use by the administrator, EPA.

((20)) (18) "Fertilizer" as included in this ((order)) chapter means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

((21)) (19) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

((22)) (20) "Floor level" (~~is considered to be~~) means the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

((23)) (21) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

((24)) (22) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

((25)) (23) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation or dermal toxicity.

((26)) (24) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

~~((27)) "Limited wood destroying organism inspection" means the inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms.~~

((28)) (25) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

((29)) (26) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such a violation.

~~((30))~~ (27) "Pollen shedding corn" means that stage of growth when ten percent or more of the corn plants in any one quarter portion of the field are showing spike anthers.

~~((31))~~ (28) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are: A driver's license, a passport, a military ID card or an immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(29) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of ~~((a))~~ any ~~(EPA restricted use)~~ pesticide ~~(; or (b) any state)~~ classified by the EPA or the director as a restricted use pesticide ~~(restricted to use only by certified applicators by the director)~~ for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~((32))~~ (30) "Private-commercial applicator" means a certified applicator who uses or supervises the use of ~~((a))~~ any ~~(EPA restricted use)~~ pesticide ~~(; or (b) any)~~ classified by the EPA or the director as a restricted use pesticide ~~(restricted to use only by certified applicators)~~ for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~((33))~~ (31) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(32) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW ~~(that are restricted to use only by certified applicators)~~.

~~((34)~~ "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

~~(35))~~ (33) "Structural pest inspector" means any individual who performs the service of conducting a complete wood destroying organism inspection or a specific wood destroying organism inspection.

(34) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~((36))~~ (35) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in

Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

~~((37)~~ "Wood destroying organisms" means those organisms including, but not limited to, subterranean termites, dampwood termites, carpenter ants, wood boring beetles of the family anobiidae (deathwatch beetle), and wood decay fungus (rot). Wood destroying organisms shall not include such organisms which occurred prior to the manufacturing or processing of the lumber, e.g., pocket rot.

~~(38)~~ "Wood destroying organism inspection" means the service of inspecting a building for the presence of wood destroying organism pests destructive to its structural components, and/or their damage, and/or conducive conditions. For purposes of these rules a wood destroying organism inspection shall be either a "complete wood destroying organism inspection" or a "limited wood destroying organism inspection.")

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1020 What are the rights of complainants? If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided by the department, with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or ~~(determining)~~ determination of no action. The department will endeavor to provide notice concurrently with the department's service of ~~(such)~~ the document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: Provided ~~(;)~~ that in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon written request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-228-1030 ~~(; if aggrieved;)~~ except that the complainant shall be provided, automatically without request, a copy of the final ~~(order referred to therein))~~ department decision.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1030 What are the rights of person aggrieved? A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department ~~(pursuant to)~~ concerning an investigation under chapter 17.21 RCW ~~(;)~~. The department will provide notice ~~(concurrently with)~~ at the same time as a service of notice on the violator: Provided ~~(;)~~ that such person has made timely written application to the department

requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen calendar days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why ~~((said person))~~ they believe~~((s))~~ the penalty decision is inappropriate, and ~~((shall))~~ the department will serve ((sueh)) the request on the violator.

(3) ~~((Upon reconsideration))~~ Following the request in writing, the director will reconsider the entire matter including any written statement submitted by any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty calendar days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why ~~((the person))~~ he or she believes the penalty decision is inappropriate, and the department shall serve ~~((sueh))~~ the request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review ~~((thereon))~~.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstating the rights of the alleged violator to seek further relief.

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1040 ~~((Investigative response time.))~~
How soon must the department respond to a complaint?
Upon receipt of a verified report of loss as set forth in RCW 17.21.190 or alleged violation of chapters 17.21 or 15.58 RCW or the accompanying rules, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1100 ~~((Statement of purpose—Penalty assignment.))~~ What is the basis for penalties? For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-1110 through 16-228-1150, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1110 ~~((Definitions—Penalty assignment.))~~ What are the definitions specific to penalties? In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-1010, the following shall apply to WAC 16-228-1100 through 16-228-1150:

(1) "Adverse effect(s)" means that the alleged activity actually causes, or creates the possibility of damage, injury or public health threat, to humans, animals, plants, property or the environment. In those situations involving a wood destroying organism inspection, adverse effects exist when the inspection has been performed in a faulty, careless or negligent manner.

(2) "Level of violation" means that the alleged violation is a first, second, third, fourth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) For purposes of calculating the level of violation, prior incidents will be measured from the date that a final order or stipulated order resolved the prior violation(s), and not from the date that the incident(s) occurred.

(3) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(4) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(5) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

(6) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law, or rules. The term does not include any criminal penalty, damage assessment, wages, premiums,

or taxes owed, or interest or late fees on any existing obligation.

(7) "Notice of Correction" means a document issued by the department that describes a condition or conduct that is not in compliance with chapter 15.58 or 17.21 RCW, or the rules adopted under the authority of chapter 15.58 or 17.21 RCW and is not subject to civil penalties as provided for in RCW 43.05.110. A notice of correction is not a formal enforcement action, is not subject to appeal and is a public record.

(8) "Notice of intent" means a document issued by the department that alleges specific violations of chapter 15.58 or 17.21 RCW, or any rules adopted under the authority of those chapters. A notice of intent is a formal enforcement document issued with the intent to assess civil penalties to the alleged violator and/or to suspend, deny or revoke the alleged violator's pesticide license.

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1115 (~~Application of RCW 43.05.100 and 43.05.110—Issuance of~~) **When can the department issue a civil penalty without first issuing a notice of correction?** (1) Pursuant to RCW 43.05.100 a notice of correction may be issued by the department when they become aware of conditions and/or conduct that are not in compliance with the applicable laws and rules enforced by the department. The issuance of a notice of correction by the department shall not constitute a previous violation for purposes of WAC 16-228-1110(2), but may, at the discretion of the department, be considered as an aggravating factor for the purposes of WAC 16-228-1120(2).

(2) Prior to issuing a civil penalty for a violation of chapter 15.58 or 17.21 RCW, and the rules adopted under the authority of chapter 15.58 or 17.21 RCW the department shall comply with the requirements of RCW 43.05.110. RCW 43.05.110 provides that the department of agriculture may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months.

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1120 (~~Calculation of penalty~~) **How are penalties calculated?** (1) Median penalty selection. In

the disposition of administrative cases, the department shall use the penalty assignment schedule listed in WAC 16-228-1130 to determine appropriate penalties. The department shall calculate the appropriate penalty based on the level of violation and the adverse effect(s) or potential adverse effects at the time of the incident(s) giving rise to the violation. The median penalty shall be assessed unless a proportionate adjustment is warranted and/or there are aggravating or mitigating factors present. The median penalty as listed in WAC 16-228-1130 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under the penalty assignment schedule may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty.

(a) The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action(s) as a deterrent are ineffective and include, but are not limited to:

(i) Violations by persons who are not licensed; and

(ii) Situations where the civil penalty assessed is not substantially equivalent to the violator's economic benefit derived from the violation.

(b) The department also reserves the right to proportionately decrease the civil penalty and increase the licensing action in circumstances that demonstrate the ineffectiveness of a civil penalty as a deterrent. Nothing shall prevent the department from proportionally adjusting a licensing action to a level greater than the maximum licensing action listed in the penalty assignment schedule.

(3) Aggravating factors. The department may consider circumstances enhancing the penalty based on the seriousness of the violation. Aggravating factors include, but are not limited to, the following:

(a) The number of separate alleged violations contained within a single notice of intent.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, to humans, animals, plants, property or the environment caused by the violation(s).

(c) The similarity of the current alleged violation to previous violations committed within the last three years.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct.

(4) When the department determines that one or more aggravating factors are present, the department may assess the maximum penalty as listed within the level of violation or may, in its discretion, increase the penalty to a level greater than the maximum penalty, including but not limited to revocation of the license.

(5) Mitigating factors. The department may consider circumstances reducing the penalty based upon the seriousness of the violation. Mitigating factors include but are not limited to, the following:

(a) Voluntary disclosure of a violation.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

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(c) Voluntary taking of remedial measures that will result in increased public protection, or that will result in a decreased likelihood that the violation will be repeated.

(6) When the department determines that one or more mitigating factors are present, the department may assess the minimum penalty for the violation from the penalty schedule.

(7) The department considers each violation to be a separate and distinct event. When a person has committed multiple violations, the violations are cumulative for purposes of calculating the appropriate penalty. Penalties are added together.

(8) Violation(s) committed during the period when an individual's license is suspended or revoked shall be subject to the maximum civil penalty of seven thousand five hundred dollars and/or revocation of the license for a period of up to five years. Violation(s) committed by unlicensed individuals are subject to the provisions of this chapter, including the penalty provision.

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1125 (~~Revocation and denial of licenses—Actions against licenses only.~~) When can the department revoke or deny a license? (1) The department retains the sole discretion to determine when an individual license should be revoked rather than suspended. Revocation of a license shall be an option for the department in those circumstances where:

- (a) The penalty schedule allows for revocation;
- (b) One or more aggravating factors are present; and/or

(c) The duration of the licensure action exceeds six months.

In circumstances where the department determines revocation to be appropriate, the period of revocation shall be determined at the discretion of the department, but in no instance shall the revocation exceed five years.

(2) The department may deny an applicant a license when the applicant has committed a violation(s) of chapters 15.58 and 17.21 RCW and/or the rules adopted under those chapters. The duration of denial shall be determined based upon the penalty provisions of this chapter. In circumstances where the department determines denial to be appropriate, the period of denial shall not exceed five years.

(3) Nothing shall prevent the department from denying an applicant a license when the applicant has an outstanding civil penalty owed to the department from a previous violation(s).

(4) The department may, at its discretion, suspend a license without also seeking a civil penalty. Such circumstances include, but are not limited to, those incidents where a civil penalty is not available as an appropriate penalty pursuant to RCW 43.05.110. The appropriate period of suspension shall be determined from the penalty schedule.

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1130 What is the penalty assignment schedule? This assignment schedule shall be used for violations of chapter 17.21 or 15.58 RCW or chapter 16-228 WAC. (See WAC 16-228-1150 for other dispositions of alleged violations, including Notice of Corrections.)

LEVEL OF VIOLATION	ADVERSE EFFECTS NOT PROBABLE			ADVERSE EFFECTS PROBABLE		
	MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
FIRST	\$200 and or 2 days license suspension	\$300 and or 3 days license suspension	\$500 and or 6 days license suspension	\$350 and or 5 days license suspension	\$450 and or 7 days license suspension	\$550 and or 9 days license suspension
SECOND	\$350 and or 3 days license suspension	\$500 and or 6 days license suspension	\$1000 and or 9 days license suspension	\$600 and 10 days license suspension denial or revocation	\$1300 and 20 days license suspension denial or revocation	\$2000 and 30 days license suspension denial or revocation
THIRD	\$700 and or 4 days license suspension	\$1000 and or 9 days license suspension	\$2000 and or 12 days license suspension	\$800 and 30 days license suspension denial or revocation	\$2400 and 40 days license suspension denial or revocation	\$4000 and 50 days license suspension denial or revocation
(FOURTH) FOURTH OR MORE	\$900 and or 5 days license suspension denial or revocation	\$2000 and or 12 days license suspension denial or revocation	\$3000 and or 15 days license suspension denial or revocation	\$1000 and 50 days license suspension denial or revocation	\$4250 and 70 days license suspension denial or revocation	\$7500 and 90 days license suspension denial or revocation

AMENDATORY SECTION (Amending WSR 01-01-058, filed 12/12/00, effective 1/12/01)

WAC 16-228-1150 What are the other dispositions of alleged violations? that the department may choose?

Nothing herein shall prevent the department from:

(1) Choosing not to pursue a civil penalty, license suspension or license revocation.

(2) Issuing a notice of correction in lieu of pursuing a civil penalty, license suspension or license revocation.

(3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(4) Referring violations or alleged violations, to any federal, state or county authority with jurisdiction over the activities in question, including but not limited to the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA).

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AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1200 What are the restrictions on pesticide distribution, transportation, application, storage and disposal~~((+))~~? (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo ~~((+))~~, portable and permanent tanks used for transporting, storage and application of pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip ~~((and))~~ or the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The ~~((use of the))~~ same "checkstand" or food packaging area ~~((is prohibited))~~ may not be used for the distribution of highly toxic pesticides and food for human consumption.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of health by the department.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause

injury to humans and/or animals. Pesticides with obscured, illegible or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and ~~((there))~~ the registered pesticide label is affixed to the container ~~((its registered pesticide label))~~.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1220 What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers~~((+))~~? (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants and pollen shedding corn. The use or application of microencapsulated methyl parathion, either directly or through drift, shall be prohibited on all blossoming plants and on pollen shedding corn.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, ~~((including))~~ humans, desirable plants and animals, or wildlife~~((+))~~. Provided~~((;))~~ that a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: ~~((Provided further, That))~~ Disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) ~~((None of the following))~~ No pesticides shall be applied by aircraft or airblast sprayers ~~((immediately))~~ to property abutting and adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises~~((+))~~

~~((a))~~ Disulfoton (DiSystem) Liquid

~~((b))~~ Parathion

~~((c))~~ Phorate (Thimet) Liquid.

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, ~~((including))~~ humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., a minimum of three successive rinsings); and shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Pesticides labeled with the signal word "danger/poison" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Pesticides labeled with the signal word "danger" when not accompanied by the signal word "poison," pesticides labeled with the signal word "warning" and pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: Provided((:)) that metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves ~~((and sealed five gallon containers (requiring tool to unseal)))~~ shall be considered secured storage.

(7) Requirements for posting of storage area for pesticides ~~((and their containers labeled with the signal words "danger/poison"))~~ and their containers labeled with the signal words "danger/poison":

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: Provided((:)) that posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide or pesticide rinse from any aircraft while in flight except over the target field and at the customary application height for that crop: Provided((:)) that emergency dumping shall not be considered a violation of this section.

NEW SECTION

WAC 16-228-1225 What are exceptions to label requirements? The term "to use any registered pesticide in a manner inconsistent with its labeling" means to use any registered pesticide in a manner not permitted by the labeling, except that the term shall not include:

(1) Applying a pesticide at any dosage, concentration or frequency less than that specified on the labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency;

(2) Applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling, unless the department or EPA has required that the labeling specifically state that the pesticide may be used only for the pests specified on the labeling;

(3) Employing any method of application not prohibited by the labeling unless the labeling specifically states that the product may only be applied only by the methods specified on the labeling, (chemigation applications are prohibited unless the label has chemigation use directions); and

(4) Mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling.

AMENDATORY SECTION (Amending WSR 03-05-034, filed 2/11/03, effective 3/14/03)

WAC 16-228-1231 What are state restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only((:))? (1) Pesticides defined by the following categories or active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or to their duly authorized agents. The certified applicator must have a valid certification, license or permit to use or purchase the kind and quantity of such pesticide sold or delivered. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.

(a) Any EPA restricted use pesticide.

(b) ~~((2, 4-D all dry formulations and all liquid amine or salt formulations))~~ All formulations, except for low volatile esters, of dicamba and phenoxy hormone-type herbicides (e.g., 2,4-D, MCPA, MCPP), distributed in quantities larger

than one gallon(~~, that are used~~) in counties located east of the crest of the Cascade Mountains.

(c) Low volatile ester formulations of dicamba and phenoxy hormone-type herbicides (e.g., 2,4-D, MCPA, MCPP) distributed in quantities of one gallon or larger in counties located east of the crest of the Cascade Mountains.

(d) Strychnine and its salts.

~~((d))~~ (e) Aquatic pesticides. All pesticides formulations labeled for application onto or into water to control pests on or in water except as provided in subsection (2) of this section.

~~((e))~~ (f) Pesticides containing the following active ingredients and their isomers are hereby declared state restricted use pesticides for the protection of groundwater.

atrazine
bromacil
dcpa
disulfoton
diuron
hexazinone
metolachlor
metribuzin
picloram
prometon
simazine
tebuthiuron

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses shall be exempt from the requirements of this section:

- (a) Swimming pools
- (b) Wholly impounded ornamental pools or fountains
- (c) Aquariums
- (d) Closed plumbing and sewage systems
- (e) Enclosed food processing systems
- (f) Air conditioners, humidifiers, and cooling towers
- (g) Industrial heat exchange, air washing and similar industrial systems
- (h) Disinfectants
- (i) Aquatic environments in states other than Washington
- (j) Animal pets
- (k) Use within wholly enclosed structures (with floors) or fumigation chambers.

Greenhouses are not considered as wholly enclosed structures for the purposes of this section

(l) Home and garden control of mosquito larvae.

(3) Products listed in subsection (1)~~((e))~~(f) of this section (~~and dry formulations of 2,4-D~~) which are labeled and intended only for Home & Garden use are exempt from the requirements of this section.

(4) Dry formulations of dicamba, 2,4-D, MCPA, MCPP and other phenoxy hormone-type herbicides labeled and intended only for home and garden use or turf, are exempt from the requirements of this section.

(5) Distribution of pesticides bearing combined labeling of uses onto or into water plus ~~((non-aquatic))~~ nonaquatic general uses, may be made by licensed pesticide dealers to noncertified applicators if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that

it will not be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application onto or into water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased. Records shall be kept for seven years from the date of distribution.

~~((5)) Licensed pesticide dealers shall keep records of distribution of state restricted use pesticides for a period of seven years from the date of distribution. Records shall be furnished to the director immediately upon request. The records shall contain the following information:~~

- ~~(a) Name and address of certified applicator;~~
- ~~(b) Name of authorized agent (if applicable);~~
- ~~(c) Product name and EPA registration number;~~
- ~~(d) Quantity in pounds or gallons of the pesticide distributed;~~
- ~~(e) Date of distribution;~~
- ~~(f) Certified applicator's license number;~~
- ~~(g) Crop or site to which the pesticide will be applied.)~~

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization by the certified applicator to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license number and positive identification of the authorized agent.

(7) Pesticide dealers must positively identify unknown purchasers of restricted use pesticides. Positive identification may be annually at the time of verification of the certified applicator's license number or for each individual purchase if the applicator is unknown to the dealer. Dealers must verify the identification of unknown purchasers of restricted use pesticides for telephone or electronic purchases either by fax (photo identification) or at the time of delivery.

NEW SECTION

WAC 16-228-1238 What are the restrictions on application of ziram to Bosc pears? All dry formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears are hereby declared state restricted use pesticides because of dermal effects to persons exposed while working in Bosc pear orchards.

(1) Growers shall observe the Environmental Protection Agency restricted entry interval label requirements following any treatment with dry wettable formulations of ziram before entering or allowing persons to enter pear orchards without personal protective clothing.

(2) Any entry during the restricted entry interval shall follow chapter 16-233 WAC, Worker protection standards, regarding handler, farm worker safety, and early-entry handler requirements.

(3) Growers shall observe an additional fourteen days after an application before entering or allowing workers to enter Bosc pear orchards without personal protective clothing as defined below.

(4) For the purposes of this section, minimum personal protective clothing shall consist of: A long-sleeved shirt; long-legged pants; socks; and chemical resistant gloves.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1250 What are the restrictions on phenoxy herbicides ((restrictions.))? (1) The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state.

(2) In the areas under order, pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1260 What are the restrictions on the distribution of tributyltin((+)) products? (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: Provided((+)) that this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1270 What are the restrictions on the use of pesticides on small seeded vegetable seed crops ((and)), seed alfalfa((+)) and seed clover? (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

Common Name	Synonyms
alfalfa	
arugula	Mediterranean salad, rucola, roquette, Ghargir
beet	<u>garden and sugar</u>
<u>broccoli</u>	
broccoli raab	Rapani, Choy Sum, Chinese flowering cabbage
Brussels sprouts	
cabbage	
carrot	
cauliflower	

Common Name	Synonyms
<u>Chinese cabbage (Bok Choy)</u>	<u>Pak Choi (Choy), Bok Choi (Choy), Taisai, celery mustard, spoon cabbage</u>
Chinese cabbage (<u>napa</u>)	Pe-tsai
Chinese ((kale)) <u>broccoli</u>	Chinese ((broccoli)) <u>kale, Gailon</u>
((Chinese-mustard	Pak Choi (Choy), Bok Choi (Choy) Taisai, celery mustard, spoon cabbage))
clover	
collard	
coriander	cilantro
dill	
endive	<u>escarole</u>
kale	bore kale
kohlrabi	
leek	
lettuce	
<u>mizuna</u>	
mustard (<u>including Chinese and Indian</u>)	
onion (bulb)	
onion (bunching)	
parsley	
parsnip	
radish (other than daikon)	
rape	
rutabaga	
spinach	
spinach mustard	
swiss chard	spinach beet
turnip	

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for human food or animal feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director ~~((forthwith))~~ immediately upon request. Conditioner disposal records shall consist of documentation ~~((from))~~ of on-farm disposal, disposal at a controlled dump site, incinerator, composter, or other equivalent disposal site and shall ((show)) include the lot numbers, amount of material disposed of, ~~((its))~~ the grower(s), and the date of disposal.

(b) No portion of the seed plant, including but not limited to green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or

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container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) Violation of any condition listed in subsection (2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1300 (~~(Distribution records.)~~) **What are the recordkeeping requirements for pesticide dealers?**

~~((1))~~ Pesticide dealers shall keep and furnish records to the director immediately upon request on the distribution of any pesticide except those labeled only for home and garden. ~~((These))~~ Records shall be kept for a period of seven years from the date of distribution. General use distribution requests shall be limited to records necessary for investigations of suspected violations, damage complaints, inspections, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. The records shall contain the following information:

~~((a))~~ (1) Full name and address of purchaser;

~~((b))~~ (2) Full name and address of certified applicator (if different from ~~((a))~~ above if applicable) subsection (1) of this section for restricted use pesticides;

~~((c))~~ (3) Certified applicator's pesticide license number (for restricted use pesticides);

(4) Full name of authorized agent ~~((if applicable))~~ for restricted use pesticides;

~~((d))~~ (5) Brand and specific pesticide name and ~~((#))~~ EPA registration number;

~~((e))~~ (6) Number of pounds or gallons of the pesticide distributed;

~~((f))~~ (7) Date of distribution;

~~((g))~~ Certified applicator number (if applicable);

~~((h))~~ (8) Crop and/or site to which pesticide will be applied ~~((if known))~~ for restricted use pesticides.

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1320 (~~(Applicator requirements.)~~) **What are the recordkeeping requirements for pesticide applicators?**

(1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying, and all persons making landscape applications of pesticides to types of property listed in RCW 17.21.410 (1), (b), (c), (d) and (e) shall keep records for each application which shall include the following:

(a) The full name and full address of the person for whom the pesticide was applied.

(b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the adopted form. Location of agricultural land shall be made using section, township and range, geographical positioning system coordinates, or by irrigation block and farm unit numbers.

(c) The year, month, day and start and stop time the pesticide was applied.

(d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: Provided that this subsection (e) shall not apply to applications of baits in bait stations (and), pesticide applications within structures and drip or subsurface irrigation applications. Wind and temperature readings shall be obtained in close proximity to the application site.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as, but are not limited to, amount of product per one hundred gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., 1%). For chemigation applications record "inches of water applied" or other appropriate measure. ((Examples include, but are not limited to, the amount of formulation per one hundred gallons of water, percent formulation in the tank mix (i.e.) 1%, or gallons per acre of output volume.))

(i) The pests to be controlled (for PCO classification only).

(j) Specific crop or site to which pesticide was applied.

(k) Apparatus license plate number.

(l) The licensed applicator's full name, certified pesticide applicator license number, complete address, telephone number, and the full name and license number(s) if applicable of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of seven years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records ~~((forthwith))~~ immediately by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-1320(1).

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be provided upon request on the appropriate page of the pesticide record form (figures 1-8): Provided((;)) that computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: Provided((;)) that the following criteria are met:

(a) The pesticide application ((record-keeping)) record-keeping system is computerized;

(b) The pesticide application ((record-keeping)) record-keeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

(7) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, ((including)) humans, desirable plants and animals, from subsequent applications.

(8) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: Provided((;)) that this inspection is made at the site of application or where the apparatus is located.

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

(10) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(11) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

PERMANENT

((State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application Year: Month: Day: Time:

2. Name of person for whom the pesticide was applied:

Firm Name (if applicable):

Street Address: City: State: Zip:

3. Licensed Applicator's Name (if different from #2 above): License No.:

Firm Name (if applicable): Tel No.:

Street Address: City: State: Zip:

4. Name of person(s) who applied the pesticide (if different from #3 above):

..... License No(s). If applicable:

5. Application Crop or Site:

6. Total Area Treated (acre, sq. ft., etc.):

7. Was this application made as a result of a WSDA Permit? No Yes (If yes, give Permit No.) #

8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	e) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	c) Concentration Applied
			t	
			t	
			t	
			t	
			t	

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity during the application:

11. Temperature during the application:

12. Apparatus license plate number (if applicable):

13. Air Ground Chemigation

14. Miscellaneous Information:

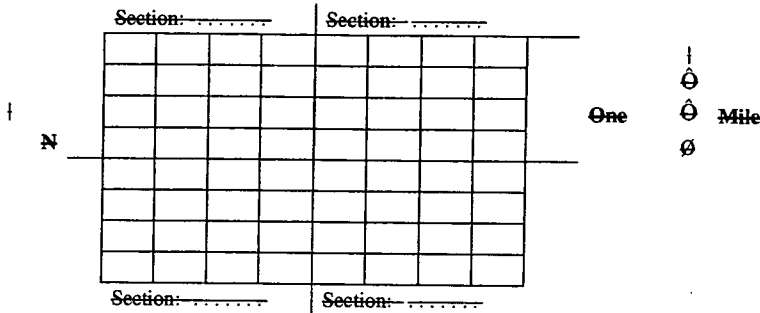
AGR 4226 (Rev. 4/00)

Location of Application: If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
 Range: E OR W (please indicate)
 Section(s):
 County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

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State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

1. Name & Address of Person for Whom Pesticide was Applied	2. Applicator Name and Address (if different from # 1) Tel. No. Lic. No.
3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)	

5. Date and Time of Application	6. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions-- Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							

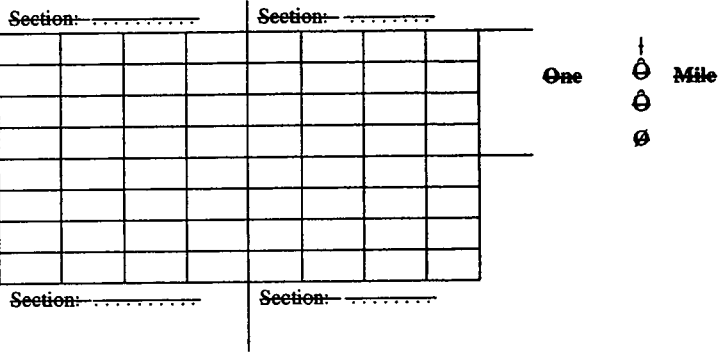
PERMANENT

	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation		.....	.....	.....	.....	.....	.....

AGR 4236 (Rev. 4/00)

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
 Range: E OR W (please indicate) ---
 Section(s):
 County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

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State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application - Year: Month: Day(s):

2. Name of person for whom the pesticide was applied:

Firm Name (if applicable):

Street Address: City: State: Zip:

3. Licensed Applicator's Name (if different from #2 above):

Firm Name (if applicable): Tel. No.:

Street Address: City: State: Zip:

4. Air Ground Chemigation

5. Application Crop or Site:

6. Total Area Treated (acre, sq. ft., etc.):

7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #

8. Pesticide Information (please list all information for each pesticide in the tank mix):

a) Product Name	b) EPA Reg. No.	e) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	c) Concentration Applied
			t	
			t	
			t	
			t	

PERMANENT

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp
				Start	Stop		Dir.	Vel.	

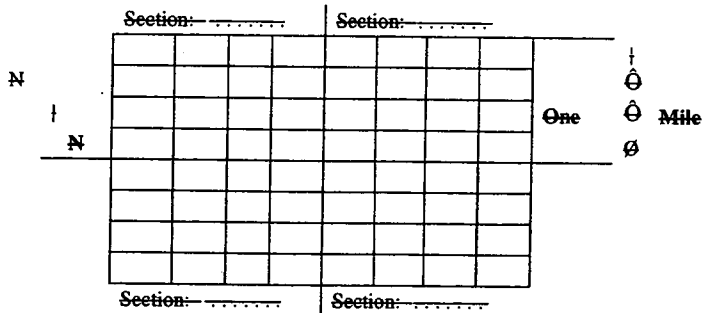
AGR 4236 (Rev. 4/00)

10. Date	11. Name of person(s) making the application	12. License No.	13. Apparatus Lic. Plate No.	14. Time		15. Acres Completed	16. Wind		17. Temp
				Start	Stop		Dir.	Vel.	

PERMANENT

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.)

Township:
 Range: E OR W (please indicate):
 Section(s):
 County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

AGR 4236 Pg. 2

State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

A. Date of Application Year: Month: Day:

B. Firm Name: Telephone No.:

Commercial Applicator's Name: License No.:

Street Address: City: State: Zip:

C. Name of person(s) who applied the pesticide: _____
License No(s): _____

D. Pesticide Information (please list all information for each pesticide in the tank mix):

Product Name	EPA Reg. No.	Concentration
		Amount (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Application crop or site: _____

F. Apparatus License Plate No. _____

G. Record the following information for the specific conditions during each application:

CUSTOMER	AMOUNT APPLIED	AREA TREATED	TIME	TEMP	WIND
a) full name (b) location of application—street address	(gals. of mix)	(sq. ft., etc.)		F°	DIR-VEL (mph)
1-a) _____	_____	_____	_____	_____	_____
1-b) _____	_____	_____	_____	_____	_____
2-a) _____	_____	_____	_____	_____	_____
2-b) _____	_____	_____	_____	_____	_____
3-a) _____	_____	_____	_____	_____	_____
3-b) _____	_____	_____	_____	_____	_____
4-a) _____	_____	_____	_____	_____	_____
4-b) _____	_____	_____	_____	_____	_____
5-a) _____	_____	_____	_____	_____	_____
5-b) _____	_____	_____	_____	_____	_____
6-a) _____	_____	_____	_____	_____	_____
6-b) _____	_____	_____	_____	_____	_____
7-a) _____	_____	_____	_____	_____	_____
7-b) _____	_____	_____	_____	_____	_____
8-a) _____	_____	_____	_____	_____	_____
8-b) _____	_____	_____	_____	_____	_____
9-a) _____	_____	_____	_____	_____	_____
9-b) _____	_____	_____	_____	_____	_____

AGR 4234 (Rev. 4/00)

DAILY PESTICIDE APPLICATION RECORD (Version 5)
For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Ref. chapter 17.21 RCW)

A. FIRM NAME AND ADDRESS: _____ TELEPHONE NUMBER: _____
 B. APPLICATOR NAME: _____ LICENSE NO. _____
 C. PERSON MAKING APPLICATION: _____ LICENSE NO. _____
 D. DATE: _____ E. APPARATUS LICENSE NO: _____

CUSTOMER	(a) EPA REG. NO. PRODUCT NAME(S)	(a) TIME (IN/OUT)	APPLICATION SITE	PESTICIDE
(a) FULL NAME	(b) CONCENTRATION	(b) TEMP.	(C&C, SPOT, VOID, INJECTIONS, ETC.)	APPLIED/ACRE OR OTHER MEASURE
(b) LOCATION OF APPLICATION	(c) TOTAL AMOUNT USED	(c) WIND DIR./ VELOCITY		
(c) TARGET PEST				
1-a) _____	_____	_____	_____	f _____
1-b) _____	_____	_____	_____	f _____
1-c) _____	_____	_____	_____	f _____
2-a) _____	_____	_____	_____	f _____
2-b) _____	_____	_____	_____	f _____
2-c) _____	_____	_____	_____	f _____
3-a) _____	_____	_____	_____	f _____
3-b) _____	_____	_____	_____	f _____
3-c) _____	_____	_____	_____	f _____

4-a) _____ /
 b) _____ /
 e) _____ /

5-a) _____ /
 b) _____ /
 e) _____ /

6-a) _____ /
 b) _____ /
 e) _____ /

7-a) _____ /
 b) _____ /
 e) _____ /

AGR 4237 (Rev. 4/00) OPTIONAL: MILEAGE START (mileage end))

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

1. Date of Application - Year: _____ Month: _____ Day: _____ Start Time: _____
 Stop Time: _____

2. Name of person for whom the pesticide was applied: _____
 Firm Name (if applicable): _____
 Street Address: _____ City: _____ State: _____ Zip: _____

3. Licensed Applicator's Name (if different from #2 above): _____
 Firm Name (if applicable): _____ License No.: _____
 Street Address: _____ City: _____ Tel No.: _____
 State: _____ Zip: _____

4. Name of person(s) who applied the pesticide (if different from #3 above): _____
 License No(s). If applicable: _____

5. Application Crop or Site: _____

6. Total Area Treated (acre, sq. ft., etc.): _____

7. Was this application made as a result of a WSDA Permit? No Yes (If yes, give Permit No.) # _____

8. Pesticide Information (please list all information for each pesticide, including adjuvants (buffer, surfactant, etc.), in the tank mix):

a) Full Product Name	b) EPA Reg. No.	c) Total Amount of Pesticide Applied in Area Treated	d) Pesticide Applied/Acre (or other measure)	e) Concentration Applied
			/	
			/	
			/	
			/	
			/	

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity (mph) during the application: _____

11. Temperature during the application: _____

12. Apparatus license plate number (if applicable): _____

13. Air Ground Chemigation

14. Miscellaneous Information: _____

AGR 4226 (Rev. 5/03)

PERMANENT

Location of Application: If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N

Range: E OR W (please indicate:)

Section(s):

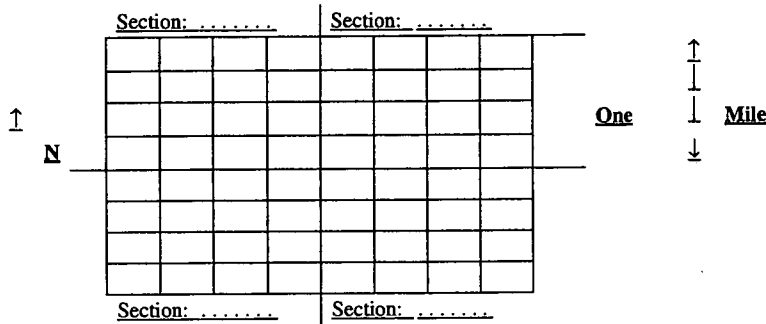
Block: Farm Unit:

or GPS:

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

INSTRUCTIONS

Pesticide Application Record (Version 1) AGR 4226 (Rev. 5/03)

1. Date may be spelled out or indicated numerically. Time must be indicated as start and stop times.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Include first and last name(s).
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
- 8.a) Brand name found on the pesticide label including adjuvants (buffer, surfactant, dye, etc.).

INSTRUCTIONS

- b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, etc.) write "adjuvant" in this space.
- c) Indicate the amount of pesticide formulation (product) applied to the total area listed on line 6.
- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.
- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
10. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.

PERMANENT

INSTRUCTIONS

- 11. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during application.) Temperature readings shall be obtained in close proximity to the application site.
- 12. This does not apply to private applicators or public agencies.
- 13. Check one.

INSTRUCTIONS

- 14. Depth of application/inches of water (chemigation).
 - 15. This space is available for any additional information you may wish to include.
- Form AGR 4226 (Rev. 5/03) Pg. 2

State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed same day as the application and must be retained for seven years (Ref. chapter 17.21 RCW)

1. Name & Address of Person for Whom Pesticide was Applied

.....

2. Applicator Name and Address (if different from # 1)

.....

Tel. No. Lic. No.

3. Full, complete address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)

4. Misc. Info:

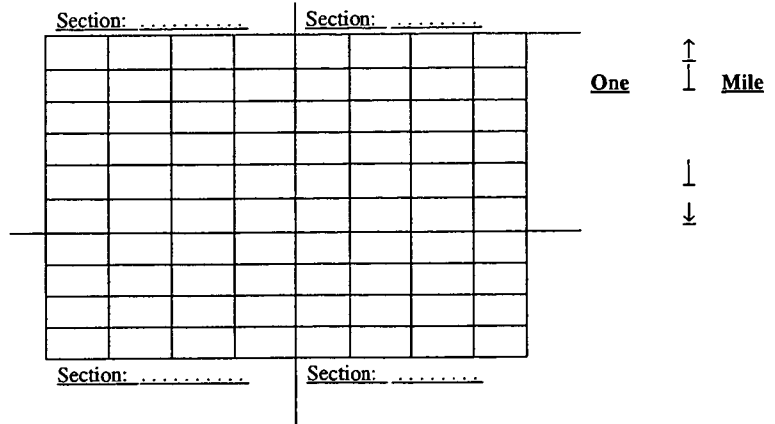
5. <u>Date and Time of Application (Start and Stop)</u>	6. <u>Crop or Site Treated</u>	7. <u>Acres Treated (or other measure)</u>	8. <u>FULL PRODUCT NAME</u>	9. <u>EPA Registration Number</u>	10. <u>Amount of Product Applied</u>		11. <u>Concentration</u>	12. <u>Weather Conditions (wind direction, velocity, temperature), Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide</u>
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation		..... ..... .....	..... ..... .....	..... ..... .....	..... ..... .....	..... ..... .....

AGR 4235 (Rev. 5/03)

PERMANENT

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only:

Township: N
Range: E OR W (please indicate) ..
Section(s):
Block: Farm Unit: ...
or GPS:
County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

AGR 4235 Pg. 2

INSTRUCTIONS

Pesticide Application Record (Version 2) AGR 4235 (Rev. 5/03)

1. Include first and last name.
2. If the person's name is the same as No. 1, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
3. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
4. This space is available for any additional information you may wish to include.
5. Date may be spelled out or indicated numerically. Application start and stop times must be indicated.
6. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
7. May also be stated in terms such as linear feet, cubic feet, etc. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
8. Brand name found on the pesticide label including adjuvants (buffer, surfactant, etc.).
9. This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, etc.) write "adjuvant" in this space.
10. Rate per acre: Other measures may include amount/sq. ft., amount/linear ft., etc. Specify the term to which the number refers. Total product applied is the total product applied between start and stop times.

INSTRUCTIONS

11. This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
12. Weather conditions must include the direction from which the wind is blowing, measure velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Temperature must also be indicated in degrees Fahrenheit and may be listed as the range encountered during the application. Wind and temperature readings shall be obtained in close proximity to the application site. The apparatus license plate number does not apply to private applicators or public agencies. Include first and last name(s) of person(s) who applied the pesticide. Include license number(s) if applicable.

PERMANENT

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only.)

Township:

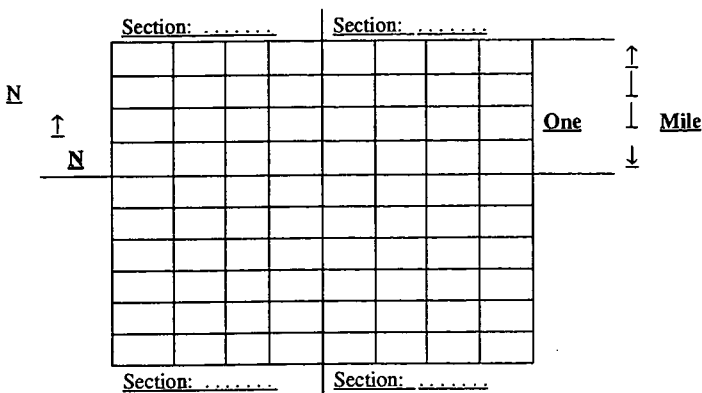
Range: E OR W (please indicate):

Section(s):

Block: Farm Unit:

or GPS:

County:



PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.

Miscellaneous Information:

AGR 4236 Pg. 2

INSTRUCTIONS

Pesticide Application Record (Version 3) AGR 4236 (Rev. 5/03)

1. Date may be spelled out or indicated numerically.
2. Include first and last name.
3. If the person's name is the same as No. 2, write "same" in the space for the licensed applicator's name and include the license number (if applicable) and telephone number.
4. Check one.
5. Indicate type of land or site treated, not location. Examples: Wheat, apples, rights of way, lawn, trees and shrubs, crawl space, wall voids, etc.
6. May also be stated in terms such as linear feet or cubic feet. (Specify the term to which the number refers.) If spot treatment, write spot treatment.
7. If the application was made under permit, but no permit number was issued, indicate the date the permit was issued.
- 8.a) Brand name found on the pesticide label including adjuvants (buffer, surfactant, dye, etc.).
- b) This number is found on the pesticide container label. If the material is being applied under a federal experimental use permit and no EPA Reg. No. exists, list the federal experimental use permit number. If the material is a spray adjuvant (buffer, spreader, sticker, etc.) write "adjuvant" in this space.
- c) Indicate the amount of pesticide formulation (product/adjuvant) applied to the total area listed on line 6.
- d) Other measures may include amount/sq. ft., amount/cu. ft., amount/linear ft., etc.

INSTRUCTIONS

- e) This may be listed in various ways, such as: Amount of product/100 gallons water, percent formulation in the tank mix (i.e., 1%), gallons per acre of output volume, ppm (or other measure), or inches of water applied (chemigation). Specify the term to which the number refers.
- f) Depth of application (chemigation).
9. Agricultural land includes such areas as forest lands and range lands. It does not include transportation and utility rights of way.
10. List the date of application.
11. Indicate first and last name(s).
12. List license number(s) if applicable.
13. This does not apply to private applicators or public agencies.
14. Application start and stop times must be indicated. Indicate a.m. or p.m.
15. The total of all entries in this column should equal the total listed on line 6.
16. Indicate the direction from which the wind is blowing. Measure wind velocity in mph. If the wind varies in direction and velocity during the application, indicate the range of variance (i.e., S-SW 3-7 mph). Wind readings shall be obtained in close proximity to the application site.
17. Indicate temperature in degrees Fahrenheit. (It may be indicated as the range encountered during the application.) Temperature readings shall be obtained in close proximity to the application site.

PERMANENT

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)
NOTE: This form must be completed same day as the application and it must be retained for 7 years (Ref. chapter 17.21 RCW)

A. Date of Application - Year: Month: Day:
B. Firm Name: Telephone No.:
Commercial Applicator's Name: License No.:
Street Address: City: State: Zip:
C. Name of person(s) who applied the pesticide:
License No(s):
D. Pesticide Information (list all information for each pesticide including spray adjuvants (buffer, surfactant, dye, etc.) in the tank mix):

Concentration
Amount: (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified.

Full Product Name

EPA Reg. No.

Full Product Name	EPA Reg. No.	Concentration

E. Application crop or site: F. Apparatus License Plate No.

G. Record the following information for the specific conditions during each application:

CUSTOMER (a) full name (b) complete address	AMOUNT APPLIED (gals. of mix)	AREA TREATED (sq. ft., etc.)	START AND STOP TIME	TEMP F°	WIND DIR VEL (mph)
1. a) _____ b) _____	_____	_____	_____	_____	_____
2. a) _____ b) _____	_____	_____	_____	_____	_____
3. a) _____ b) _____	_____	_____	_____	_____	_____
4. a) _____ b) _____	_____	_____	_____	_____	_____
5. a) _____ b) _____	_____	_____	_____	_____	_____
6. a) _____ b) _____	_____	_____	_____	_____	_____
7. a) _____ b) _____	_____	_____	_____	_____	_____
8. a) _____ b) _____	_____	_____	_____	_____	_____
9. a) _____ b) _____	_____	_____	_____	_____	_____

AGR 4234 (Rev. 5/03)

INSTRUCTIONS

Pesticide Application Record (Version 4) AGR 4234 (Rev. 5/03)
This form may only be used for commercial residential ornamental and lawn applications. It may not be used to satisfy the application record requirements for agricultural employers.
A. Date may be spelled out or indicated numerically.
B. Include first and last name of the commercial applicator.
C. Include first and last name(s).
D. Product name: Brand name found on the pesticide label including adjuvants (buffer, surfactant, dye, etc.).

INSTRUCTIONS

E. Indicate type of land treated, not location. Examples: Rights of way, lawn, trees and shrubs, driveways, etc.
F. List the number of the license plate affixed to the apparatus.
G. Customer's name and application information should be listed on line A. Street address should be listed on line B, including city. Additional pages may be added for additional customers on the same day, so long as the information in A through F remains the same.

PERMANENT

DAILY PESTICIDE APPLICATION RECORD (Version 5)

For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years (Ref. chapter 17.21 RCW)

A. FIRM NAME AND ADDRESS: _____ TELEPHONE NUMBER: _____
 B. APPLICATOR NAME: _____ LICENSE NO. _____
 C. PERSON MAKING APPLICATION: _____ LICENSE NO. _____
 D. DATE: _____ E. APPARATUS LICENSE NO: _____

CUSTOMER (a) FULL NAME (b) FULL ADDRESS OR LOCATION OF APPLICATION (c) TARGET PEST	(a) EPA REG. NO./FULL PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED	(a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR./ VELOCITY	APPLICATION SITE (C&C, SPOT, VOID, INJECTIONS, ETC.)	PESTICIDE APPLIED/ACRE OR OTHER MEASURE
1. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
2. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
3. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
4. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
5. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
6. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____
7. a) _____	_____	_____	_____	l _____
b) _____	_____	_____	_____	l _____
c) _____	_____	_____	_____	l _____

AGR 4237 (Rev. 5/03)

OPTIONAL: MILEAGE START

MILEAGE END

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

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1322 What are the requirements for removal of landscape markers (~~removal schedule~~) and notification of restricted entry? (1) The marker shall remain in place for a minimum of twenty-four hours from the time the landscape application is originally posted as required by RCW 17.21.410.

(2) In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the certified applicator shall provide the property owner or tenant with the restricted entry interval times consistent with the label requirements. Markers shall remain in place consistent with the restricted entry interval times as required by the label.

(3) The property owner or tenant shall remove the marker of any landscape posted under the requirements of RCW 17.21.410 consistent with this schedule.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1330 (~~Compliance with federal~~) What are the pilot and aircraft requirements((+)) for pesticide applicators? (1) All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

(2) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of a license.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1370 What are the department requirements for a waste pesticide disposal((+)) program? Under authority of chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

PERMANENT

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1380 What are the regulations ((of) for application of vertebrate control pesticides((?))? Vertebrate control pesticides shall be used only under the following conditions:

(1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticides baits within buildings shall not be above floor levels.

(2) Baits shall be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed.

(3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and tamper resistant. Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes and such bait boxes shall be secured in such a way that nonpest animals, children and unauthorized persons cannot displace or remove the baits out of such bait boxes. Bait boxes shall be labeled clearly with letters on contrasting background showing the following information:

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

(c) The name of the firm and/or certified applicator, address, and the telephone number.

(4) Containers used for exposing vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers

that are used for exposing vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes being used as per WAC 16-228-1380(3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(5) All vertebrate control pesticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles.

(6) All containers used for storing or transporting vertebrate control pesticides shall bear an EPA or department registered label.

(7) ~~((Service men's))~~ Applicator's kits which contain vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

(8) Upon completion of a baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(9) Wherever poisoned carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they shall be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

~~((10) Thallium containing compounds shall not be used for vertebrate control.))~~

GENERAL PESTICIDE ((REGULATIONS)) RULES— REGISTRATION

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1400 What are the requirements for pesticide ((labeling requirements.)) labels? (1) In addition to the requirements set forth in (2) through (5) below, pesticide labeling shall meet the standards or criteria of FIFRA.

(2) Any pesticide exempted from registration under the provisions of section 18 of FIFRA must be labeled as follows:

(a) Pesticides distributed under section 18 of FIFRA must be accompanied by a label approved by the department prior to distribution. All conditions set forth in the document granting the emergency exemption and all other requirements determined to be necessary by the department must be included on the label.

(b) In situations where a label cannot be developed and approved prior to the intended use period, the department may allow the use of the document granting the emergency exemption in lieu of labeling. Conditions set forth as part of the granting document, and any attached or associated documentation from the department shall be considered labeling for purposes of enforcement.

(3) Labels for spray adjuvants must include the following:

(a) The product brand name.

(b) The type or function of principal functioning agents. Terms used to describe adjuvant functions must be consistent with American Society for Testing and Materials (ASTM) Standard E 1519, unless ASTM has not defined a term. In the absence of an ASTM definition, the department will determine the appropriate term(s). Functions claimed must be consistent with the principal functioning agents. If two or more functions are claimed, then the functions must be listed in descending order (starting with the primary function).

(c) An ingredient statement that shall include the following:

(i) "Principal functioning agents." The principal functioning agents must be listed by chemical name in descending order of composition with either individual or total percentage(s). If more than 3 functioning agents are present, only the 3 principal agents need to be listed;

(ii) The percentage of "Constituents ineffective as spray adjuvants," and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and recommended use rates.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children."

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data; and

(iii) A statement prohibiting aquatic use, unless the registrant provides data to demonstrate that the proposed use will not cause unreasonable adverse effects to fish and aquatic invertebrates.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The spray adjuvant label may also include an exemption from tolerance statement (if applicable), an unsulfonated residue (UR) value (if applicable), the Washington registration number and a label identification code (such as the revision date).

(4) Special local need (SLN) labels issued under section 24c of FIFRA must include the following:

(a) A federal or state Restricted Use Pesticide (RUP) designation statement (when applicable).

(b) The statement "FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF WASHINGTON."

(c) The product brand name.

(d) The EPA and SLN registration numbers of the product.

(e) The statement: "It is a violation of federal law to use this product in a manner inconsistent with its labeling."

(f) The statement: "This labeling must be in the possession of the user at the time of application."

(g) One of the following statements:

(i) For agricultural use SLN labels the statement: "Follow all applicable directions, restrictions, worker protection standard requirements, and precautions on the EPA registered label"; or

(ii) For nonagricultural use SLN labels the statement: "Follow all applicable directions, restrictions, and precautions on the EPA registered label."

(h) Directions for use that must include the following: crop or site to be treated, pest(s) to be controlled, application rate and concentration, method of application, frequency and timing of application, and pre-harvest interval.

(i) All restriction or precaution statements (e.g. pollinator protection, herbicide drift, aquatic toxicity, chemigation, seed crop requirements) applicable to the use.

(j) ~~(The statement)~~ An expiration date statement such as: "This label for (Product name) expires and must not be distributed or used in accordance with this SLN registration after December 31, (Fifth year)." Fifth year means the fifth year after issuance of the SLN label.

(k) The name and address of the SLN registrant.

(l) A label identification code (such as the revision date).

(m) Any other applicable information required by the EPA or the department.

(n) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(o) Optional information: The SLN label may also include a waiver of liability statement (if applicable). The waiver of liability statement must be consistent with EPA requirements.

(5) Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

(a) The product brand name.

(b) The product function. The function(s) claimed must be consistent with product ingredients.

(c) An ingredient statement that shall include the following:

(i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 CFR 152.25(g) are permitted;

(ii) "Inert ingredients" or "Other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 CFR 180.950) are permitted; and

(iii) The total percentage of all ingredients which must equal 100%.

(d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.

(e) Precautionary statements adequate to protect people and the environment that shall include the following:

(i) The statement "Keep Out Of Reach Of Children," and

(ii) A signal word (danger, warning or caution) and precautionary statements (including requirements for personal protective equipment, if applicable) consistent with product toxicity data.

(f) An appropriate storage and disposal statement.

(g) The name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."

(h) The weight or measure of the contents.

(i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.

(j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1410 What pesticides are considered home and garden (~~(products—Definition.)~~) use only pesticides? For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged and labeled solely for use by the general public in and around a residence. In making this determination, the department shall consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

AMENDATORY SECTION (Amending WSR 00-22-074, filed 10/30/00, effective 11/30/00)

WAC 16-228-1420 What are the requirements for complete pesticide formula(*)? The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065 except for names of inert ingredients of pesticides exempt under section 25b of FIFRA which according to CFR 152.25 (g)(3)(i) must have this information on the label. Information required by this section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1430 What is an adequate pesticide container(*)? Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be

packaged in unsafe containers shall be placed under "stop sale" order. Containers shall meet the minimum federal specifications.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1440 (~~(Artificial coloring.)~~) What pesticides must be artificially colored or have an odor added? (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1450 What are the requirements for pesticide-fertilizer registration and labeling(*)? (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: ~~Provided(,;) that the fertilizer portion shall be considered an inert ingredient for the purpose of this order(,; And provided further, That))~~. Such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

(2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

- (a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;
- (b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;
- (c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;
- (d) Timing of application (for instance, preplant) and the preharvest interval;
- (e) Net weight of the shipment;
- (f) Name and address of the registrant or manufacturer;
- (g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: ~~Provided(,;) that an appropriate specimen invoice has been registered by the director as pesticide labeling.~~

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The

amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1455 What are the requirements on dry pesticide-fertilizer ((mix restrictions)) mixes? No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1460 What are the requirements for experimental use permits((r))? (1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall be submitted on forms prescribed by the director.

(2) For individual experimental use permits that are product and site specific, the application shall include the following (when applicable):

- (a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;
- (b) Person responsible for carrying out provisions of the experimental use permit and means of locating this person in case of emergency;
- (c) Target pest(s);
- (d) Crop or site and location(s) to which the pesticide is to be applied;
- (e) Disposition of any treated food or feed and of subsequent crops from treated sites;
- (f) Rate of application of formulation or active ingredient and number of applications;
- (g) Timing and duration of the proposed program;
- (h) Area (acres, sq. ft., etc.) to which the pesticide is to be applied;
- (i) Total amount of pesticide to be applied;
- (j) Federal experimental use permit number and text;
- (k) Labeling to accompany the pesticide in the field;
- (l) Any other information required by the director.

((2)) (3) An individual experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

((3)) (4) Collective experimental use permits may be issued by the director for experimental programs conducted on terrestrial sites by recognized research institutions, organizations, pesticide registrants, or persons licensed by the department to conduct demonstration and research activities

on land (~~owned or controlled by the institution~~) they own or control. For the purposes of this section, "control" means:

(a) The person responsible for carrying out the provisions of the experimental use permit owns or leases the land on which the pesticide is being applied; or

(b) The person responsible for carrying out the provisions of the experimental use permit has received documented permission from the landowner or manager to conduct such activities.

(5) An application for a collective experimental use permit shall include the following:

(a) The name, address and phone number of the person responsible for carrying out the provisions of the collective experimental use permit, and means of locating the person in case of emergency;

(b) A signed statement that:

(i) Use will not exceed one acre per active ingredient per year;

(ii) No applications will be made to aquatic sites (experimental applications to aquatic sites must be performed under an individual experimental use permit);

(iii) No applications will be made to residential sites (experimental applications to residential sites must be performed under an individual experimental use permit);

(iv) All treated food and feed crops will be destroyed after harvest unless a tolerance greater than the residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency. "Destroyed" means rendered unusable for food or feed or used for research purposes only;

(v) Any adverse environmental effects will be immediately reported to the department;

(vi) All applicable use directions and restrictions on the federal, state or experimental use pesticide label will be followed.

((4)) (6) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

((5)) (7) Summaries of experimental results, date and method of disposal of treated food or feed crop (if applicable), and any adverse environmental effects resulting from the application shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

((6)) (8) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment. Any unused experimental use pesticide that does not have a registered use in the state must be returned to the manufacturer or disposed of properly. Individual experimental use permits shall be considered labeling for the pur-

poses of enforcement. Violations of these permits shall be considered use inconsistent with the label.

((7)) (9) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

GENERAL PESTICIDE ((REGULATIONS)) RULES— LICENSING

AMENDATORY SECTION (Amending WSR 00-24-013, filed 11/27/00, effective 12/28/00)

WAC 16-228-1500 When can a pesticide license be denied, revoked or suspended((7))? (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if ((he finds)) it is found that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and rules adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, reports, and/or recommendations;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision as applicable;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the apparatus license plate on the apparatus in a manner required by the department;

(k) Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;

(l) Used, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(m) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(n) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(o) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(p) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW;

(s) To have in his/her possession a department pesticide licensing examination or to remove or cause to remove any said examination or its contents from the department without expressed consent from the department;

(t) To violate the testing policies set forth by department representatives prior to the start of an examination session; or

(u) Made or failed to make an inspection, statement, or report in violation of WAC ((16-228-2000)) 16-228-2005 through ((16-228-2040)) 16-228-2060.

(2) A penalty fee assessed as a result of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1520 What are the requirements for the commercial applicator's financial responsibility insurance certificate (FRIC)((7))? (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) ~~((Plane)) Aircraft~~ number(s) covered by the insurance (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1530 What are the requirements for pesticide license~~((s—Renewal dates—))~~ renewals and penalties~~((s))~~? (1) ~~((The following))~~ Except for the pesticide dealer license required under RCW 15-58-180, all pesticide licenses shall expire on the December 31st following their issuance:

~~((a) Commercial pesticide applicator licenses issued under the authority of RCW 17.21.070;~~

~~((b) Commercial pesticide operator licenses issued under the authority of RCW 17.21.110;~~

~~((c) Private applicator licenses issued under the authority of RCW 17.21.126;~~

~~((d) Public operator licenses issued under the authority of RCW 17.21.220.~~

~~((e) Private commercial applicator licenses issued under the authority of RCW 17.21.122;~~

~~((f) Pesticide dealer manager licenses issued under the authority of RCW 15.58.200;~~

~~((g) Demonstration and research licenses issued under the authority of RCW 17.21.129.~~

~~((2) The following pesticide licenses shall expire on the final day of February of each year:~~

~~((a) Pest control consultant licenses issued under the authority of RCW 15.58.210;~~

~~((b) Public pest control consultant licenses issued under the authority of RCW 15.58.220.~~

~~((3))~~ (2) Pesticide renewal applications for licenses issued under the authority of chapter 17.21 RCW shall be filed on or before January 1st of the appropriate year.

~~((4))~~ (3) If an application for renewal of any pesticide license issued under the authority of chapter 17.21 RCW is not filed on or prior to January 1st following the expiration date of the license, a penalty shall be assessed as provided in

RCW 17.21.140 and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

~~((5))~~ (4) If an application for renewal of a pesticide dealer license issued under the authority of chapter 15.58 RCW is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

~~((6))~~ (5) If an application for renewal of any license issued under the authority of chapter 15.58 RCW, other than the pesticide dealer license, is not filed on or before the expiration date of the license, penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

~~((7))~~ (6) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

~~((8) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.))~~

AMENDATORY SECTION (Amending WSR 00-22-073, filed 10/30/00, effective 11/30/00)

WAC 16-228-1540 ~~((Examination))~~ What are the requirements~~((s))~~ for pesticide examinations? (1) An examination fee of ten dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Scheduled examination sessions occur every Tuesday at the Olympia and Yakima pesticide management division offices and at other offices as scheduled. The department reserves the right to restrict the number of applicants examining at any given time.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

(3) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(4) Pesticide examination scores shall not be released by the department until the license application fee has been paid.

AMENDATORY SECTION (Amending WSR 00-24-013, filed 11/27/00, effective 12/28/00)

WAC 16-228-1545 What are the pesticide ~~((examination))~~ licensing requirements~~((s))~~? (1) All individuals licensed or required to be licensed as commercial pesticide applicators, commercial pesticide operators, private-commercial applicators, demonstration and research applicators, public operators, structural pest inspectors, pest control consultants and public pest control consultants must be certified, through examination, in all pest control classifications defined in subsection (3)(a) through (x) of this section in which they operate, inspect or consult. Additionally, commercial pesticide applicators must be licensed in all classifications that the business operates. Licensed applicators may

directly supervise unlicensed applicators only in those classifications in which they have a valid certification.

(2) To qualify for any pesticide license listed in subsection (1) of this section, applicants, except the structural pest inspector, must pass a "laws and safety" examination or equivalent, that includes, but is not limited to, the following: The state and federal laws governing pesticide use and the regulating agencies; general pesticide uses and application techniques; safe use of pesticides; general pesticide labeling comprehension; environmental fate of pesticides, and appropriate storage and disposal of pesticides and their containers. Individuals holding valid, passing scores on the private applicator or dealer manager exam are exempt from this examination requirement. Structural pest inspectors conducting complete wood destroying organism inspections must pass a "structural pest inspector laws and standards" examination or equivalent that includes, but is not limited to, the legal requirements governing structural pest inspectors and the standards for conducting complete wood destroying organism inspections.

(3) License classifications.

(a) Agricultural weed: The control of weeds, except with soil fumigants, in all agricultural crops including forest environments, and in former agricultural lands now in a noncrop status.

(b) Rights of way weed: The control of weeds, including cut stumps, on, but not limited to, ~~((the following))~~ terrestrial rights of way locations ~~((City, county, state and federal))~~ such as roads and/or highways, railroads, power lines and irrigation ditches and to industrial sites, including, but not limited to, airports, industrial parks, and large parking areas.

(c) Turf and ornamental weed: The control of weeds (and moss), including cut stumps, in ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, ~~((and))~~ hospitals, vacant lots and open noncrop waste areas.

(d) Structural and turf demossing: The control of moss on structures and turf.

(e) Stump treatment: The use of herbicides on cut stumps to control sprouting.

(f) Soil fumigation: The use of soil-applied fumigants on agricultural crops and noncrop land to control pests including weeds, insects and diseases.

(g) Sewer root: Control of roots in sewer lines.

(h) Agricultural insect and disease: The control of insects and diseases, except with soil fumigants, in agricultural crops including forest environments.

(i) Ornamental insect and disease: The control of insects and diseases in ornamental, turf and rights of way situations including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, hospitals and rest homes. This includes, but is not limited to, the use of insecticides, miticides, fungicides, bacteriocides, molluscides and nematocides.

(j) Interior plantscaping: The control of insects and diseases in interior plantscapes.

(k) PCO general: The control of insects, spiders, birds, rodents and animal pests in and around, but not limited to, the following situations: Residences, public buildings and grounds, commercial buildings and grounds, disposal sites,

animal feed lots and farmsteads, including buildings and transportation equipment.

(l) PCO structural: The control of structurally destructive pests including, but not limited to, fungus, termites, carpenter ants, carpenter bees and wood-boring beetles. This classification allows a licensee to perform specific wood destroying organism inspections.

(m) Structural pest inspector: Allows for the commercial inspection of buildings for structurally destructive pests, their damage and conditions conducive to their development. This classification is required to perform complete wood destroying organism inspections.

(n) Stored grain: The use of pesticides (including fumigants and rodenticides) in grain storing facilities and railcars.

(o) Fumigant: The use of fumigants only (such as methyl bromide and aluminum phosphide) on stored commodities.

(p) Seed treatment: The application of pesticides to seeds to control destructive insects and diseases.

(q) Sprout inhibitor: Use of a pesticide to control sprouting in stored potatoes.

(r) Livestock pest: The control of external and internal pests of animals, with the exception of viruses, including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and also treatment of livestock premises.

(s) Pest animal: The control of pest animals in agricultural situations.

(t) Aquatic: The control of aquatic pests ~~((of))~~ in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines.

(u) Aquatic irrigation: Limited to the control of aquatic pests ~~((of))~~ in irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emersed and submersed aquatic weeds.

(v) Public health: ~~((This))~~ Application of pesticides by governmental employees and certain others in public health programs such as, but not limited to, mosquito control, rodent control and insect control in situations having medical and public health importance.

(w) Aquatic antifouling: Use of antifouling paints to control fouling organisms on marine vessels.

(x) Wood treatment: Use of wood preservatives for the control of wood damaging pests.

(4) All examinations required under this section shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(5) A passing score of seventy percent is established for all the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(6) The department may waive any of the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or ~~((federal))~~ provincial

certification program with comparable examination and recertification standards.

AMENDATORY SECTION (Amending WSR 00-24-013, filed 11/27/00, effective 12/28/00)

WAC 16-228-1546 What are the requirements for a private applicator (~~(examination requirement)~~) license?

(1) To qualify for a private applicator license, an individual must pass a private applicator examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted. Individuals holding valid, passing scores on the laws and safety examination, or equivalent, or the dealer manager exam, and one of the classifications in WAC 16-228-1545 (3)(a) or (h) or the now retired statewide classification, are exempt from this examination requirement.

(2) Private applicators making aquatic applications to water that moves off their own or their employer's agricultural land must obtain the aquatic classification described in WAC 16-228-1545 (3)(t).

(3) A passing score of seventy percent is established for the examinations required under this section. The department may establish separate passing scores for the examinations if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

(4) The department may waive the examination requirements contained in this section for any person holding a valid certification with similar classifications from an EPA or Canadian approved federal, state or (~~(federal)~~) provincial certification program with comparable examination and recertification standards.

AMENDATORY SECTION (Amending WSR 00-24-013, filed 11/27/00, effective 12/28/00)

WAC 16-228-1547 What are the requirements for a dealer manager (~~(examination requirement)~~) license?

To qualify for a dealer manager license, an individual must pass a dealer manager examination. The examination shall be written and taken without the aid of any materials that contain information relevant to the exam content. Reading of exams by an individual other than the applicant is not permitted.

(2) A passing score of seventy percent is established for the examination required under this section. The department may establish a separate passing score for the examination if a validated process is used. Passing scores are valid for obtaining a license in the calendar year in which the examination is taken plus the following calendar year.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1550 What are the requirements for apparatus display signs(†)? (1) A certified applicator making a landscape application shall display the name and telephone number of the applicator or applicator's employer on any power equipment.

(2) A certified applicator making a right of way application shall display the name and telephone number of the applicator or the applicator's employer and the words "VEGETATION MANAGEMENT APPLICATION."

(3) Apparatus display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.

(4) Lettering of the apparatus display signs shall be, at a minimum, two inches in height and shall be printed in color contrasting to the background.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1555 (~~(Requirements on placement of)~~ Where must commercial applicator apparatus license plates and windshield identification(†) be placed?

(1) Apparatus license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: Provided(‡) that an apparatus license plate may be affixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1570 What are the circumstances when certification permits(†) are used? (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User permits will be issued in a form prescribed by the director, which shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Expiration date, which shall be not longer than one year from the date of issuance
- (d) Name and address of certified applicator
- (e) Crop or site and area to which the pesticide will be applied
- (f) Amount of pesticide obtained
- (g) Any other information prescribed by the director.

(3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1585 ~~Are ground maintenance (on an occasional basis—Exempt from licensing requirements.) persons exempt from licensing?~~ Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

AMENDATORY SECTION (Amending WSR 99-22-002, filed 10/20/99, effective 11/20/99)

WAC 16-228-1590 ~~((Pesticide dealer and dealer manager licenses.))~~ **What are the licensing requirements for pesticide dealers and dealer-manager businesses?** (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

WSR 03-22-030
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 28, 2003, 9:50 a.m., effective February 1, 2004]

Date of Adoption: October 28, 2003.

Purpose: WAC 296-19A-045, the amendment to this section will clarify that the references in WAC 296-19A-135 and 296-19A-137 only apply to state fund referrals.

WAC 296-19A-080 and 296-19A-120, the words "calendar" and "electronic" are to be added to specify that progress reports during assessment and plan referrals are required every thirty calendar days from the date of the electronic referral.

Citation of Existing Rules Affected by this Order: Amending WAC 296-19A-045, 296-19A-080, and 296-19A-120.

Statutory Authority for Adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110.

Adopted under notice filed as WSR 03-17-072 on August 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 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Effective Date of Rule: February 1, 2004.

October 28, 2003

Paul Trause
Director

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-045 Which rules under "department vocational rehabilitation referrals" apply only to the department? WAC 296-19A-050 through ~~((296-19A-130))~~ 296-19A-137 pertain to referrals for vocational rehabilitation services made by the department.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-080 How often must written progress reports be completed and submitted during assessment activities? The provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The written progress report must include:

(1) A detailed explanation why the AWA was not completed as of the date of the report;

(2) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(3) Identification and analysis of any barriers preventing completion of the referral; and

(4) A description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

AMENDATORY SECTION (Amending WSR 00-18-078, filed 9/1/00, effective 6/1/01)

WAC 296-19A-120 What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Review of the industrially injured or ill worker's compliance with the vocational rehabilitation plan;

(b) A list of the dates the provider contacted the industrially injured or ill worker and training site;

(c) Description of the skills the worker has acquired so far and a comparison with the vocational rehabilitation plan;

(d) Summary of all actions taken in the past thirty days, including progress on previously recommended actions;

(e) Identification and analysis of any barriers preventing completion of the referral;

(f) Statement of whether the industrially injured or ill worker will complete the plan by the target plan end date.

(2) Closing report. If the industrially injured or ill worker successfully completes the vocational rehabilitation plan, the closing report, at a minimum, must contain the following information:

(a) An assessment of the industrially injured or ill worker's employability status at the time of closure;

(b) An assessment of the skills acquired by the industrially injured or ill worker as compared to the vocational rehabilitation plan;

(c) A statement as to whether or not the industrially injured or ill worker has returned to gainful employment; and

(d) The barriers, if any, to the industrially injured or ill worker's return to gainful employment.

(3) If the industrially injured or ill worker does not successfully complete the vocational rehabilitation plan, the closing report, at a minimum, must contain the following information:

(a) Explain why the vocational rehabilitation plan cannot be completed;

(b) Assess the industrially injured or ill worker's employability status at the time the plan stopped;

(c) Assess what skills the industrially injured or ill worker acquired and compare them to the vocational rehabilitation plan;

(d) Indicate whether or not the industrially injured or ill worker has returned to work. If so, list the job title, employer, and monthly salary; and

(e) Describe any remaining barriers that may keep the industrially injured or ill worker from returning to work.

WSR 03-22-032

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed October 28, 2003, 3:17 p.m.]

Date of Adoption: October 10, 2003.

Purpose: To clarify the penalties that will apply to employers who are delinquent in the payment of unemployment taxes. In particular, the rules clarify chapter 50.50 RCW regarding the actions the department will take in the event a tribe or tribal unit is delinquent in the payment of taxes. In addition, the rules make clear that the delinquency rate specified by RCW 50.29.025 applies to any delinquent reimburseable [reimbursable] employer who becomes a contribution-paying (taxable) employer.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Adopted under notice filed as WSR 03-16-111 on August 6, 2003.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, 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 3, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 24, 2003

Dr. Sylvia P. Mundy

Commissioner

NEW SECTION

WAC 192-330-110 Delinquencies. RCW 50.29.025 (1)(f)(i) and (2)(c)(i) specifies the tax rate that shall be charged to employers who have failed to pay their contributions and who are not in compliance with a deferred payment contract. The tax rate established by that section shall also be assigned to a reimbursable employer (one who makes payments in lieu of contributions) who is delinquent in its payments and elects or is required to become a contribution-paying employer.

NEW SECTION

WAC 192-330-150 Tribes and tribal entities—RCW 50.50.040 (1) In any revocation action, the department will treat the entire tribe as a single entity. If any tribal entity or unit becomes delinquent, the entire tribe will be treated as delinquent. If any entity of the tribe is a contribution-paying employer and is delinquent, the entire tribe will be treated as a contribution-paying employer and will be subject to revocation of coverage.

(2) The ninety and one hundred-eighty day response periods begin with the date the tax statement is mailed to the employer by the department.

NEW SECTION

WAC 192-330-155 Notification to tribes. (1) A copy of any notice of payment or reporting delinquency required by RCW 50.50.050, issued to a tribe or tribal unit, will be provided to the tribal chairperson and to such other person(s) designated by the tribe or tribal unit.

(2) The tribe will be responsible for notifying its employees of the potential loss of coverage.

WSR 03-22-037
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 28, 2003, 3:48 p.m., effective December 1, 2003]

Date of Adoption: October 24, 2003.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-480-0001 and 388-482-0005 to comply with federal requirements on special eligibility requirements for the Washington basic food program when someone in the household is on strike or attending an institution of higher education at least half time.

Citation of Existing Rules Affected by this Order: Amending WAC 388-480-0001 and 388-482-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510.

Adopted under notice filed as WSR 03-19-071 on September 12, 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 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: December 1, 2003.

October 24, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-05-007, filed 2/4/00, effective 3/6/00)

WAC 388-480-0001 ((How being on)) Does being on strike ((effects)) impact my eligibility for the Washington Basic Food ((assistance benefits)) Program? (1) A strike is a work stoppage, slowdown or other interruption of work caused by employees. ~~((You are not considered))~~ This includes when a stoppage happens because a collective bargaining agreement has expired.

(2) We do not consider you to be on strike if you:

- (a) ~~Are~~ locked out by your employer;
- (b) ~~((Unable to work because))~~ Do not have work ~~((is not))~~ available as a result of striking employees;
- (c) Are not a member of the bargaining unit on strike and you fear someone may physically hurt you if you cross a picket line; or
- (d) Would have been exempt from work registration under WAC 388-444-0015 the day before the strike for any

reason other than being employed ~~((over))~~ at least thirty hours per week.

~~((2))~~ (3) ~~If ((you apply for food assistance, you will not be eligible if you are on strike))~~ a person in your Assistance Unit (AU) is a striker, your AU is not eligible for Basic Food unless:

(a) Your ~~((household))~~ AU met all income ~~((and resource eligibility standards))~~ requirements the day before the strike; and

(b) You ~~((are otherwise eligible at the time you apply))~~ meet all other requirements of the Basic Food program as described in WAC 388-400-0040.

~~((3)) You will not~~

(4) If someone in your AU is on strike, your AU cannot receive ~~((an increase in your))~~ a higher amount of Basic Food ((assistance)) benefits solely ~~((due to receiving))~~ because the person receives less income as a direct result of being on strike. We count the larger of the two following amounts to determine if your AU is eligible and calculate your benefits:

- (a) The striker's income before they went on strike; or
- (b) The striker's current income.

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

WAC 388-482-0005 How does being a student ~~((status for))~~ impact my eligibility for the Washington Basic Food ~~((assistance))~~ Program? (1) ~~((A))~~ For Basic Food ((assistance client is considered)), we consider you a student ((when the client is)) if you are:

- (a) ~~((Aged))~~ Age eighteen through forty-nine ~~((years))~~;
- (b) Physically and mentally able to work; and
- (c) Enrolled in an institution of higher education at least half-time as defined by the institution.

(2) An institution of higher education is:

(a) Any educational institution ~~((requiring))~~ that requires a high school diploma or general education development certificate (GED);

(b) A business, trade, or vocational ~~((schools requiring))~~ that requires a high school diploma or GED; or

(c) A two-year or four-year college or university ~~((offering))~~ that offers a degree but does not ~~((requiring))~~ require a high school diploma or GED.

(3) ~~((To be eligible for food assistance))~~ If you are a student ((as defined in subsection (1) of this section)), you must meet ~~((at least))~~ one of the following ~~((requirements))~~ conditions to be eligible for Basic Food:

(a) ~~((Be employed for a minimum))~~ Have paid employment of twenty hours per week.

(b) Be self-employed, work, and ~~((receive money from a federal or state work study program))~~ earn at least the amount you would earn working twenty hours at the federal minimum wage;

(c) Be participating in a state or federal work study program at the time you applied for Basic Food benefits. For the purpose of being eligible for Basic Food, work study is:

- (i) Working and receiving money from the work study program; and
- (ii) Not turning down a work assignment.

(d) Be responsible for more than half the care of a dependent ((household member)) person in your Assistance Unit (AU) who is age five or younger;

((d)) (e) Be responsible for more than half the care of a dependent ((household member)) person in your AU who is between age six ((through)) and eleven ((years of age and the department has)) if we have determined that there is not adequate child care available during the school year to allow ((the student)) you to:

(i) Attend class and satisfy the twenty-hour work requirement; or

(ii) Take part in a work study program.

((e)) (f) Be a single parent responsible for the care of ((a dependent household member)) your natural, step, or adopted child who is eleven ((years old)) or younger ((even if child care is available));

((f)) (g) Be an adult who has the parental ((control)) responsibility of a child who is age eleven ((years of age)) or younger ((and neither the adult's spouse nor the child's parents reside)) if none of the following people live in the home(;

(g):

(i) The child's parents; or

(ii) Your spouse.

(h) Participate in the WorkFirst program ((as required)) under WAC ((388-310-400)) 388-310-0200;

((h)) (i) Receive ((benefits from)) TANF or SFA benefits;

((i)) (j) Attend an institution of higher education through:

(i) The ((job training partnership act (JTPA))) Workforce Investment Act (WIA);

(ii) The food ((assistance)) stamp employment and training program ((FS-E&T)) under chapter 388-444 WAC;

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

(4) ((Student status:

(a) Begins the first day of the school term; and

(b) Continues through vacations. Vacations include the summer when the student plans to return to school for the next term.

(5) If the only reason a student is eligible for food assistance is the participation in work study, the student becomes ineligible during the summer months if the student is not working and receiving money from work study. Consider other student eligibility criteria during the summer months.

(6)) If you are a student and the only reason you are eligible for Basic Food is because you participate in work study, you are only eligible while you work and receive money from work study. If your work study stops during the summer months, you must meet another condition to be an eligible student during this period.

(5) If you are a student, your status as a student:

(a) Begins the first day of the school term; and

(b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.

(6) We do not consider you a student ((status ends when a student)) if you:

(a) ((Graduates)) Graduate;

(b) ((Is)) Are suspended or expelled;

(c) ((Drops)) Drop out; or

(d) ((Does)) Do not intend to register for the next school term other than summer.

WSR 03-22-038

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 28, 2003, 3:50 p.m., effective December 1, 2003]

Date of Adoption: October 24, 2003.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-412-0015, 388-412-0020, 388-412-0025, 388-412-0040, 388-460-0001, 388-460-0005, 388-460-0010, and 388-460-0015. The amendments indicate how the department issues benefits, when the department replaces benefits, and who can be an authorized representative for department programs. The changes are necessary to clarify federal requirements in these areas and allow for consistent statewide application of department rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-412-0015, 388-412-0020, 388-412-0025, 388-412-0040, 388-460-0001, 388-460-0005, 388-460-0010, and 388-460-0015.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Adopted under notice filed as WSR 03-19-072 on September 12, 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 8, 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 8, Repealed 0.

Effective Date of Rule: December 1, 2003.

October 24, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0015 General information about your Basic Food ((assistance)) allotments. (1) Your monthly Basic Food ((assistance benefit is)) benefits are called an

allotment. An allotment is the total dollar value of benefits your eligible assistance unit (AU) gets for a calendar month.

(2) ~~((You get the maximum allotment))~~ If your AU does not have any countable net income, you get the maximum allotment for the number of eligible people in your AU. See WAC 388-478-0060 for the maximum allotments.

(3) If your AU has countable net income under WAC 388-450-0162, we calculate, your allotment ((is computed)) by:

(a) Multiplying your AU's countable net monthly income by thirty percent;

(b) Rounding this amount up to the next whole dollar; and

(c) Subtracting the ~~((results))~~ result from the maximum allotment.

(4) ~~((You get))~~ If we determine you are eligible for Basic Food, your first month's benefits are from the date ((your AU is determined eligible)) you applied for benefits through the end of the month ((except for AUs described in)) of your application. If there was a delay in processing your application, we determine when your benefits start under WAC 388-406-0055. This is called proration and is based on a thirty-day month.

(5) ~~((You get benefits for both the month of application and the following month in one allotment if you are eligible for both months and you applied))~~ If you apply for benefits on or after the sixteenth of the month, and we determine you are eligible for Basic Food, we issue both your first and second months benefits in one allotment if you are eligible for both months.

(6) ~~((You do not get an allotment in the first month you are eligible if your allotment is less than ten dollars))~~ If your prorated benefits for the first month are under ten dollars, you will not receive an allotment for the first month.

(7) ~~((You get a minimum allotment of ten dollars each month if your AU has a total of one or two members))~~ If your AU has one or two members, your monthly allotment will be at least ten dollars unless:

(a) It is the first month of your certification period; ~~((and))~~

(b) Your AU is eligible for only a partial month; and

(c) We reduced your first month's allotment below ten dollars based on the date you became eligible for Basic Food under WAC 388-406-0055.

AMENDATORY SECTION (Amending WSR 02-18-105, filed 9/3/02, effective 10/4/02)

WAC 388-412-0020 When do I get my benefits? (1) If you get your cash benefits on an electronic benefits card (EBT), you get your cash benefits deposited on the first of each month.

(2) If you get your cash benefits deposited directly to your bank account, electronic funds transfer (EFT)((:)); your money is deposited on the first working day of the month. When the first of the month is a federal holiday or a Sunday, the benefits are deposited the following day.

(3) If you get Basic Food ((assistance)), your benefits are issued by the tenth day of each month. The day you get your benefits is the same as the last number of your ~~((food))~~ Assis-

tance Unit (AU) number for Basic Food. If the last number of your ~~((assistance unit-))~~ AU((:)) number is zero, you get your benefits on the tenth.

AMENDATORY SECTION (Amending WSR 02-18-105, filed 9/3/02, effective 10/4/02)

WAC 388-412-0025 How do I get my benefits? (1) Your cash benefits are sent to you by either:

(a) Electronic benefit transfer (EBT), electronic benefits card which is a direct deposit into a DSHS account that you access with a debit card called the Washington EBT Quest Card;

(b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account; ~~((or))~~

(c) A check to ~~((:))~~ ~~((:))~~ a payee who is not approved for direct deposit ~~((or))~~; or

~~((:))~~

(b) A check to you((:)) if you get:

(i) Diversion((:)) Cash Assistance (DCA) that cannot be paid directly to a vendor;

(ii) Additional Requirements for Emergent Needs ((or)) (AREN) that cannot be paid directly to a vendor;

(iii) Ongoing Additional Requirements (OAR) that cannot be paid directly to a vendor;

(iv) Clothing and Personal Incidentals (CPI) payments; or

(v) State Supplemental Payment (SSP) and you do not receive your benefit through EFT.

(2) You use a Quest debit card to access your benefits in your EBT account. You get a personal identification number (PIN) that you must enter when using this card.

(3) Your Basic Food ((assistance)) benefits are deposited into your EBT account under time frames in WAC 388-412-0020.

(4) We establish an EBT account for each AU that receives their benefits by EBT.

(5) Your cash and Basic Food ((assistance)) are canceled when you do not use your EBT benefits for three hundred sixty-five days.

(a) We cannot replace Basic Food benefits that ((have not been)) were canceled because they were not used for three hundred sixty-five days ((cannot be replaced)).

(b) ~~((You have two years to contact department of revenue in order to replace))~~ Cash benefits that were canceled because you did not use them for three hundred sixty-five days may be replaced. You have two years to contact the Department of Revenue in order to replace your cash benefits. You can contact Department of Revenue at 1-800-435-2429. After that time, you must contact the State Treasurer to claim any canceled funds.

(6) ~~((When you move to a state where you cannot use your EBT account we convert your food assistance to coupons. There may be up to one dollar and ninety-nine cents left in your EBT account after conversion. You must use the remaining balance in your EBT account within seven days after we convert your benefits from EBT to coupons. We cancel these benefits if you do not use them within the seven days.~~

~~(7) EBT benefits cannot be converted into checks.)~~ You must use your cash and Basic Food benefits from your EBT account. We do not convert cash or Basic Food benefits to checks.

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 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0040 Can I get my benefits replaced?

Under certain conditions, we may replace your benefits.

(1) You may get your EBT benefits replaced if:

(a) We make a mistake that causes you to lose benefits;

(b) Both your EBT card and personal identification number (PIN) are stolen from the mail; you never had the ability to use the benefits; and you lost benefits;

(c) You left a drug or alcohol treatment on or before the fifteenth of the month and the facility does not have enough Basic Food ((assistance funds)) benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake along with your state benefits; or

(e) Your food that was purchased with Basic Food ((assistance)) benefits was destroyed in a disaster.

~~(2) ((You may get food coupons replaced if:~~

~~(a) You did not get your food coupons as they were either lost or stolen in the mail; or~~

~~(b) Your food coupons or food purchased with food coupons were destroyed in a disaster.~~

~~(3)) If you want a replacement, you must:~~

~~(a) Report the loss to your local office within ten days from the date of the loss; and~~

~~(b) Sign a department affidavit form stating you had a loss of benefits.~~

~~((4)) (3) For Basic Food ((assistance)), we replace the loss up to a one-month benefit amount.~~

~~((5) Your request for a replacement is denied if the))~~

~~(4) We will not replace your benefits if your loss is for a reason ((for the loss is not)) other than shoes listed in subsection (1) ((and (2)) above or:~~

~~(a) We decided that ((you)) your request is fraudulent;~~

~~(b) ((Your certified mail coupons are signed for by any person living or visiting at your address;~~

~~(e)) Your Basic Food ((coupons)) benefits were lost, stolen or misplaced after you received them;~~

~~((d)) (c) You already got two countable ((food assistance)) replacements of Basic Food benefits within the ((prior)) last five months; or~~

~~((e)) (d) You got disaster food stamp benefits for the same month you requested a replacement for Basic Food ((assistance)).~~

~~((6)) (5) Your replacement does not count if:~~

~~(a) Your benefits are returned to us; or~~

~~(b) We replaced your benefits because we made an error((; or~~

~~(e) The food coupons you got are improperly made or are mutilated. You must have at least three-fifths of each coupon in order for us to replace them)).~~

AMENDATORY SECTION (Amending WSR 02-14-083, filed 6/28/02, effective 7/1/02)

WAC 388-460-0001 Who may be issued cash, child care, medical and Basic Food ((assistance)) benefits? (1) Cash and child care assistance may be issued in the name of the following persons:

(a) A client who is the recipient of the benefits;

(b) An ineligible parent or other relative getting benefits on behalf of an eligible child;

(c) A person, facility, organization, institution or agency acting as a protective payee or representative payee for a client;

(d) A guardian or agent acting on behalf of a client; or

(e) A vendor of goods or services supplied to an eligible client.

(2) When medical coverage accompanies cash assistance, the medical identification (MAID) card for the assistance unit members is issued in the name of the person listed as payee for the cash benefit.

(3) For other medical assistance units, the MAID card is issued to the person named as the head of the assistance unit.

(4) Basic Food ((assistance)) benefits are issued to the person named as the head of the ((food)) assistance unit for Basic Food.

AMENDATORY SECTION (Amending WSR 03-03-072, filed 1/15/03, effective 3/1/03)

WAC 388-460-0005 Can I choose someone to apply for Basic Food for my assistance unit? Your Basic Food assistance unit (AU) can choose an adult who is not a member of the AU to act on their behalf. This is called an authorized representative.

(1) A responsible member of the AU can name, in writing, an authorized representative. A responsible member of the AU is either:

(a) The applicant;

(b) The applicant's spouse;

(c) Another member of the AU the applicant states is able to conduct business on behalf of all members in the AU.

(2) The AU's authorized representative has the authority to apply for Basic Food on the AU's behalf.

(3) If you receive Basic Food benefits in a qualified drug and alcohol treatment facility under WAC 388-408-0040, you must have an employee of the facility as your authorized representative for Basic Food.

(4) If the authorized representative provides information to the department that causes an AU to have an overpayment, the AU members are liable for the overpayment.

~~((4)) (5) An authorized representative may act on behalf of more than one Basic Food AU only if the ((CSO)) community services office administrator approves.~~

AMENDATORY SECTION (Amending WSR 99-02-039, filed 12/31/98, effective 1/31/99)

WAC 388-460-0010 ((Food assistance)) Do I have an authorized representative((—)) for Basic Food if I live in a treatment ((centers and)) center or group ((homes)) home? (1) ((Residents in)) If you live in a qualified DDD

group (~~homes~~) home under WAC 388-408-0040, you may choose to (~~have~~) apply for Basic Food (~~assistance~~) benefits (~~authorized as follows~~):

- (a) On (~~their~~) your own behalf;
 - (b) Through an authorized representative of (~~their choosing~~) your choice; or
 - (c) Through (~~a facility~~) the DDD group home acting as your authorized representative.
- (2) (~~Residents in chemical dependency treatment centers are required to~~) If you live in a qualified drug and alcohol treatment center under WAC 388-408-0040, you must have (~~a designated~~) an employee of the facility (~~act as an~~) as your authorized representative for Basic Food.

(3) The person acting as authorized representative for residents in a (~~chemical dependency~~) qualified drug and alcohol treatment (~~center~~) facility or (~~a~~) qualified DDD group home must:

- (a) Be aware of the resident's circumstances;
- (b) Notify the department of any changes in income, resources or circumstances within ten days of the change;
- (c) Use the resident's Basic Food (~~assistance benefit allotment~~) benefits for meals served to the resident; and
- (d) (~~Maintain~~) Keep enough benefits in the (~~facility electronic benefits transfer (EBT)) facility's~~ account to (~~allow the department to~~) transfer one-half of a client's monthly allotment to the client's own account. (~~The client is entitled to one half of the food assistance benefits when~~) If the client leaves the facility on or before the fifteenth of the month, the facility must return one half of the client's Basic Food allotment for that month.

(4) When (~~assigning~~) a facility assigns an employee as the authorized representative for residents, (~~a~~) the facility accepts responsibility for:

- (a) Any misrepresentation or intentional program violation; and
- (b) Liability for Basic Food (~~assistance~~) benefits held at the facility on behalf of the resident.

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

WAC 388-460-0015 (~~Persons who may not be an~~) **Who will the department not allow as an authorized representative for (~~a~~) Basic Food (~~assistance unit~~)?** (1) (~~A person~~) If you are acting as an authorized representative for (~~a~~) Basic Food (~~assistance unit will be disqualified for one year when that person~~), we disqualify you from being an authorized representative for one year if we determine that you:

- (a) Knowingly (~~provides~~) provided false information to the department;
 - (b) (~~Misrepresents the food assistance unit's~~) Misrepresented the circumstances of the Basic Food assistance unit (AU); or
 - (c) (~~Misuses~~) Misused the Basic Food (~~assistance~~) benefits.
- (2) (~~The~~) If we disqualify you from being an authorized representative (~~and the head of the~~) for Basic Food (~~assistance unit are notified~~), we notify you and the head of the

Basic Food AU thirty days (~~prior to the~~) before your disqualification (~~taking effect~~) starts.

(3) (~~The following persons may act as an authorized representative for a food assistance unit only with written approval of the CSO administrator and only when no one else is available:~~

- (a) ~~An employee of the department;~~
- (b) ~~Any person disqualified from the food assistance program because of an intentional program violation;~~
- (c) ~~A retailer authorized to accept coupons;~~) If you are a department employee, a retailer authorized to receive Basic Food benefits, or are disqualified from receiving Basic Food because of an intentional program violation under WAC 38-446-0015, you generally cannot be an authorized representative. If you are in any of these three categories and want to be an authorized representative for Basic Food:

(a) The AU must have no one else available to be an authorized representative; and

(b) You must have written approval from the community services office administrator to be the AU's authorized representative.

(4) A public or private nonprofit organization providing meals for homeless persons may not be an authorized representative under any conditions.

WSR 03-22-039

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 28, 2003, 3:52 p.m., effective December 1, 2003]

Date of Adoption: October 24, 2003.

Purpose: The Division of Employment and Assistance Programs is amending WAC 388-406-0005, 388-406-0010, 388-406-0012, 388-406-0021, 388-406-0035, 388-406-0040, 388-406-0055, 388-406-0060, 388-406-0065, and 388-416-0005.

The amendments indicate how to apply for department programs, how the department processes applications, and how long a client can receive basic food benefits before having to recertify their eligibility. The changes are necessary to clarify federal requirements in these areas and allow for consistent statewide application of department rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0005, 388-406-0010, 388-406-0012, 388-406-0021, 388-406-0035, 388-406-0040, 388-406-0055, 388-406-0060, 388-406-0065, and 388-416-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510.

Adopted under notice filed as WSR 03-19-112 on September 16, 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 9, 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 9, Repealed 0.

Effective Date of Rule: December 1, 2003.

October 24, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

WAC 388-406-0005 Can I apply for cash, medical, or Basic Food ((assistance))? (1) You can apply for any ((~~program~~)) benefit the department offers, including cash assistance, medical assistance, or Basic Food ((assistance)).

(2) You must meet certain eligibility requirements in order to receive a program benefit.

(3) You can apply for someone else if you are:

(a) A legal guardian, caretaker, or authorized representative applying ((~~on behalf of~~)) for:

(i) A dependent child((:));

(ii) An incapacitated person((:)); or

(iii) Someone who is deceased((:or)).

(b) ((~~Acting on behalf of the applicant when the applicant can not~~)) Applying for someone who cannot apply for some other reason. We may ask why the applicant is unable to apply on their own behalf.

(4) ((~~You do not need to apply for medical benefits~~)) If you get Supplemental Security Income (SSI) ((as)), you do not need to apply for medical benefits. We automatically open medical benefits for you.

(5) A person or agency may apply for GAU or medical assistance ((~~on your behalf~~)) for you if:

(a) You ((~~are~~)) temporarily ((~~living~~)) live out of state; and

(b) You are a Washington state resident.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

WAC 388-406-0010 How do I apply for benefits? (1) You can apply for cash((~~, food, or~~)) assistance, medical assistance, or Basic Food by giving us an application form in person, by mail, by fax, or by completing an online application.

(2) If your entire ((~~household~~)) assistance unit (AU) gets or is applying for Supplemental Security Income (SSI), ((~~then your household~~)) your AU can file an application for Basic Food ((assistance)) at the local Social Security Administration District Office (SSADO).

(3) If you are incapacitated, a dependent child, or cannot apply for benefits on your own for some other reason, a legal guardian, caretaker, or authorized representative can apply

for ((a dependent child or incapacitated person or someone unable to apply on their own behalf for some other reason)) you.

(4) You can apply for cash((~~, food, and~~)) assistance, medical assistance, or Basic Food with just one application form.

(5) If you apply for benefits at a local office, we accept your application on the same day you come in. If you apply at ((~~the wrong~~)) an office that does not serve the area where you live, we send your application to the appropriate office ((~~no later than~~)) by the next business day so that office receives your application on the same day we send it.

(6) We accept your application for benefits if it has at least:

(a) For cash or medical assistance, the name, address, and signatures of the responsible adult ((~~household~~)) AU members or person applying ((~~on your behalf~~)) for you. A minor child may sign if there is no adult in the ((~~household~~)) AU. Signatures must be either handwritten, electronic or digital as defined by the department, or a mark if witnessed by another person; or

(b) For Basic Food ((assistance)), the name, address, and signature of a responsible ((~~household~~)) member of your AU or person applying ((~~on your behalf~~)) for you as an authorized representative under WAC 388-460-0005.

(7) As a part of the application process, ((~~you~~)) we may ((~~be required~~)) require you to:

(a) Complete an interview if one is required under WAC 388-452-0005;

(b) Give us the information we need to decide if you are eligible as required under WAC 388-406-0030; and

(c) Give us proof of information as required under WAC 388-490-0005 so we can determine if you are eligible.

(8) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you ((~~comply with~~)) meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

WAC 388-406-0012 What is the date of my application and how does it affect my benefits? The date of your application affects when your benefits start. The date of your application is the date any field office receives your application unless:

(1) Your entire ((~~household~~)) assistance unit gets or applies for Supplemental Security Income (SSI) and ((~~requests~~)) applies for Basic Food ((assistance)) at the local Social Security office((~~, then~~)). The date of application is the date Social Security gets your application; or

(2) You apply outside of normal business hours, including applications you submitted online, dropped off, or sent to us by fax((~~, then~~)). The date of your application is the next business day.

(3) You request Basic Food benefits when you have applied for benefits through another department program, but we have not made a decision on the application. We call this a "pending application." If you ask for Basic Food benefits when you have a pending application for another program:

(a) We use your application for the other program, but we use the date you requested food benefits as your date of application for Basic Food; and

(b) You must provide us the necessary information to determine if you are eligible for Basic Food, even if we did not need this information for the other program.

AMENDATORY SECTION (Amending WSR 99-24-008, filed 11/19/99, effective 1/1/00)

WAC 388-406-0021 ~~How ((the department decides if you are)) does being a migrant or seasonal farmworker ((and if you are destitute.)) affect my application for Basic Food?~~ The rules in this section apply to Basic Food assistance.

(1) A migrant farmworker is a person who travels away from home on a regular basis, usually with a group of other workers, to seek employment in an agriculturally((-) related activity. A migrant assistance unit is an assistance unit that travels for this purpose.

(2) A migrant assistance unit (AU) is an AU that travels for this purpose.

(3) A seasonal farmworker is a person who:

(a) Does agricultural work on a farm for edible crops; and

(b) Is not required to be away from their permanent place of residence overnight in order to perform this work.

~~((3) For seasonal farmworkers,))~~

(4) Agricultural work is field work in ((which the person:

~~(a) Plants;~~

~~(b) Cultivates; or~~

~~(c) Harvests the)) either planting, cultivating, or harvesting a crop.~~

~~((4) An assistance unit is considered))~~

(5) We consider your AU a seasonal farmworker ((assistance unit)) AU if it receives its only countable income from:

(a) Seasonal farmwork;

(b) Unemployment compensation between seasons; or

(c) Interest ~~((earned))~~ your AU earns on a checking or savings account.

~~((5) A)) (6) Your migrant or seasonal farmworker is ((considered)) destitute ((when)) if:~~

(a) ((The assistance unit's)) Your AU received your income for the month of application ((was received)) before the date ((of application and was from a)) you applied for benefits and the source of this income no longer ((providing)) provides income; or

(b) ((The assistance unit's)) Your AU's income ((of)) for the month of application is from a new source and ((the assistance unit)) your AU will not receive more than twenty-five dollars during the ten calendar days from the date ((of application)) you applied for benefits.

~~((6) A household member changing))~~

(7) If someone in your AU changes jobs but ((continuing to work)) still works for the same employer ((is considered)), we consider them to be receiving income from the same source.

(8) If your AU is a migrant or seasonal farmworker AU, and your certification period ends, we do not prorate your benefits for the first month of your new certification period

unless your certification period ended more than a month before you turned in your application to recertify your benefits.

(9) If your migrant or seasonal farmworker AU is destitute:

(a) We may exclude some of your income for the month you applied for benefits under WAC 488-450-0230; and

(b) We budget your AU's income for the month you applied for benefits using the anticipating monthly method under WAC 388-450-0215.

AMENDATORY SECTION (Amending WSR 02-11-137, filed 5/21/02, effective 7/1/02)

WAC 388-406-0035 **How long does the department have to process my application?** (1) We must process your application as quickly as possible. We must respond promptly to your application and to any information you give us. We ~~((can not))~~ cannot delay processing your request by using the time limits stated in this section as a waiting period for determining eligibility.

(2) Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty calendar days, except:

(a) If you are pregnant, we must process your application for medical ~~((must be processed))~~ within fifteen working days;

(b) If you are applying for general assistance (GA-U), alcohol or drug addiction treatment (ADATSA), or medical assistance, we must ~~((take no more than))~~ process your application within forty-five calendar days; and

(c) If you are applying for medical assistance ~~((requiring))~~ that requires a disability decision, we must ~~((take no more than))~~ process your application within sixty calendar days.

(3) For calculating time limits, "day one" is the date following the date:

(a) ~~((An))~~ The department received your application for benefits ~~((is received by the department as specified))~~ under WAC 388-406-0010;

(b) Social Security gets a request for food ~~((assistance))~~ benefits from a ((household)) Basic Food assistance unit in which all members either get or are applying for Supplemental Security Income (SSI);

(c) You are released from an institution if you get or are authorized to get SSI and request Basic Food ~~((assistance))~~ through Social Security prior to your release.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

WAC 388-406-0040 **What happens if the processing of my application is delayed?** (1) We process your application for benefits as soon as possible. We do not intentionally delay processing your application for benefits for any reason. If we have enough information to decide eligibility for:

(a) Basic Food ~~((assistance, then)),~~ we promptly process your request for ~~((food assistance))~~ benefits even if we need more information to determine eligibility for cash or medical;

(b) Medical assistance, ~~((then))~~ we promptly process your request for medical even if we need more information to determine eligibility for cash or Basic Food ~~((assistance))~~.

(2) If your application for Basic Food assistance is not processed within the first thirty days and we have enough information to determine eligibility, ~~((then))~~ we promptly process your application. If additional information is needed to determine eligibility, we give you:

- (a) A written request for the additional information; and
- (b) An additional thirty days to provide the information.

(3) If we have not processed your application for Basic Food ~~((assistance has not been processed))~~ by the sixtieth day and you are responsible for the delay, ~~((then))~~ we deny your request for benefits. If we are responsible for the delay, ~~((then))~~ we:

(a) Promptly process your request if we have the information needed to determine eligibility; or

(b) Deny your request if we don't have enough information to determine eligibility. If we deny your request we notify you of your right to file a new application and that you may be entitled to benefits lost. If you reapply by the sixtieth day of your first application and are eligible, we give you benefits lost from:

- (i) The date of your first application if we caused the delay in the first thirty days; or
- (ii) The month following the month of your first application if you caused the delay in the first thirty days.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

WAC 388-406-0055 When do my benefits start? The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

- (a) The date we have enough information to make an eligibility decision; or
- (b) No later than the thirtieth day for TANF, SFA, or RCA; or
- (c) No later than the forty-fifth day for general assistance (GAU).

(2) Basic Food ~~((assistance))~~, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food ~~((assistance; then))~~. If you are recertified for Basic Food, we determine the date ((we start)) your benefits ((is)) start under WAC ((388-434-0020)) 388-434-0010;

(b) ~~((We were unable to process your application))~~ You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) ~~Within thirty days ((because of a delay on your part. If you caused the delay, then we approve your benefits starting the first day of the month following the month of application if you submit required verification by the end of the second thirty-day period, even if we denied your application; or))~~ of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) ~~We ((denied)) were unable to process your application ((for food assistance and your assistance unit becomes categorically eligible (CE)) within ((sixty)) thirty days ((from the date you applied, then the date we approve food assistance is the date you become CE. You are CE if you meet the criteria specified in WAC 388-414-0001)) because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the first day of the month following the month you applied for benefits. We start your benefits from this date even if we denied your application for Basic Food.~~

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

WAC 388-406-0060 What happens when my application is denied? (1) We (the department) deny your application for cash, medical, or Basic Food ~~((assistance))~~ benefits if:

(a) You do not show for your interview appointment for cash or Basic Food ~~((assistance))~~ if required under WAC 388-452-0005 ~~((and)), you~~ have not rescheduled, and your application is over thirty days old; or

(b) We do not have the information we need to determine your eligibility within ten days of ~~((request))~~ requesting the information from your assistance unit (AU) under WAC 388-414-0001, and you did not ask for additional time to give us the information; or

(c) Your entire ~~((assistance unit))~~ AU does not meet certain eligibility criteria to get benefits; or

(d) For Basic Food ~~((assistance))~~, your application has not been processed by the sixtieth day because of a delay on your part.

(2) If we deny your application, you do not get benefits unless:

(a) You mistakenly apply for benefits you already get; or

(b) We reconsider your eligibility under WAC 388-406-0065 and you are eligible to get benefits.

(3) We can reconsider if you are eligible for benefits under the requirements of WAC 388-406-0065 even after your application is denied.

(4) We give or send a letter to you explaining why your application was denied as required under WAC 388-458-0011.

(5) If you disagree with our decision about your application, you can ask for a fair hearing. If we deny your application because we do not have enough information to decide

that you are eligible, the hearing issue is whether you are eligible using:

- (a) Information we already have; and
- (b) Any more information you can give us.

AMENDATORY SECTION (Amending WSR 02-14-023, filed 6/21/02, effective 7/1/02)

WAC 388-406-0065 Can I still get benefits even after my application is denied? (1) If we (the department) deny your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) For Basic Food ((assistance)):

(i) You give us the information we need ((~~by the end of the month following the month you applied~~)) within sixty days of the date you applied for benefits; or

(ii) You become categorically eligible for Basic Food ((assistance)) under WAC 388-414-0001 within sixty days of the date you applied for benefits.

(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application if:

(a) You ((~~timely~~)) request a fair hearing timely; and

(b) You give us the information needed to determine eligibility and you are eligible.

(3) If you are eligible for cash or Basic Food ((assistance)), we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC. For all programs the eligibility date is based on the date of your original application that was denied.

AMENDATORY SECTION (Amending WSR 01-11-107, filed 5/21/01, effective 7/1/01)

WAC 388-416-0005 How long can I get Basic Food ((assistance))? (1) The length of time the department determines your assistance unit (AU) is eligible to get Basic Food ((assistance)) is called a certification period. The department (we) may certify your AU for up to:

(a) Twenty-four months if everyone in your AU is elderly and no one in your AU has earned income or cash assistance.

(b) Twelve months if everyone in your AU is disabled or elderly and no one in your AU has earned income.

(c) Six months if your AU has:

(i) Cash assistance; or

(ii) Earned income; or

(iii) Income, household circumstances, and deductions that are not likely to change.

(d) Three months for all other AUs, including ((~~AUs with~~)) when your AU has:

(i) A migrant or seasonal farmworker;

(ii) An able-bodied adult without dependents (ABAWD);

(iii) No income or cash assistance;

(iv) Expenses that are more than the income the AU gets;

(v) Homeless individuals or AU members staying in an emergency or family violence shelter;

(vi) ((~~An AU~~)) A member who is staying in a non-ADATSA drug and alcohol treatment center.

(2) We may shorten or lengthen your certification period to match your cash or medical assistance end date unless you have already received the maximum certification allowable for your AU.

(3) We terminate your certification period when:

(a) We get proof of a change that makes your AU ineligible; or

(b) We get information that your AU is ineligible; and

(c) You do not provide needed information to verify your AU's circumstances.

WSR 03-22-046

PERMANENT RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Docket No. A-030832, General Order No. R-509—Filed October 29, 2003, 12:25 p.m.]

In the matter of amending WAC 480-90-153, 480-100-153, 480-107-001, 480-107-005, 480-110-435, 480-120-083, 480-120-147, 480-120-264, 480-120-439 and 480-121-063, relating to updating internal WAC references; and amending and adopting WAC 480-80-121, 480-80-122, 480-80-126 and 480-80-205, relating to changes in legislation.

1 STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 03-15-142 for an expedited rule making, filed with the code reviser on July 23, 2003. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325 requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the reasons for adopting the rule, a summary of the comments received regarding the proposed rule, and responses reflecting the commission's consideration of the comments.

5 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the commission considered whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This rule amends or adopts the following sections of the Washington Administrative Code:

Affected Rules			
Action	WAC No.	Rule Title	Changes
Chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts			
Amend	480-80-121	Tariff changes with statutory notice.	1. Updated to reflect new legislation clarifying telecommunications tariff filings, effective July 27, 2003.
Amend	480-80-122	Tariff changes with less than statutory notice.	1. Updated to reflect new legislation simplifying processing of routine promotional and price list filings, effective July 27, 2003.
Adopt	480-80-126	Telecommunications promotional offering.	1. Added to reflect new legislation simplifying processing of promotional telecommunications tariff filings, effective July 27, 2003.
Amend	480-80-205	Effective date of price list filings.	1. Updated to reflect new legislation simplifying processing of routine promotional and price list filings, effective July 27, 2003.
Chapter 480-90 WAC, Gas companies—Operations			
Amend	480-90-153	Disclosure of private information.	1. Updated to reflect revised WAC section cross-referenced in chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.
Chapter 480-100 WAC, Electric companies—Operations			
Amend	480-100-153	Disclosure of private information.	1. Updated to reflect revised WAC section cross-referenced in chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.
Chapter 480-107 WAC, Electric companies—Purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers			
Amend	480-107-001	Purpose and scope.	1. Updated to reflect revised WAC section cross-referenced in chapter 480-100 WAC, Electric companies—Operations.
Amend	480-107-005	Definitions.	1. Updated to reflect revised WAC section cross-referenced in chapter 480-100 WAC, Electric companies—Operations.
Chapter 480-110 WAC, Water companies—Operations			
Amend	480-110-435	Extension contracts.	1. Updated to reflect revised WAC section cross-referenced in chapter 480-80 WAC, Utilities general—Tariffs, price lists, and contracts.
Chapter 480-120 WAC, Telecommunications companies			
Amend	480-120-083	Cessation of telecommunications services.	1. Updated to reflect new numbering of chapter, effective July 1, 2003.
Amend	480-120-147	Changes in local exchange and intrastate toll services.	1. Updated to correct language from "interstate" to "intraLATA."
Amend	480-120-264	Prepaid calling services.	1. Updated to reflect new numbering of chapter, effective July 1, 2003.
Amend	480-120-439	Service quality performance reports.	1. Amend to remove reference to incorrect WAC section.
Chapter 480-121 WAC, Registration, competitive classification and price lists of telecommunications companies			
Amend	480-121-063	Regulatory requirements that may be waived for competitively classified telecommunications companies.	1. Revised to reflect references to repealed sections and new numbering of chapter 480-120 WAC, Telecommunications companies, effective July 1, 2003.

PERMANENT

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353 "Expedited rule making."

8 NOTICE OF EXPEDITED RULE MAKING: The commission filed notice of expedited rule making (CR-105) on July 23, 2003, at WSR 03-15-142. The notice informed interested persons that the rules were being proposed under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission not later than September 22, 2003. The commission posted the relevant rule-making information on its internet website at www.wutc.wa.gov.

9 COMMENTERS (WRITTEN COMMENTS): No comments were received on the proposed rules.

10 RULE-MAKING HEARING: The rule proposal was considered for adoption, pursuant to the notice, at a rule-making hearing scheduled during the commission's regularly scheduled open public meeting on October 8, 2003, before Commissioner Richard Hemstad and Commissioner Patrick J. Oshie. No interested person commented.

11 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission amended and adopted the rules as proposed in the CR-105 at WSR 03-15-142.

12 CHANGES FROM PROPOSAL: The commission adopted the proposal with minor housekeeping changes from the text noticed at WSR 03-15-142.

13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-80-121, 480-80-122, 480-80-205, 480-90-153, 480-100-153, 480-107-001, 480-107-005, 480-110-435, 480-120-083, 480-120-147, 480-120-264, 480-120-439, and 480-121-063 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

14 The commission also determines that WAC 480-80-126 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

ORDER

15 THE COMMISSION ORDERS That:

16 WAC 480-80-121, 480-80-122, 480-80-205, 480-90-153, 480-100-153, 480-107-001, 480-107-005, 480-110-435, 480-120-083, 480-120-147, 480-120-264, 480-120-439, and 480-121-063 are amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

17 WAC 480-80-126 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

18 This order and the rules set out in Appendix A, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 29th day of October, 2003.

Washington Utilities and Transportation Commission
Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-121 Tariff changes with statutory notice. (1) The statutory notice periods for tariff changes are:

(a) The commission must receive tariff changes not less than thirty days in advance of the requested effective date as required by RCW 80.28.060 and ((80.36.110. Telecommunications companies not classified as competitive that meet the requirements of RCW 80.36.110(2) may file with ten days' notice to the commission)) 80.36.110 (1)(a);

(b) The commission must receive telecommunications tariff changes that reduce rates with no offsetting rate increases not less than ten days in advance of the requested effective date, as required by RCW 80.36.110 (2)(a). If a company makes a filing pursuant to this subsection, it may not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year.

(2) The statutory notice period begins on the date the commission receives the tariff filing, in accordance with WAC 480-80-031.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-122 Tariff changes with less than statutory notice. (1) The commission may allow tariff changes to become effective with less than the statutory notice (LSN)

period specified in WAC 480-80-121(1) when the utility provides good cause. A utility filing for LSN treatment may use an LSN form provided by the commission, or may submit a letter that includes the following:

- (a) Utility information:
 - (i) Name and address of utility;
 - (ii) Telephone number, e-mail address, and fax number;
 - and
 - (iii) Name of contact person for the filing.
 - (b) Tariff identification information:
 - (i) Number of the tariff being amended;
 - (ii) Title of the tariff item(s) being amended, if applicable; and
 - (iii) Number of the tariff sheet being amended.
 - (c) Concise description of the changes being proposed;
 - (d) Reason(s) for requesting LSN handling;
 - (e) Effective date requested; and
 - (f) If the utility does not include an authorizing signature on the tariff sheets, a statement certifying that the submitting person has authority to issue tariff changes on behalf of the utility.
- (2) A utility requesting LSN must file tariff sheets with an effective date that reflects the required statutory notice period.
- (3) If the LSN request is granted, the commission will issue an order directing that the tariff sheets be revised to reflect the authorized LSN effective date.

NEW SECTION

WAC 480-80-126 Telecommunications promotional offering. (1) Any telecommunications tariff filing that makes a promotional offering becomes effective on the later of the effective date stated in the tariff or the date it is filed with the commission.

(2) For purposes of this section, a promotional offering is a telecommunications tariff that, for a period of up to ninety days, waives or reduces charges or conditions of service for existing or new subscribers for the purpose of retaining or increasing the number of customers who subscribe to or use a service.

AMENDATORY SECTION (Amending Docket No. U-991301, General Order No. R-498, filed 5/14/02, effective 6/17/02)

WAC 480-80-205 Effective date of price list filings.

(1) Any ~~((new price list or))~~ price list ~~((change))~~ filing that has the effect of changing the rates or charges paid by customers becomes effective on the later of:

- (a) The effective date stated in the price list;
- (b) Ten days after it is filed with the commission, as required by RCW ~~((80.36.320(2) and 80.36.330(2)))~~ 80.36.110 (1)(b); or
- (c) Ten days after any existing customers are provided actual notice of the change in accordance with WAC 480-120-196.

(2)(a) Any price list filing that introduces a service not previously in the company's price list, or that makes changes not affecting the rates or charges paid by customers, or that makes a promotional offering, becomes effective on the later

of the effective date stated in the price list or the date it is filed with the commission.

(b) For purposes of this section, a promotional offering is a telecommunications price list that, for a period of up to ninety days, waives or reduces charges or conditions of service for existing or new subscribers for the purpose of retaining or increasing the number of customers who subscribe to or use a service.

(3) This section does not apply to the filing of initial price lists as a part of an application for registration and competitive classification under chapter 480-121 WAC.

AMENDATORY SECTION (Amending Docket No. UG-990294, General Order No. R-488, filed 9/28/01, effective 10/29/01)

WAC 480-90-153 Disclosure of private information.

(1) A gas utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC ~~((480-80-335,))~~ 480-80-143 (Special contracts for gas, electric, and water~~((, and natural gas utilities))~~) companies).

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

AMENDATORY SECTION (Amending Docket No. UE-990473, General Order No. R-489, filed 9/28/01, effective 10/29/01)

WAC 480-100-153 Disclosure of private information.

(1) An electric utility may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written permission to do so.

(2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated utility that is available to the utility solely by virtue of the customer-utility relationship.

(3) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC ~~((480-80-335,))~~ 480-80-143 (Special contracts for gas, electric, and water ~~((and natural gas utilities))~~ companies).

(4) This section does not prevent the utility from inserting any marketing information into the customer's billing package.

(5) The utility may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

AMENDATORY SECTION (Amending Order R-304, Docket No. U-89-2814-R, filed 7/18/89)

WAC 480-107-001 Purpose and scope. (1) The purpose of this chapter is to establish rules for determining rates, terms, and conditions governing the following purchases by electric utilities: Electricity from qualifying facilities; the electrical savings associated with eligible conservation measures pursuant to these rules; electricity from independent power producers; and, at the utility's election, utility subsidiaries, and other electric utilities. These rules are intended to provide an opportunity for conservation and generating resources to compete on a fair and reasonable basis to fulfill a utility's new resource needs. It is the commission's intent that bids under these rules shall include the costs of compliance by the project with environmental laws, rules, and regulations in effect at the time of the bid and those reasonably anticipated to be in effect during the term of the project.

These rules are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. Purchase of electric power under these rules shall satisfy an electric utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

These rules do not preclude electric utilities from constructing electric resources, operating conservation programs, purchasing power through negotiated purchase contracts, or otherwise taking action to satisfy their public service obligations. Information about the price and availability of electric power obtained through the bidding procedures described in these rules may be used, in conjunction with other evidence, in general rate cases and other cost recovery proceedings pertaining to resources not acquired through these bidding procedures.

(2) The provisions of this chapter shall apply to any electric utility which has submitted to the commission a least-cost plan as provided in WAC ~~((480-100-251))~~ 480-100-238 (Least cost planning).

AMENDATORY SECTION (Amending Order R-304, Docket No. U-89-2814-R, filed 7/18/89)

WAC 480-107-005 Definitions. ~~((1))~~ "Avoided costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for purchases to be made pursuant to these rules, the utility would generate itself or purchase from another source.

~~((2))~~ "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily generated by a generating facility's own generation equipment during an unscheduled outage of the facility.

~~((3))~~ "Commission" means the Washington utilities and transportation commission.

~~((4))~~ "Conservation measures" means electric energy efficiency improvements to buildings or energy using equipment and processes.

~~((5))~~ "Economic dispatch" means, within contractually specified limits, modifying the timing of power purchases from a generating facility so as to minimize the costs of delivering electricity.

~~((6))~~ "Electric utility" means any public service company as defined by RCW 80.04.010 engaged in the generation, distribution, sale, or furnishing of electricity and which is subject to the jurisdiction of the commission.

~~((7))~~ "Eligible conservation suppliers" means electric utility customers, or third party conservation contractors installing energy efficiency measures as described in these rules.

~~((8))~~ "Generating facilities" means plant and other equipment employed for the purposes of generating electricity purchased through contracts entered into under these rules.

~~((9))~~ "Independent power producers" means generating facilities or portions thereof that are not recognized in the retail rates of any electric utility and that are not qualifying facilities as defined ~~((in subsection (16) of this section))~~ below.

~~((10))~~ "Interruptible power" means electric energy or capacity supplied by an electric utility to a generating facility subject to interruption by the electric utility under certain specified conditions.

~~((11))~~ "Least cost plan" means the filing made every two years by an electric utility in accordance with WAC ~~((480-100-251))~~ 480-100-238 (Least cost planning).

~~((12))~~ "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a generating facility.

~~((13))~~ "Project developer" means an individual, association, corporation, or other legal entity potentially entering into a power or conservation savings contract with the utility.

~~((14))~~ "Project proposal" means a project developer's document containing a description of the project and other information responsive to the requirements set forth in the RFP.

~~((15))~~ "Prototype contract" means standardized terms and conditions that govern specific electric power or electrical savings purchases by electric utilities. Prototype contracts may be structured to accommodate terms and conditions specific to individual projects, subject to the conditions set forth in these rules.

~~((16))~~ "Qualifying facilities" are generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

~~((17))~~ "Request for proposals" (RFP) means the document describing an electric utility's solicitation of bids for the delivery of power or electrical savings.

~~((18))~~ "Supplementary power" means electric energy or capacity supplied by an electric utility, regularly used by a generating facility in addition to that which the facility generates itself.

~~((19))~~ "Utility subsidiary" means a legal entity, other than a qualifying facility, which is owned, in whole or in part, by an electric utility, and which may enter a power or conservation savings contract with that electric utility.

AMENDATORY SECTION (Amending Order R-467, Docket No. UW-980082, filed 11/30/99, effective 12/31/99)

WAC 480-110-435 Extension contracts. (1) Each water company must file, as a part of its tariff, an extension rule that states the conditions required by the company before it will extend its transmission and distribution infrastructure to provide water service to an applicant.

(2) Companies entering into any extension contract must:

(a) File the contract with the commission not less than thirty days before the proposed effective date of the contract.

(b) Conform the proposed contract to the applicable provisions of WAC ~~((480-80-335))~~ 480-80-143 (Special contracts for gas, electric, and water companies).

(3) Extension contracts must include the documentation necessary to show that the proposed charges are fair, just, reasonable, and sufficient.

(4) An extension may also be referred to as a distribution extension, a main extension, or a line extension.

AMENDATORY SECTION (Amending General Order No. R-494, Docket No. UT-010558, filed 12/5/01, effective 1/5/02)

WAC 480-120-083 Cessation of telecommunications services. (1) This rule applies to any telecommunications company that ceases the provision of any telecommunications service in all or any portion of the state (exiting telecommunications company). This rule does not apply to:

(a) Services offered by tariff that are subject to the statutory notice requirements of RCW 80.36.110 (Tariff Changes – Statutory Notice – Exception);

(b) Discontinuance of service to an individual customer in compliance with WAC ~~((480-120-081 (Discontinuance of Service)))~~ 480-120-172 (Discontinuing service—Company initiated);

(c) Cessation of a service when the provider replaces the terminated service with comparable service without interruption. For example, the notice requirements of this rule do not apply when a local exchange carrier (LEC) providing Centrex-type service with one group of features replaces that service, without interruption, with a version of Centrex-type service that has a different group of features; and

(d) A service being discontinued that has no subscribers. Changes in customers' service providers for local exchange and intrastate toll services when there is a cessation of service are also subject to WAC ~~((480-120-139))~~ 480-120-147 (Changes in local exchange and intrastate toll services).

(2) No telecommunications company may cease the provision of any telecommunications service in all or any portion of the state unless it first provides written notice to the

following persons at least 30 days in advance of cessation of service:

(a) The commission;

(b) The state 911 program, in the instance of local exchange service, private branch exchange service (PBX), Centrex-type service, or private line service used in the provision of emergency services related to the state 911 program;

(c) Each of its customers, including customers that are telecommunications companies;

(d) Incumbent local exchange carriers (ILECs) providing the exiting telecommunications company with unbundled network elements (UNEs) pursuant to the Telecommunications Act of 1996, 47 U.S.C. Section 151 *et seq.*, if UNEs or combinations of UNEs are part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(e) Each telecommunications company providing the exiting telecommunications company with resold telecommunications service, if resold service is part of a telecommunications service provided to some or all of the exiting telecommunications company's customers;

(f) The national number administrator authorizing the release of all assigned telephone numbers to other telecommunications companies and releasing all unassigned telephone numbers to the number administrator.

(3) The notice to the commission and the state 911 program required in subsections (2)(a) and (b) must include:

(a) The name of the exiting telecommunications company;

(b) For each category of service, the date each telecommunications service will cease; and

(c) The number of customers for each telecommunications service and their location, described by exchange or by city and county for each telecommunications service being ceased.

(4) The notice to customers required in subsection (2)(c) must include:

(a) The date telecommunications service will cease;

(b) Information on how to contact the exiting telecommunications company by telephone in order to obtain information needed to establish service with another provider;

(c) An explanation of how customers may receive a refund on any unused service. The exiting telecommunications company must provide information to consumers via its customer service number outlining the procedure for obtaining refunds and continue to provide this information for sixty days after the date of cessation of service.

(d) A second notice provided by one of the two options listed below:

(i) Between ten and thirty days before cessation of service, the exiting telecommunications company must complete one direct call advising every customer of the cessation of service, including the date of cessation of service and a number to call for more information, if necessary. A direct call means a call in which the company leaves a recorded voice message for or speaks directly to the responsible party or its agent on the billing account; or

(ii) At least ten days before cessation of service, the exiting telecommunications company must provide a second

written notice of cessation of service including the date of cessation of service and a number to call for more information, if necessary; ~~(and)~~

(e) A company may seek the commission's assistance in drafting the customer notices.

(5) The notice to ILECs required in subsection (2)(d) must include:

(a) The date telecommunications service will cease;

(b) Identification of the UNE components in relationship to the service information provided to the customer when such information differs from the ILEC's identification information as billed to the exiting telecommunications company. For example, if the ILEC identifies a UNE loop with a circuit identification number, the exiting telecommunications company must provide the ILEC with the customer telephone number assigned to the ILEC's UNE loop circuit identification number; and

(c) The telephone contact information to enable the ILEC or new provider to obtain UNE service and circuit identification information needed to establish service for a customer who will no longer receive service from the exiting telecommunications company.

(6) The notice to suppliers required in subsection (2)(e) must include:

(a) The date telecommunications service will cease;

(b) Identification of the resold service element components in relationship to the service information provided to the customer, when such information differs from the supplier's identification information as billed to the exiting telecommunications company; and

(c) Telephone contact information to enable the regulated supplier or new provider to obtain underlying service and circuit identification information needed to establish comparable replacement service for a customer who will no longer receive service from the exiting telecommunications company.

(7) The notice to the national number administrator required in subsection (2)(f) must include:

(a) Identification of all working telephone numbers assigned to customers;

(b) Identification of all unassigned or administrative numbers available for reassignment to other providers and the date such unassigned telephone numbers will be available for reassignment; and

(c) Authorization of the release of each individual assigned customer's telephone number(s) to subsequent providers selected by the customer.

(8) ILECs and telecommunications companies that are suppliers under subsection (6) must provide the information in the required notice(s) (if received) to the subsequent provider upon a request authorized by the customer.

(9) A telecommunications company ceasing a local exchange service, a PBX service, a Centrex-type service, or a private line service used in the provision of emergency services related to the state 911 program must inform the commission and the state 911 program within twenty-four hours of the cessation of telecommunications service of the number of customers and their location, listed by exchange or by city and county, that remained as customers for the telecommunications service when service ceased.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-147 Changes in local exchange and intrastate toll services. (1) **Verification of orders.** A local exchange or intrastate toll carrier that requests on behalf of a customer that the customer's carrier be changed, and that seeks to provide retail services to the customer (submitting carrier), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the customer's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency, whether written or electronic, must be signed and dated by the customer of the telephone line(s) requesting the preferred carrier change. The letter of agency shall not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the customer is authorizing a preferred carrier change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the customer. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the customer:

(i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The customer's understanding of the change fee;

(iv) That the customer designates (name of carrier) to act as the customer's agent for the preferred carrier change;

(v) That the customer understands that only one telecommunications carrier may be designated as the customer's ~~(interstate))~~ intraLATA preferred carrier; that only one telecommunications carrier may be designated as the customer's interLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred carrier, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred carrier.

(b) The submitting carrier has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred carrier is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm the preferred carrier change electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the customer's date of birth). The independent third party must not be owned, managed, controlled or directed by the carrier or the carrier's marketing agent; and must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent. The content of the verification must include clear and unambiguous confirmation that the customer has authorized a preferred carrier change.

(2) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA toll, and interLATA toll) that carrier must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred carrier change must be retained by the submitting carrier, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission upon request and at no charge. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) Implementing order changes. An executing carrier may not verify directly with the customer the submission of a change in a customer's selection of a provider received from a submitting carrier. The executing carrier must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting carrier. An executing carrier is any telecommunications carrier that affects a request that a customer's carrier be changed.

This section does not prohibit any company from investigating and responding to any customer-initiated inquiry or complaint.

(5) Preferred carrier freezes. A preferred carrier freeze prevents a change in a customer's preferred carrier

selection unless the customer gives the carrier from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a non-discriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA toll, and interLATA toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in carrier selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

(d) All LECs must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written or electronic authorization stating the customer's intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting carrier to conduct a three-way conference call with the executing carrier and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing carrier must confirm appropriate verification data (e.g., the customer's date of birth), and the customer's intent to lift the freeze.

(e) A LEC may not change a customer's preferred carrier if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection.

(6) Remedies. In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and any such payment shall be remitted to the customer's authorized telecommunications company.

(7) Exceptions. Companies transferring customers as a result of a merger, purchase of the company, or purchase of a

specific customer base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected customer at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the customer's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the customer of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any carrier change charges associated with the transfer;

(iv) The customer's right to select a different company to provide the service(s);

(v) That the customer will be transferred even if the customer has selected a "freeze" on his/her carrier choices, unless the customer chooses another carrier before the transfer date;

(vi) That, if the customer has a "freeze" on carrier choices, the freeze will be lifted at the time of transfer and the customer must "refreeze" carrier choices;

(vii) How the customer may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring carrier.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected customers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected customers regarding such changes.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-120-264 Prepaid calling services. (1) For the purposes of this section, prepaid calling services (PPCS) means any transaction in which a customer pays for service prior to use and applies only to those services where the number of available minutes decreases as the customer uses the service. Prepaid calling services do not include flat-rated basic local service that is billed in advance of use.

(a) PPCS may require the use of an access number or authorization code.

(b) This section excludes credit cards and cash equivalent cards. Services provided at pay telephones using these cards are regulated under the provisions of WAC ((480-120-138)) 480-120-263 (Pay phone service providers (PSPs)).

(2) PPCS providers must provide customers a without-charge telephone number staffed by personnel capable of:

(a) Responding to technical problems or questions related to their service twenty-four hours a day, seven days a week;

(b) Responding to general account-related questions during regular business hours; and

(c) Providing the commission's toll-free number and address to dissatisfied customers as required by WAC ((480-120-104)) 480-120-165 (Customer complaints).

(3) Billing requirements for PPCS.

(a) A PPCS provider may charge only for the actual time a circuit is open for conversation. The price list or tariff and presale document must define billing increments. The provider must not round up the length of conversation time for less than a full billing increment beyond that full increment.

(i) If a PPCS provider uses an increment based on a time measurement, the increment must not exceed one minute.

(ii) If a PPCS provider bills usage in "unit" measurements, it must clearly define units using both equivalent dollar amounts and time measurement. Unit billing increments cannot exceed the equivalent one minute rate.

(b) At the customer's request, a PPCS provider may add additional time to an existing account in exchange for an additional payment at a rate not to exceed those on file with the commission. The PPCS provider must inform the customer of the new rates at the time of the recharge request.

(4) PPCS providers must maintain the following call-data for a minimum of twenty-four months:

(a) Dialing and signaling information that identifies the inbound access number called or the access identifier;

(b) The number of the originating phone when the information is passed to the PPCS provider;

(c) The date and time the call was originated;

(d) The duration or termination time of the call;

(e) The called number; and

(f) The personal identification number (PIN), or account number.

(5) Disclosure requirements - Prepaid calling services.

(a) A PPCS provider must disclose, prior to the sale, the following information:

(i) The PPCS provider's name as registered with the commission;

(ii) The "doing business as" name as registered with the commission, if applicable;

(iii) The maximum charge per billing increment. A PPCS provider charging varying rates for intrastate and interstate calls must provide all applicable rates. The rates disclosed must be no more than those in its price list or tariff on file with the commission at the time of purchase;

(iv) Charges for all services, including any applicable surcharges, fees, or taxes, and the method of application;

(v) Expiration date, if applicable. If a card expires after a set period of time from activation, the PPCS provider must specify the expiration date on the card. If an expiration date is not disclosed on the card it will be considered unexpired indefinitely; and

(vi) Recharge policy, if applicable. If a PPCS provider does not disclose the expiration date at the time service is

recharged, the service will be considered unexpired indefinitely.

(b) A PPCS provider must disclose, at the time of purchase, the following information:

(i) The without-charge telephone number(s) a customer may use to resolve technical problems, service-related questions, and general account-related questions; and

(ii) Authorization code, if required, to access the service or, if applicable, the without-charge telephone number used to establish access capability.

(c) If the PPCS provider is not the entity that packages the services for sale to the public, it must require the company that does so, through a written agreement, to comply with the disclosure requirements of this section.

(6) Time of use disclosure requirements. The PPCS provider must:

(a) Announce at the beginning of each call the time remaining on the prepaid account or prepaid calling card; and

(b) Announce the time remaining at least one minute before the prepaid account balance is depleted.

(7) When a PPCS provider has failed to provide service at rates disclosed prior to the sale or quoted at the time an account is recharged, or the PPCS provider has failed to meet performance standards, it must provide refunds for any unused service or provide equivalent service credit when requested by a customer. Refunds or credits must equal the value remaining on the prepaid calling account. The customer may choose either the refund or equivalent service credit option.

(8) Performance standards for prepaid calling services. Each PPCS provider must ensure that:

(a) Customers can complete a minimum of ninety-eight percent of all call attempts to the called party's number. The PPCS provider will consider any busy signals or unanswered calls as completed calls.

(b) Customers can complete a minimum of ninety-eight percent of all call attempts to the PPCS provider. The PPCS provider will not consider any busy signals or unanswered calls as completed calls.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-507, filed 12/12/02, effective 7/1/03)

WAC 480-120-439 Service quality performance reports. (1) **Class A companies.** Class A companies must report monthly the information required in subsections (3), (4), and (6) through (10) of this section. Companies must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies.** Class B companies need not report to the commission as required by subsection (1) of this section. However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105 (Company performance standards for installation or activation of access lines).

(480-120-107), 480-120-112 (Company performance for orders for nonbasic services), 480-120-133 (Response time for calls to business office or repair center during regular business hours), (480-120-132), 480-120-401 (Network performance standards), 480-120-411 (Network maintenance), and 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages).

(3) **Missed appointment report.** The missed appointment report must state the number of appointments missed, the total number of appointments made, and the number of appointments excluded under (b), (c), or (d) of this subsection. The report must state installation and repair appointments separately.

(a) A LEC is deemed to have kept an appointment when the necessary work in advance of dispatch has been completed and the technician arrives within the appointment period, even if the technician then determines the order cannot be completed until a later date. If the inability to install or repair during a kept appointment leads to establishment of another appointment, it is a new appointment for purposes of determining under this subsection whether it is kept or not.

(b) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, then the appointment that was canceled is not a missed appointment for purposes of this subsection. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 (Company performance standards for installation or activation of access lines) and 480-120-112 (Company performance for orders for nonbasic services).

(c) A LEC does not miss an appointment for purposes of this subsection when the customer initiates a request for a new appointment.

(d) A LEC does not miss an appointment for purposes of this subsection when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) **Installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The report must include orders with due dates later than five days as requested by a customer. The installation or activation of basic service report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) A separate report must be filed each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service ninety-day report must state, of the total orders taken for the quarter, the

number of orders that the company was unable to complete within ninety days after the order date.

(b) A separate report must be filed each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105 (Company performance standards for installation or activation of access lines). The installation or activation of basic service one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

Orders for which customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071 (Extension of service); when a technician arrives at the customer's premises at the appointed time (~~and~~) prepared to install service and the customer is not available to provide access; or when the commission has granted an exemption under WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC), from the requirement for installation or activation of a particular order, may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month.

For calculation of the report of orders installed or activated within five business days in a month, orders that could not be installed or activated within five days in that month due to force majeure may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month if the company supplies documentation of the effect of force majeure upon the order.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438 (Trouble report standard). The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438 (Trouble report standard). The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a) (Switches—Dial service), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** Companies that experience trunk blocking in excess of the standard in WAC 480-120-401 (3) (Interoffice facilities) and (5) (Service to interexchange carriers) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, the busy hour when peak blockage occurs, and whether the problem concerns a standard in WAC 480-120-401 (3) or (5). The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.**

(a) For service-interruption repairs subject to the requirements of WAC 480-120-440 (Repair standards for service interruptions and impairments, excluding major outages), companies must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must report the number of interruptions that are exempt from the repair interval standards as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, companies must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must report the number of impairments that are exempt from the repair interval standard as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, companies must report compliance with the standard required in WAC 480-120-133 (Response time for calls to business office or repair center during regular business hours). If requested, companies must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

(12) If consistent with the purposes of this section, the commission may, by order, approve for a company an alternative measurement or reporting format for any of the reports required by this section, based on evidence that:

(a) The company cannot reasonably provide the measurement or reports as required;

(b) The alternative measurement or reporting format will provide a reasonably accurate measurement of the company's

performance relative to the substantive performance standard; and

(c) The ability of the commission and other parties to enforce compliance with substantive performance standard will not be significantly impaired by the use of the alternative measurement or reporting format.

(13) Subsection (12) of this section does not preclude application for an ~~((exception))~~ exemption under WAC 480-120-015.

AMENDATORY SECTION (Amending General Order No. R-499, Docket No. UT-991922, filed 5/14/02, effective 6/17/02)

WAC 480-121-063 Regulatory requirements that may be waived for competitively classified telecommunications companies. (1) The following regulatory requirements are waived for competitively classified companies:

- (a) RCW 80.04.300 (Budgets to be filed by companies—Supplementary budgets);
- (b) RCW 80.04.310 (Commission's control over expenditures);
- (c) RCW 80.04.320 (Budget rules);
- (d) RCW 80.04.330 (Effect of unauthorized expenditure—Emergencies);
- (e) RCW 80.04.360 (Earnings in excess of reasonable rate—Consideration in fixing rates);
- (f) RCW 80.04.460 (Investigation of accidents);
- (g) RCW 80.04.520 (Approval of lease of utility facilities);
- (h) RCW 80.36.100 (Tariff schedules to be filed and open to public);
- (i) RCW 80.36.110 (Tariff changes—Statutory notice—Exception);
- (j) Chapter 80.08 RCW (Securities) (except RCW 80.08.140, State not obligated);
- (k) Chapter 80.12 RCW (Transfers of property);
- (l) Chapter 80.16 RCW (Affiliated interests);
- (m) WAC 480-80-101 Tariff requirements through WAC 480-80-143 Special contracts for gas, electric, and water companies;
- (n) Chapter 480-140 WAC (Commission general—Budgets);
- (o) Chapter 480-143 WAC (Commission general—Transfers of property);
- (p) Chapter 480-146 WAC (~~((securities and affiliated interests))~~) (Commission general—Securities, liens, affiliated interests, refunding of notes, lease of utility facilities);
- (q) (~~WAC 480-120-031 (Accounting)~~);
- (~~r~~) ~~WAC 480-120-032 (Expenditures for political or legislative activities)~~;
- (~~s~~) ~~WAC 480-120-043 (Notice to the public of tariff changes)~~;
- (~~t~~) ~~WAC 480-120-046 (Service offered)~~;
- (~~u~~) ~~WAC 480-120-131 (Reports of accidents)~~;
- (~~v~~) ~~WAC 480-120-541 (Access charges)~~;
- (~~w~~) ~~WAC 480-120-542 (Collective consideration of Washington intrastate rate, tariff, or service proposals)~~; and

~~(x) WAC 480-120-544 (Mandatory cost changes for telecommunications companies)~~; WAC 480-120-102 (Service offered);

(r) WAC 480-120-305 (Streamlined filing requirements for Class B telecommunications company rate increases);

(s) WAC 480-120-311 (Access charge and universal service reporting);

(t) WAC 480-120-321 (Expenditures for political or legislative activities); and

(u) WAC 480-120-323 (Washington Exchange Carrier Association (WECA)).

This rule supersedes all waivers of regulatory requirements for competitively classified companies granted by the commission at the time of a company's competitive classification. However, subsequent to the adoption of this rule, the commission may revoke the waiver of any regulatory requirement set forth in (a) through ~~((*))~~ (u) of this subsection or may waive any regulatory requirement not included in (a) through ~~((*))~~ (u) of this subsection.

(2) The commission may by order revoke waivers of regulatory requirements if it determines that revocation is necessary to protect the public interest.

(3) In addition, the commission may waive regulatory requirements for telecommunications companies that it has classified as competitive if it determines that competition with the regulatory waiver will serve the same purposes as public interest regulation.

WSR 03-22-061

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed November 3, 2003, 3:55 p.m.]

Date of Adoption: October 30, 2003.

Purpose: The department is amending the rule to be consistent with federal regulations for food stamp expedited service.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0015.

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

Adopted under notice filed as WSR 03-19-069 on September 12, 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 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 30, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-20-068, filed 9/30/02, effective 10/31/02)

WAC 388-406-0015 Can I get Basic Food (~~(assistance)~~) right away? (1) When the department gets your Basic Food (~~(assistance)~~) application, we look at your circumstances to see if you can get benefits within five calendar days. This is called "expedited service."

(2) To get expedited service, you must provide proof of who you are and meet one of (~~(these three)~~) the following conditions:

(a) (~~(You)~~) Have (~~(available cash of one hundred dollars or less and have)~~) gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, of under one hundred fifty dollars and have available cash of one hundred dollars or less; or

(b) (~~(Your)~~) Have gross monthly income (before taxes), minus exclusions as defined in WAC 388-450-0015, plus available cash (~~(is)~~) of less than (~~(the)~~) your total (~~(of your)~~) shelter costs (~~(such as your)~~) (rent or mortgage and utilities); or

(c) (~~(You are)~~) Be a destitute migrant or seasonal farm worker household, (~~(as defined in)~~) under WAC 388-406-0021, and your household's available cash (~~(does not exceed)~~) is one hundred dollars or less.

(3) To determine the amount of utilities (~~(to)~~) we use to decide if you can get expedited services, we allow(~~(:~~

(a) ~~(The appropriate)~~ the utility allowance your AU is eligible for under WAC 388-450-0195 (~~(, if you have heating or cooling costs and the appropriate utility allowance is greater than the amount you pay; or~~

(b) The amount you pay, if it is greater than the appropriate utility allowance).

(4) If you are eligible for expedited service and are not required to have an office interview under WAC 388-452-0005, you can:

(a) Have a telephone interview or a home visit; and

(b) Still get benefits within five days.

(5) If you are (~~(an applicant)~~) applying for Basic Food, "day one" of your five-day expedited service period starts on the:

(a) Day after the date you filed your application (~~(is filed)~~); (~~(or)~~)

(b) (~~(Date of the rescheduled interview when you are screened as expedited service eligible but do not show up for your initial interview; or~~

(c)) Date you are released from a public institution; or

(~~(d)~~) (c) Date of your interview (~~(when)~~) if you:

(i) (~~(Waive)~~) Waived your expedited interview and we decide you are (~~(found)~~) eligible for expedited service during your rescheduled interview; or

(ii) (~~(Are)~~) Were screened as ineligible for expedited service and we later (~~(found)~~) decide you are eligible for the service during your interview; or

(iii) (~~(Do not request)~~) Did not ask for expedited service on the application and (~~(are found)~~) we decide you are eligible for the service during your interview.

(6) If you get expedited service (~~(and are found eligible for food assistance)~~), we give you benefits for (~~(no more than two months. If we give you benefits and we)~~) one or two months depending on when you applied. If we need additional information to decide if you are eligible for continued benefits and you applied:

(a) On or before the fifteenth of the month, you have up to thirty days from the date (~~(you applied)~~) of application to give us the information; or

(b) On or after the sixteenth of the month, you have until the end of the second month to give us the information.

(7) If you have received expedited service in the past, you can get this service again if you meet the requirements listed in subsection (2) above and you:

(a) Gave us all the information we needed to prove eligibility for your last expedited service benefit period; or

(b) Were certified under normal processing standards after your last expedited certification.

(8) If you reapply (~~(and request expedited service)~~) before your certification period ends, you are not eligible for expedited service.

(9) If you reapply after your certification period ends (~~(and request expedited service)~~) your five-day expedited service period is the same as a new application.

(10) If you are denied expedited service, you can ask for a department review of (~~(your case)~~) our decision. We review the decision within two working days (~~(from the date we denied you expedited service)~~).

WSR 03-22-064

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed November 4, 2003, 9:29 a.m., effective January 1, 2004]

Date of Adoption: October 28, 2003.

Purpose: To implement RCW 42.17.690.

Citation of Existing Rules Affected by this Order: Amending 1, WAC 390-05-400 Changes in dollar amounts.

Statutory Authority for Adoption: RCW 42.17.690.

Adopted under notice filed as WSR 03-19-052 on September 11, 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.

PERMANENT

WSR 03-22-065
PERMANENT RULES
PUBLIC DISCLOSURE COMMISSION

[Filed November 4, 2003, 9:31 a.m.]

Date of Adoption: October 28, 2003.

Purpose: To update public disclosure enforcement hearing (adjudicative proceeding) rules.

Citation of Existing Rules Affected by this Order: Amending 17, chapter 390-37 WAC, Enforcement procedures—Investigative hearings.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 03-19-053 on September 11, 2003.

Changes Other than Editing from Proposed to Adopted Version: The adopted version of WAC 390-37-070, 390-37-100, and 390-37-105 added the word "the chair's" to clarify that the chair of the commission rather than the full commission would select a designee. In WAC 390-37-144 the words "at which is practicable to do so" was added. Also, under WAC 390-37-010 reference to a subsection was included.

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 17, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 17, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 8, Amended 17, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 3, 2003

Susan Harris

Assistant Director

Chapter 390-37 WAC

ENFORCEMENT (~~PROCEDURES—INVESTIGATIVE~~) HEARING(S) (ADJUDICATIVE PROCEEDING) RULES

NEW SECTION

WAC 390-37-001 Enforcement cases—Jurisdiction.

The commission enforces the sections of chapter 42.17 RCW concerning campaign financing, lobbyist reporting, reporting of public officials' financial affairs, reporting by public treasurers, political advertising, and campaign contribution limitations. The commission does not enforce the public records provisions of chapter 42.17 RCW because RCW 42.17.340 provides for direct review by the superior courts.

AMENDATORY SECTION (Amending Order 79, filed 6/25/76)

WAC 390-37-010 Enforcement procedures—(~~Policy~~) General. (~~The commission recognizes the need for published uniform rules setting forth commission policies and procedures for cases in which violations or apparent violations of chapter 42.17 RCW are brought to its attention.~~) This chapter provides the procedures for adjudicative proceedings (hearings) in compliance cases under the commission's jurisdiction. The procedures are also governed by RCW 42.17.395, and the adjudicative proceedings provisions of chapter 34.05 RCW. Unless they differ or are otherwise specifically addressed in this chapter, the procedure, are supplemented by the model rules of procedure in chapter 10-08 WAC. In lieu of holding an adjudicative proceeding or issuing an order as a result of such a proceeding, the commission may refer the matter to the attorney general or other law enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395(3).

In addition, the procedures for requesting a hearing on a petition to modify or suspend reporting requirements are provided in RCW 42.17.370(10) and chapters 390-24 and 390-28 WAC.

The policy of the commission shall be to facilitate the resolution of compliance matters in a fair and expeditious manner. The commission encourages the parties to consider alternative resolution or partial resolution procedures such as stipulations under WAC 390-37-090, when appropriate. Informal settlements are encouraged by RCW 34.05.060.

AMENDATORY SECTION (Amending WSR 02-23-001, filed 11/6/02, effective 12/7/02)

WAC 390-37-030 Enforcement procedures—(~~Status of citizen complainant and others~~) Citizen complaints filed with the commission. (1) When a citizen complaint has been filed with the agency pursuant to WAC 390-37-040, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the staff at any time up to and including the fifth calendar day before the date of any enforcement hearing or proceeding.

~~((3) A person not satisfied with the dismissal of a complaint by the commission or its executive director when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).))~~

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

WAC 390-37-040 Enforcement procedures—Procedures for filing ((citizen)) complaints with the commission. (1) A complaint filed with the commission, relating to

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an elected official or a candidate for elective office, shall be in writing and signed by the complainant under oath.

(2) A complaint filed with the commission, other than a complaint specified in subsection (1) of this section, ~~((may)) shall be made ((informally)) in writing.~~

(3) A complaint filed under the provisions of either subsection (1) or (2) of this section ~~((should)) shall include:~~

(a) A statement of the nature of the alleged violation or violations, date, time and place of each occurrence and name of person or persons responsible; ~~((and))~~

(b) All available documentation and other evidence which the complainant is able to supply to demonstrate a reason for believing that a violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred; and

(c) The name, address, telephone number, and other contact information for the complainant.

NEW SECTION

WAC 390-37-041 Enforcement procedures—Allegations submitted to the attorney general's office and/or prosecuting attorneys. (1) When a person has notified the attorney general or prosecuting attorney under RCW 42.17.400(4) that there is reason to believe a violation of the sections of chapter 42.17 RCW enforced by the commission has occurred, the statutory time periods are tolled when the attorney general or prosecutor forwards the complaint to the commission.

(2) After the allegations have been forwarded to the commission, commission staff may:

(a) Initiate an investigation;

(b) Submit a report to the commission that may include a recommendation;

(c) Schedule the matter for an adjudicative proceeding before the commission following investigation; and/or

(d) Take any other steps consistent with the agency's authority and resources.

AMENDATORY SECTION (Amending Order 79-03, filed 7/19/79)

WAC 390-37-050 Enforcement procedures—Respondent's notice of complaint. Within ten business days of receipt by the commission of a complaint which on its face appears to have merit, the commission shall notify the respondent that a complaint has been filed. The notice shall set forth the nature of the complaint and its origin (citizen complaint, commission or other) and the statutory provision alleged to have been violated.

AMENDATORY SECTION (Amending WSR 93-24-003, filed 11/18/93, effective 12/19/93)

WAC 390-37-060 Enforcement procedures—Investigation of complaints—Initiation of hearing (adjudicative proceeding). (1) Upon receipt of a complaint not obviously unfounded or frivolous, the executive director shall direct an investigation be conducted. If after an initial review of the complaint it is determined that a complete and thorough investigation will require the expenditure of substantial

resources, the executive director may request review and concurrence by the commission before continuing the investigation.

(2) The executive director shall initiate an ~~((enforcement hearing))~~ adjudicative proceeding or provide a report to the commission whenever an investigation reveals facts ~~((which))~~ that the executive director has reason to believe are a material violation of the sections of chapter 42.17 RCW under the commission's jurisdiction, and do not constitute substantial compliance.

(3) The respondent shall be notified of the date of the ~~((hearing))~~ adjudicative proceeding or other consideration by the commission no later than ten calendar days before that date ~~((pursuant to WAC 10-08-040)).~~ The notice shall contain the information required by RCW 34.05.434. The complainant shall also be provided a copy of this notice.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record ~~((which))~~ that implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330. Certain documents shall be returned to candidates, campaigns, or political committees as required by RCW 42.17.365 within seven calendar days of the commission's final action upon completion of an audit or field investigation.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-37-070 Enforcement procedures—Complaints ((dismissible)) dismissed by executive director. The executive director, with the concurrence of the chair or the chair's designee, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of the sections of chapter 42.17 RCW that are enforced by the commission has occurred and/or shows that the respondent is in substantial compliance with the relevant statutes or rules.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms. (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any ~~((person whose interest in a))~~ enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the exec-

utive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. ~~((If the executive director requires additional information to resolve the matter informally, the executive director shall promptly provide to the person seeking relief an opportunity to supply such information.))~~ Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) ~~When the executive director and respondent agree ((that some or all of the facts are uncontested, a stipulation of fact shall be prepared for the)) to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.~~

(c) ~~((In the event an early, informal resolution or stipulation of facts is reached, the executive director is responsible for providing a written description of the recommended resolution or stipulation to the person(s) involved.~~

~~(2)(a) If settlement of an enforcement hearing (adjudicative proceeding) may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible time. Settlement shall be concluded by:~~

- ~~(i) Stipulation of facts of the parties; or~~
- ~~(ii) Stipulation of the parties; or~~
- ~~(iii) Withdrawal of the application for an enforcement hearing by the applicant; or~~
- ~~(iv) Withdrawal by the executive director of the action which is the subject matter of the enforcement hearing.~~

~~(b)) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. The stipulation shall be recited on the record at the hearing, although attached or referenced documents may be stated by reference and incorporated as a result. The commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or the opposing party does not agree to the commission's proposed modifications to the stipulation, ((then a hearing shall be held. If the commission requests additional facts be presented, the matter shall be referred to the executive director for further investigation)) and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.~~

~~(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.~~

~~(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.~~

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-100 Enforcement procedures—Conduct of hearings (adjudicative proceedings). (1) An enforcement hearing (adjudicative proceeding) shall be conducted pursuant to the Administrative Procedure Act (chapter 34.05 RCW) ~~((and its supporting regulations (chapter 10-08 WAC), shall be followed unless otherwise modified by))~~. Chapter 390-37 WAC further governs these proceedings, as supplemented by chapter 10-08 WAC. To the extent chapters 390-37 and 10-08 WAC differ, chapter 390-37 WAC controls.

(2) An ~~((enforcement hearing))~~ adjudicative proceeding shall be heard ~~((either))~~ by the commission ~~((or under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.~~

~~(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and the proposed decision shall be served upon the executive director and the respondent. Both the respondent and the executive director shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.~~

~~(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge), except for brief adjudicative proceedings which are conducted by the chair or the chair's designee.~~

(3) The commission shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Rule on procedural matters, objections, and motions;
- (d) Rule on offers of proof and receive relevant evidence;

(e) Pursuant to RCW 34.05.449(5), close parts of a hearing to public observation or order the exclusion of witnesses upon a showing of good cause;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Take official notice of facts pursuant to RCW 34.05.452(5);

(h) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Issue an order of default pursuant to RCW 34.05.440;

(k) Take any other action necessary and authorized by any applicable statute or rule;

(l) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(m) The commission chair or the chair's designee may conduct the procedural aspects of the adjudicative proceeding

under (a) through (l) of this subsection, unless a majority of members present vote to seek a full commission decision on any particular matter.

(4) The commission may decide dispositive motions, and any other matters referred to it by the presiding officer at a prehearing conference.

(5) After an adjudicative proceeding by the commission, the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed; or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own ~~((remedy is))~~ remedies are inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360 and 42.17.395.

~~((5))~~ (6) Upon the conclusion of ((a hearing)) and adjudicative proceeding, the commission:

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case and enter an order; and

(b) Shall ~~((deliver, either in person or by mail, to each respondent or the respondent's representative))~~ serve the respondent a copy of the findings of fact, conclusions of law and decision and order.

~~((6))~~ (7) The executive director is authorized to sign orders on behalf of the commission.

(8) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

NEW SECTION

WAC 390-37-103 Commission options following receipt of a staff report on alleged violations. Upon receipt of a staff report concerning alleged violations of those sections of chapter 42.17 RCW that the commission enforces, the commission may:

(1) Schedule the matter for a hearing (adjudicative proceeding); or

(2) Issue an order; or

(3) In lieu of holding an enforcement hearing (adjudicative proceeding), or issuing an order, refer the matter or apparent violations to the attorney general or other enforcement agency pursuant to RCW 42.17.360(5) and 42.17.395.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-37-105 Prehearing conference—Rule. (1) In any prehearing conference prior to an enforcement hearing (adjudicative proceeding), the chair or the chair's designee upon his/her own motion or upon request by one of the parties or their qualified representative, may direct the parties to appear at a specified time and place for a conference to consider:

(a) ~~((Simplification of))~~ Identifying and simplifying issues;

(b) The necessity of amendments to the hearing notice;

(c) The possibility of obtaining stipulations, admissions of facts and of documents;

(d) ~~((Limitation on))~~ Limiting the number of witnesses; and

(e) Procedural and such other matters as may aid in the ~~((disposition))~~ conduct of the proceeding.

(2) Prehearing conferences may be presided over by the chair or his/her designee.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) In a prehearing conference, the presiding officer may hear prehearing motions regarding preliminary matters such as motions in limine, discovery motions, and other similar matters. The presiding officer shall not consider dispositive motions in a prehearing conference and such motions will automatically be scheduled for consideration before the commission.

(5) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference and the date on which objections to the order are to be filed and served. If no objection to the order is timely filed with the presiding officer (~~((within seven days after the date the order is mailed))~~), the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

~~((5))~~ (6) When the chair or his/her designee presides over a prehearing conference, he or she is acting as a quasi-judicial body which relates to a quasi-judicial matter between named parties. Therefore, a prehearing conference is not subject to chapter 42.30 RCW, Open Public Meetings Act.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-120 Enforcement hearings (adjudicative proceedings)—Subpoenas—Discovery—Hearings.

(1) The commission, or presiding officer, may issue subpoenas for discovery, subpoenas to persons to appear and give testimony, and may require the production of any books, papers, correspondence, memorandums, or other records deemed relevant or material and the commission or presiding officer may issue protective orders as a part of an enforcement hearing. The agency or its legal representative may issue subpoenas as may the attorney of the party against whom action is being taken. Upon request of the commission or presiding officer, all subpoenas must be filed with the commission, together with proof of proper service (~~((at least five days prior to the date of the hearing for which they are issued))~~). Such subpoenas will issue and may be enforced in the form and manner set forth in RCW 34.05.446 and WAC 10-08-120(4). The subpoena may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission, or presiding officer, upon motion or before the time specified in the subpoena for compliance therewith, may:

(a) Quash or modify the subpoena if it is unreasonable and oppressive; or

(b) Condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of

the reasonable cost of producing the books, papers, documents, or tangible things.

(3) The attendance of witnesses and such production of evidence may be required from any place within the state of Washington to any location where a hearing is being conducted.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-130 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Right to take. Unless otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the hearing. The deposition of a commissioner, the executive director, or assistant director, may only be taken upon application to the commission, for good cause shown, and only in those circumstances where the statements or depositions of other staff members would not reveal the information, evidence, or details needed by the party for the case. The attendance of witnesses to a deposition may be compelled by use of a subpoena. Depositions shall be taken only in accordance with this rule and the rules on subpoenas.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-132 Enforcement hearings (adjudicative proceedings)—Depositions and interrogatories—Notice. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than seven calendar days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined. On motion of a party to whom the notice is served, the commission or its hearing officer may, for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-136 Production of documents and use at hearing (adjudicative proceeding). (1) Upon request by either the agency or its legal representative, or the party against whom the enforcement action is being taken or his/her representative, copies of all materials to be presented at the ~~((enforcement hearing))~~ adjudicative proceeding shall be provided to the requester within seven calendar days of the request but, for good cause shown, not less than three business days prior to the date of the hearing.

(2) When exhibits of a documentary character are to be offered into evidence at the ~~((hearing))~~ adjudicative proceeding, the party offering the exhibit shall provide a minimum of ~~((seven))~~ ten copies ~~((, one for opposing party, one for each member of the commission, and one for the commission's legal advisor)).~~

(3) If documentary evidence has not been exchanged prior to the hearing under subsection (1) of this section, the parties shall arrive at the hearing location in sufficient time before the time scheduled for the ~~((hearing))~~ adjudicative proceeding for the purpose of exchanging copies of exhibits to be introduced.

AMENDATORY SECTION (Amending WSR 93-15-004, filed 7/7/93, effective 8/7/93)

WAC 390-37-140 Brief enforcement hearings (adjudicative proceedings)—Authority. (1) The commission may provide a brief ~~((enforcement hearing))~~ adjudicative proceeding for violations of ~~((provisions in))~~ the sections of chapter 42.17 RCW that it enforces in which the facts are undisputed, the violations appear to be relatively minor in nature, and a penalty no greater than \$500 will be assessed for the violations. Typical matters to be heard in a brief ~~((enforcement hearing))~~ adjudicative proceeding include, but are not limited to, the following:

- (a) Failure to file or late filing of required reports,
- (b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying,
- (c) Use of public office facilities in election campaigns when the value of public funds expended was minimal,
- (d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) ~~((A brief enforcement hearing is a))~~ The commission may utilize a penalty schedule for brief adjudicative proceedings.

(3) Brief adjudicative proceedings ((as)) are set forth in RCW 34.05.482 through 34.05.494 ((and shall be in accordance with these statutes)).

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-37-142 Brief enforcement hearing (adjudicative proceeding)—Procedure. (1) A brief ~~((enforcement hearing))~~ adjudicative proceeding may be presided over by the chair, or a member of the commission designated by the chair.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

- (a) Alleged violation;
- (b) The maximum amount of the penalty ~~((which))~~ that can be imposed at the hearing, relevant penalty schedules, and the amount of any proposed fine; and
- (c) Person's right to respond ~~((, within ten days,))~~ either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an ~~((enforcement hearing))~~ adjudicative proceeding by the full commission.

(4) At the time any unfavorable action is taken, within ten business days the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to

request review by the commission (~~at the next scheduled commission meeting~~). The executive director is authorized to sign the decision on behalf of the presiding officer.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-144 Brief (~~enforcement hearing~~) adjudicative proceeding—Administrative review procedures. (1) The commission shall conduct a review of the initial order upon the written or oral request of a party if the commission receives the request within twenty-one business days after the service of the initial order. "Service" is defined as the date the order was deposited in the U.S. mail per RCW 34.05.010(19), or personally served. The party seeking review shall state the reason for the review, and identify what alleged errors are contained in the initial order.

(2) If the parties have not requested review, the commission may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be in writing stating the findings made, and the reasons for the decision, and notice that reconsideration and judicial review ((is) are available. The order on review shall be entered within twenty business days after the date of the initial order or of the request for review, whichever is later.

(4) If the commission is not scheduled to meet within twenty business days after the date of the initial order or request for review and therefore cannot dispose of the request within that time period, the request is:

(a) Deemed denied under RCW 34.05.491(5) and the initial order becomes final;

(b) Considered a request for reconsideration under WAC 390-37-150; and

(c) Scheduled for consideration and disposition at the next commission meeting at which it is practicable to do so.

AMENDATORY SECTION (Amending WSR 91-16-072, filed 8/2/91, effective 9/2/91)

WAC 390-37-150 Reconsideration and judicial review of decisions. (1) For purposes of this rule, "decision" means any findings, conclusions, order, or other action by the commission which is reviewable by a court.

NEW SECTION

WAC 390-37-155 Electronic filing brief enforcement hearing penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to electronically file by date required.	\$250	\$350	\$500	Full commission consideration

(2) A decision may be reconsidered only upon (a) the written request of (~~the person aggrieved~~) a party thereby or (b) the motion or written request of a commissioner who voted on the prevailing side when that decision was made.

(3) Such a request for reconsideration shall be (~~served~~) filed at the office of the public disclosure commission, or motion made, no later than (~~ten~~) twenty-one business days after service of the decision of which reconsideration is sought. Copies of the request or motion shall be served on all parties of record at the time the request for reconsideration or motion is filed.

(4) A request or motion for reconsideration shall specify the grounds therefor. Grounds for reconsideration shall be limited to:

(a) A request for review was deemed denied in accordance with WAC 390-37-144(4);

(b) New facts or legal authorities that could not have been brought to the commission's attention with reasonable diligence. If errors of fact are alleged, the requester must identify the specific evidence in the prior proceeding on which the requester is relying. If errors of law are alleged, the requester must identify the specific citation; or

(c) Significant typographical or ministerial errors in the order.

(5) Upon being served with a decision, the respondent may treat that decision as final for the purpose of petitioning for judicial review. The commission may not reconsider any decision after being served with a petition for judicial review.

(6) When a request for reconsideration is served, or motion made, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the commission has acted on the reconsideration.

(7) The commission is deemed to have denied request for reconsideration or motion if, within twenty business days from the date the request or motion is filed, the commission does not either (a) dispose of the request or motion, or (b) serve the parties with written notice specifying the date it will act upon the request or motion.

(8) The commission shall act on the reconsideration request or motion, at the next meeting at which it practicably may do so, by:

- (a) Deciding whether to reconsider its decision((:)); and
- (b) If it decides to do so, either:
 - (i) Affirming ((or amending)) its decision((:)); or
 - (ii) Withdrawing or modifying the final order; or
 - (iii) Setting the matter for further hearing.

Provided, That before a decision may be amended other than by lowering a penalty, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the original decision.

PERMANENT

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

NEW SECTION

WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

NEW SECTION

WAC 390-37-165 Candidate registration statement (C-1)/candidate statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file F-1 and/or C-1 by date of enforcement hearing.	\$150 per report	\$300 per report, up to \$500	Full commission consideration	Full commission consideration
Filed reports after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100 per report	\$200 per report	\$400	Full commission consideration

PERMANENT

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100 per report	\$100 - \$200 per report	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

NEW SECTION

WAC 390-37-170 Lobbyist monthly expense report (L-2) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer. Except in rare circumstances, the non-suspended portion of the penalty will not be less than the original settlement offer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise

prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

PERMANENT

NEW SECTION

WAC 390-37-175 Lobbyist employer report (L-3) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

Adopted under notice filed as WSR 03-17-094 on August 20, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 5, 2003

James A. Fellows

for Fred Stephens

Director

**WSR 03-22-095
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed November 5, 2003, 11:11 a.m.]

Date of Adoption: November 5, 2003.

Purpose: To solidify the integrity of the vessel industry and the license application process by requiring submission of a criminal history with the application for an original vessel dealer registration.

Citation of Existing Rules Affected by this Order: Amending WAC 308-90-040.

Statutory Authority for Adoption: RCW 88.02.100.

AMENDATORY SECTION (Amending WSR 02-05-073, filed 2/20/02, effective 3/23/02)

WAC 308-90-040 Dealer registration application form. How do I apply for a vessel dealer registration?

((+)) Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

((+)) (1) The name and business address of the firm and a list of additional business addresses of the firm, if any.

((+)) (2) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

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((e)) (3) The firm's business structure and place of organization.

((d)) (4) The uniform business identification number issued by the department of licensing.

(5) Whether the applicant has been adjudged guilty of a crime which directly relates to the marine trade industry and the time elapsed since the conviction is less than ten years, and in the case of a corporation, partnership, or limited liability company all directors, officers, partners or members.

(6) Any other information the department may reasonably require.

WSR 03-22-098

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed November 5, 2003, 11:47 a.m.]

Date of Adoption: October 15, 2003.

Purpose: Create a new chapter to address the requirements for large on-site sewage systems (LOSS), those systems with flows from 3,500 gallons per day to 14,500 gallons per day. The requirements for these systems were previously in chapter 246-272 WAC, On-site sewage systems.

Statutory Authority for Adoption: RCW 43.20.050.

Adopted under notice filed as WSR 03-18-091 on September 2, 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 23, 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 23, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 4, 2003

Don Sloma

Executive Director

Chapter 246-272B WAC

LARGE ON-SITE SEWAGE SYSTEM REGULATIONS

NEW SECTION

WAC 246-272B-00101 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from large on-site sewage systems (LOSS); and

(b) Adverse effects to public health that discharges from large on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of large on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent disposal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) This chapter is adopted by the state board of health in accordance with the authority granted in RCW 43.20.050 to establish minimum requirements for the department of health.

NEW SECTION

WAC 246-272B-00501 Administration. The department shall administer this chapter under the authority and requirements of chapter 43.70 RCW. A LOSS contract jurisdiction may administer this chapter under agreement with the department.

NEW SECTION

WAC 246-272B-01001 Definitions. "Additive" means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.

"Alternative system" means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the department.

"Approved list" means "list of approved systems and products," developed annually and maintained by the department and containing the following:

(a) List of proprietary devices approved by the department;

(b) List of specific systems meeting treatment standard 1 and treatment standard 2;

(c) List of experimental systems approved by the department;

(d) List of septic tanks, pump chambers, and holding tanks approved by the department.

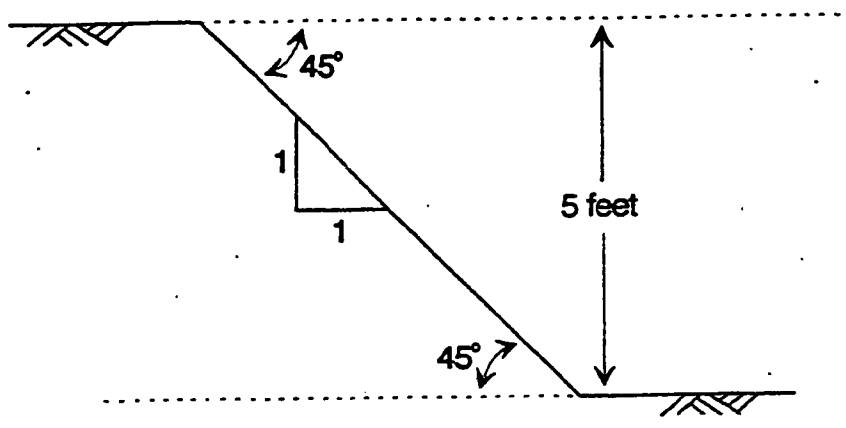
"Areas of special concern" means an area of definite boundaries delineated through public process, where a local health officer, or the department in consultation with the health officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any large on-site sewage system, except an experimental system, meeting any of the following criteria:

- (a) Systems in full compliance with new construction requirements under this chapter; or
- (b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or
- (c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"Conventional gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.



"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology.

"Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage.

"Department" means the Washington state department of health.

"Disposal component" means a subsurface absorption system (SSAS) or other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

"Effluent" means liquid discharged from a septic tank or other large on-site sewage system component.

"Engineer" means a person who is licensed and in good standing under chapter 18.43 RCW.

"Expansion" means a change in a residence, facility, site, or use that:

- (a) Causes an on-site sewage system to exceed its existing treatment or disposal capability, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or
- (b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Experimental system" means any alternative system:

- (a) Without design guidelines developed by the department; or

"Conventional pressure distribution system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by *"Guidelines for Pressure Distribution Systems"* by the Washington state department of health.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:

- (b) A proprietary device or method which has not yet been evaluated and approved by the department.

"Failure" means a condition of a large on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public.

Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;
- (d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
- (e) Inadequately treated effluent contaminating ground water or surface water; or
- (f) Noncompliance with standards stipulated on the permit.

"Ground water" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

- (a) Water seeping into or standing in an open excavation from the soil surrounding the excavation.
- (b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of ground water caused by intermittent periods

of saturation and drying, and may be indicative of poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means a large on-site sewage system which incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Industrial wastewater" means the water or liquid-carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Installer" means a qualified person approved by a local health officer to install or repair on-site sewage systems or components.

"Large on-site sewage system (LOSS)" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

(a) Conveys, stores, treats, and/or provides subsurface soil treatment and disposal on the property where it originates, or on adjacent or nearby property; and

(b) Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas; and

(c) Has design flows, at any common point, greater than three thousand five hundred gallons per day.

"LOSS contract jurisdiction" means a local health jurisdiction that by contract with the department has delineated responsibilities and authority for LOSS within their jurisdiction. For these jurisdictions the term "department" shall be applied to them throughout this chapter, except as otherwise noted.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"May" means discretionary, permissive, or allowed.

"Ordinary high-water mark" means the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

"Planned unit development" means a development characterized by a unified site design, clustered residential

units and/or commercial units, and areas of common open space.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the *"Guidelines for Pressure Distribution Systems"* by the department. Also see "conventional pressure distribution."

"Proprietary device or method" means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport wastewater or septage from large on-site sewage systems.

"Repair" means restoration, by reconstruction or relocation, or replacement of a failed large on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system and dedicated for replacement of the LOSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other LOSS components.

"Septic tank" means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, "sewage" is generally synonymous with domestic wastewater. Also see "residential sewage."

"Shall" means mandatory.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

"Soil type" means a numerical classification of fine earth particles and coarse fragments as described in WAC 246-272B-11001 (2)(e).

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.

"SSAS" or "subsurface soil absorption system" means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, and tidal waters.

"Treatment standard 1" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total sus-

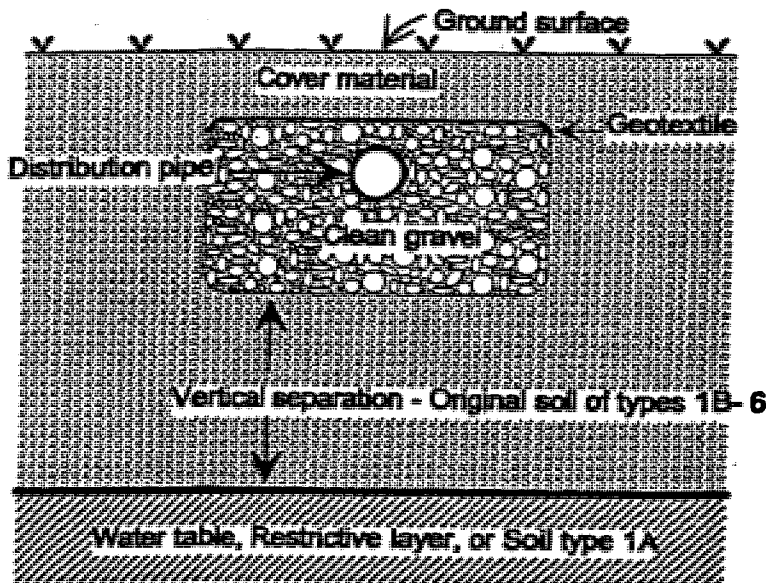
pended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

"Treatment standard 2" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD₅), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

"Unit volume of sewage" means:

- (a) A single family residence;
- (b) A mobile home site in a mobile home park; or
- (c) Four hundred fifty gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 1A, as illustrated below by the profile drawing of a subsurface soil absorption system:



"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Wave barrier" means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action.

NEW SECTION

WAC 246-272B-03001 Applicability. (1) The department:

(a) Shall apply this chapter to LOSS treating wastewater and disposing of effluent from residential sewage sources;

(b) May apply this chapter to LOSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.

(2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations shall be acted upon in accordance with regulations in force at the time of preliminary plat approval for a maximum period of five years from the date of approval or for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date.

(3) A valid sewage system design approval, or installation permit issued prior to January 15, 1995:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional year beyond January 15, 1995, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

PERMANENT

(4) The Washington state department of ecology has authority and approval over:

- (a) Domestic or industrial wastewater under chapter 173-240 WAC; and
- (b) Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above three thousand five hundred gallons per day.

(5) The Washington state department of health has authority and approval over:

- (a) Systems with design flows through any common point between three thousand five hundred to fourteen thousand five hundred gallons per day; and
- (b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to the department of health under conditions of memorandum of agreement with the department of ecology.

(6) The local health officer has authority and approval over:

- (a) Systems with design flows through any common point up to three thousand five hundred gallons per day;
- (b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to a local health jurisdiction from the department by contract.

(7) Where this chapter conflicts with chapter 90.48 RCW, Water pollution control, the requirements under those statutes apply.

NEW SECTION

WAC 246-272B-07001 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer upon the failure of an existing large on-site sewage system may:

- (a) Require hook-up to a public sewer system; or
- (b) Permit the repair or replacement of the LOSS only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the LOSS under WAC 246-272B-18501 and connect the residence or other facility to a public sewer system when:

- (a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and
 - (b) The sewer utility allows the sewer connection.
- (3) Local boards of health may require a new development to connect to a public sewer system to protect public health.

NEW SECTION

WAC 246-272B-08001 Application and approval process. (1) Persons proposing a new LOSS for which the department has jurisdiction by WAC or memorandum of agreement with the department of ecology shall meet the requirements specified in "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department).

(2) Persons shall submit the documents and fees specified under (a) through (f) of this subsection and obtain

approval from the department before installing a LOSS to serve any facility:

- (a) A preliminary report, stamped and signed by an engineer, including:
 - (i) A discussion of the proposed project, including the schedule of construction;
 - (ii) A discussion of compliance with other state and local zoning, platting, health, and building regulations as they relate to sewage treatment and disposal;
 - (iii) An analysis of the site's capacity to treat and dispose of the proposed quantity and quality of sewage;
 - (iv) An analysis of the factors identified in WAC 246-272B-20501 (2)(d)(ii)(A); and
 - (v) A soil and site evaluation as specified in WAC 246-272B-11001 signed by the evaluator;
 - (vi) A management plan describing the:
 - (A) Management entity consisting of one of the following:
 - (I) For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity; or
 - (II) For other uses, including single ownership, a public entity or a private entity via an appropriate contract or agreement provides management;
 - (B) Duties of the management entity, including specific tasks and frequency of operation and maintenance;
 - (C) Controls to ensure the continuity and permanency of proper operation and maintenance;
 - (D) Methods and frequency of monitoring, recordkeeping, and reporting to the department;
 - (E) Rights and responsibilities of management; and
 - (F) Rights and responsibilities of persons purchasing connections to the LOSS.
- (b) Complete plans and specifications of the LOSS:
 - (i) Showing a conventional pressure distribution system with three feet of vertical separation;
 - (ii) Meeting all other design criteria within "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department); and
 - (iii) Stamped and signed by an engineer;
 - (c) A schedule of inspections to confirm the installation conforms to the plans and specifications;
 - (d) A draft operation and maintenance manual, describing the LOSS and outlining routine maintenance procedures for proper operation of the system;
 - (e) Required fees; and
 - (f) Other information as required by the department.

(3) Persons desiring to repair, modify or expand a facility served, or to be served by a LOSS shall submit all documents and fees specified under subsection (2)(a) through (f) of this section, unless the department waives submission of some elements as unnecessary, and obtain approval from the department.

(4) The department:

- (a) Shall not change the terms of a project's construction approval during a two-year validity period. However, additional terms to protect public health may be included before granting one-year approval permit extensions;

- (b) Shall not permit an experimental LOSS;
- (c) Shall only permit installation of alternative systems for which there are alternative system guidelines;
- (d) Shall conduct a presite inspection; and
- (e) May allow the applicant to renew approval under the initial terms for successive one-year periods if:
 - (i) The LOSS is incomplete two years after the department's approval;
 - (ii) The applicant requests renewal in writing; and
 - (iii) The applicant submits required fees.
- (5) A qualified installer shall install the LOSS.
- (6) The applicant or applicant's agent:
 - (a) Shall comply with all conditions set forth in the department's construction approval;
 - (b) May request extensions to the construction approval permit; and
 - (c) Shall comply with any additional conditions upon construction approval extensions set forth by the department, and pay required fees for renewing the approval.
- (7) Before a new LOSS is used:
 - (a) An engineer shall stamp, sign, and submit a LOSS construction report to the department within sixty days following the completion of construction of the LOSS including:
 - (i) A completed form stating the LOSS was constructed in accordance with the department's approved plans and specifications; and
 - (ii) An "as built" or "record" drawing;
 - (b) The department shall conduct a final inspection; and
 - (c) The owner shall:
 - (i) Submit an operation and maintenance manual developed by an engineer for the installed LOSS to the department for review and approval; and
 - (ii) Obtain a LOSS operating permit from the department by:
 - (A) Completing and submitting forms to the department; and
 - (B) Paying required fees.
- (8) The owner of a LOSS that has been approved by the department or local health officer or constructed after July 1, 1984, shall:

- (a) Obtain a LOSS operating permit from the department; and
- (b) Annually renew it.
- (9) The owner shall annually renew the LOSS operating permit by:
 - (a) Continued retention of an approved management entity to operate and maintain the LOSS;
 - (b) Submitting a report to the department demonstrating the LOSS is operated, maintained, and monitored in accordance with this chapter and the approved operation and maintenance manual; and
 - (c) Submitting required fees.
- (10) The department:
 - (a) Shall issue a LOSS operating permit to owners of LOSS meeting the requirements of subsections (1) through (7) of this section;
 - (b) Shall annually renew the LOSS operating permit when the owner has complied with the requirements under subsection (9) of this section;
 - (c) May revoke the LOSS operating permit when the:
 - (i) Approved management entity ceases to operate and maintain the LOSS;
 - (ii) Owner does not meet other conditions of the LOSS operating permit; or
 - (iii) LOSS fails;
 - (d) Shall monitor the performance of LOSS; and
 - (e) Shall apply the requirements under WAC 246-272B-16501 to failing LOSS.
- (11) A local health officer and the department may enter into a contract under which:
 - (a) The local health officer will assume the department's responsibilities in subsections (2), (4), (6), (7)(a), (b) and (c)(i) of this section to regulate LOSS; and
 - (b) The local health officer may charge fees to a LOSS applicant or owner for services provided if the authorization for such fees is set forth in local regulations adopted under this chapter.

NEW SECTION

WAC 246-272B-09501 Location. (1) Persons shall design and install LOSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

**Table I
Minimum Horizontal Separations**

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line ¹
Nonpublic well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring ³	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source ^{2,3}	100 ft.	50 ft.	50 ft.
Pressurized water supply line ⁴	10 ft.	10 ft.	10 ft.

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Table I
Minimum Horizontal Separations

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line ¹
Properly decommissioned well ⁵	10 ft.	N/A	N/A
Surface water ³ :			
Marine water	100 ft.	50 ft.	10 ft.
Freshwater	100 ft.	50 ft.	10 ft.
Building foundation	10 ft. ⁶	5 ft. ⁶	2 ft.
Property or easement line ⁶	5 ft.	5 ft.	N/A
Interceptor/curtain drains/drainage ditches:			
Downgradient ⁷	30 ft.	5 ft.	N/A
Upgradient ⁷	10 ft.	N/A	N/A
Downgradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Downgradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

¹"Building sewer" as defined by the most current edition of the Uniform Plumbing Code. "Nonperforated distribution" includes pressure sewer transport lines.

²If surface water is used as a public drinking water supply, the designer shall locate the LOSS outside of the required sanitary control area.

³Measured from the ordinary high-water mark.

⁴The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the department of ecology's "Criteria For Sewage Works Design," revised October 1985, or equivalent.

⁵Before any component can be placed within 100 feet of a well, the designer shall submit a "decommissioned water well report" provided by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to ground water, but septic tanks, pump chambers, containment vessels or distribution boxes should not be placed directly over the site.

⁶The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is upgradient.

⁷The item is downgradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is upgradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) Where any condition indicates a greater potential for contamination or pollution, the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) Persons shall design and/or install disposal components only where:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the LOSS;

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

NEW SECTION

WAC 246-272B-11001 Soil and site evaluation. (1) The department shall permit only engineers, qualified designers and soil scientists to perform soil and site evaluations..

(2) The person evaluating the soil and site shall:

(a) Record:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial disposal component; and

(B) The reserve area.

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- (ii) The ground water conditions, the date of the observation, and the probable maximum height;
- (iii) The topography of the site;
- (iv) The drainage characteristics of the site;
- (v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
- (vi) The existence of designated flood plains; and
- (vii) The location of existing encumbrances affecting system placement, such as:
 - (A) Wells and suction lines;
 - (B) Water sources and supply lines;
 - (C) Surface water;
 - (D) Abandoned wells;
 - (E) Outcrops of bedrock and restrictive layers;
 - (F) Buildings;
 - (G) Property lines and lines of easement;
 - (H) Interceptors such as footing drains, curtain drains and drainage ditches;
 - (I) Cuts, banks, and fills;
 - (J) Driveways and parking areas;
 - (K) Existing OSS; and
 - (L) Underground utilities.

(b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict with, this chapter (available upon written request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table II, Soil Textural Classification:

Table II
Soil Textural Classification

Soil Type	Soil Textural Classifications
1A	Very gravelly ¹ coarse sands or coarser. All extremely gravelly ² soils.
1B	Very gravelly medium sand, very gravelly fine sand. Very gravelly very fine sand, very gravelly loamy sands.
2A	Coarse sands (also includes ASTM C-33 sand).
2B	Medium sands.
3	Fine sands, loamy coarse sands, loamy medium sands.
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.
5	Silt loams, that are porous and have well-developed structure.

Table II
Soil Textural Classification

Soil Type	Soil Textural Classifications
6	Other silt loams, sandy clay loams, clay loams. Silty clay loams.
Unsuitable for treatment or disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils.

¹Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

²Extremely gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:

(i) Placing excavated soil no closer than two feet of the excavation;

(ii) Providing a ladder, earth ramp or steps for safe egress to a depth of four feet, then scoop out a portion from the floor to gain the additional two-foot depth necessary to observe the six feet of soil face; however, the scooped portion is not to be entered;

(iii) Provide a physical warning barrier around the excavation's perimeter; and

(iv) Fill the excavation upon completion of the soil log.

(4) The department:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for LOSS if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272B-11501 Design. (1) The department shall require that large on-site sewage systems be designed only by engineers.

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(2) The department shall require the following design criteria:

(a) All the sewage from the building served is directed to the LOSS;

(b) Drainage from the surface, footing drains, roof drains, and other nonsewage drains is prevented from entering the LOSS and the area where the LOSS is located;

(c) The LOSS is designed to treat and dispose of the following flows:

(i) For single family residences, one hundred twenty gallons per bedroom per day, with a minimum of two hundred forty gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(A) For other facilities, the design flows noted in "Design Manual: On-site Wastewater Treatment and Disposal Systems," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department). If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used: "Design Standards for Large On-site Sewage Systems," 1993, Washington state department of health (available upon request to the department); or

(B) "Criteria for Sewage Works Design," revised October 1985, Washington state department of ecology (available upon written request to the department of ecology).

(d) Septic tanks:

(i) Have the following minimum liquid capacities:

(A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

Table III
Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required minimum liquid tank volume in gallons
≤3	900
4	1000
Each additional bedroom	250

(B) For facilities handling residential sewage, other than one single family residence, 1.5 times the daily design flow with a minimum of 1000 gallons;

(ii) Have clean-out and inspection accesses within twelve inches of finished grade; and

(iii) Are designed with protection against floatation and ground water intrusion in high ground water areas;

(e) Pump chambers:

(i) Have clean-out and inspection accesses at or above finished grade; and

(ii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;

(f) SSAS beds are only designed in soil types 2A, 2B, with a width not exceeding ten feet;

(g) Conventional pressure distribution systems have:

(i) The calculation of absorption area based upon the design flows in subsection (2)(c) of this section and loading rates equal to or less than those in Table V, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the trench of the excavation.

Table V
Maximum Hydraulic Loading Rate For Residential Sewage¹

Soil Type	Soil Textural Classification Description	Loading Rate gal./sq. ft./day
1A	Very gravelly ² coarse sands or coarser, extremely gravelly ³ soils.	Varies according to system selected to meet treatment standard 2 ⁴ .
1B	Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands.	Varies according to soil type of the nongravel portion ⁵ .
2A	Coarse sands (includes the ASTM C-33 sand).	1.2
2B	Medium sands.	1.0
3	Fine sands, loamy coarse sands, loamy medium sands.	0.8
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.	0.6
5	Silt loams that are porous and have well-developed structure.	0.45

¹Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for conventional OSS systems.

²Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

³Extremely gravelly = >60% gravel and coarse fragments, by volume.

⁴Due to the highly permeable nature of type 1A soil, only alternative systems which meet or exceed treatment standard 2 can be installed. However, a conventional gravity system may be used if it meets all criteria listed under (h) of this subsection (WAC 246-272-11501 (2)(h)). The loading rate for these systems is provided in the appropriate guideline.

⁵The maximum loading rate listed for the soil described as the non-gravel portion is to be used for calculating the absorption surface area required. The value is to be determined from this table.

(ii) The bottom of a SSAS shall not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

(iii) The sidewall below the invert of the distribution pipe is located in original, undisturbed soil;

(iv) Clean gravel, covered with a geotextile; and

(v) A cover of between six and twenty-four inches of mineral soil containing no greater than ten percent organic content over the gravel to preclude accumulation of water over the drainfield.

(3) The department:

(a) Shall approve only LOSS designs meeting the requirements of this chapter;

(b) Shall not approve designs for:

(i) Cesspools;

(ii) Seepage pits, except as allowed for repairs under WAC 246-272B-16501;

(c) May approve a design for the reserve area different than the design approved for the initial LOSS, if both designs meet the requirements of this chapter for new construction; and

(d) May allow the hydraulic loading rate calculated for the infiltration surface area in a disposal component to include six inches of the SSAS sidewall height for determining design flow where total recharge by annual precipitation and irrigation is less than twelve inches per year.

(4) The department shall:

(a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks;

(b) Review septic tanks, pump chambers, and holding tanks approving those satisfying the design and construction standards developed by the department.

NEW SECTION

WAC 246-272B-12501 Holding tank sewage systems.

(1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under WAC 246-272B-16501 (1)(c)(i).

(2) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by the department;

(b) Submit a management program to the department assuring ongoing operation and maintenance before the department grants project approval; and

(c) Use a holding tank on the current approved list.

NEW SECTION

WAC 246-272B-13501 Installation. (1) The department shall require approved installers to construct LOSS.

(2) The installer shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(d) Be on the site at all times during the excavation and construction of the LOSS;

(e) Install the LOSS to be watertight, except for the disposal component;

(f) Cover the installation only after the department has given approval to cover; and

(g) Back fill and grade the site to prevent surface water from accumulating over any component of the LOSS.

NEW SECTION

WAC 246-272B-15501 Operation and maintenance.

(1) The LOSS owner is responsible for properly operating and maintaining the LOSS, and shall:

(a) Determine the level of solids and scum in the septic tank once every three years;

(b) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(c) Protect the LOSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(d) Keep the flow of sewage to the LOSS at or below the approved design both in quantity and waste strength;

(e) Operate and maintain the LOSS as directed by the department; and

(f) Direct drains, such as footing or roof drains, away from the area where the LOSS is located.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into a LOSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use a LOSS to dispose of waste components atypical of residential wastewater.

NEW SECTION

WAC 246-272B-16501 Repair of failures. (1) When a LOSS failure occurs, the LOSS owner shall:

(a) Repair or replace the LOSS with a conforming system on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS; or

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) or (b) of this subsection are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) A LOSS is not feasible; and

(B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to replacing or repairing the effluent disposal component, the LOSS owner shall develop and submit information required under WAC 246-272B-08001.

(3) The person responsible for the design shall locate and design repairs to:

- (a) Protect drinking water sources;
- (b) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;
- (c) Meet the horizontal separations under WAC 246-272B-09501(1) to public drinking water sources;
- (d) Meet other requirements of this chapter to the maximum extent permitted by the site; and
- (e) Maximize the:
 - (i) Vertical separation;
 - (ii) Distance from a well, spring, or suction line; and
 - (iii) Distance to surface water.

NEW SECTION

WAC 246-272B-17501 Expansions. The department shall require an on-site sewage system and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

NEW SECTION

WAC 246-272B-18501 Abandonment. Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

- (1) Have the septage removed by an approved pumper;
- (2) Remove or destroy the lid; and
- (3) Fill the void with soil.

NEW SECTION

WAC 246-272B-19501 Septage management. (1) An individual shall be approved by the local health officer as a qualified pumper before removing septage from a LOSS.

(2) Persons removing septage from a LOSS shall:

(a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;

(b) Record and report septage removal to the local health officer;

(c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272B-20501 Developments, subdivisions, and minimum land area requirements. (1) A person proposing the development shall obtain approval from the local health officer prior to any development where the use of LOSS is proposed.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272B-11001, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using method I and/or method II:

(i) **METHOD I.** Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage.

**Table VII
Minimum Land Area Requirement
Single Family Residence or Unit Volume of Sewage**

Type of water supply	Soil Type (defined by section 11001 of this chapter)					
	1A, 1B	2A, 2B	3	4	5	6
Public	0.5 acre ¹	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ²					
Individual on each lot	1.0 acre ¹	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ²					

¹Due to the highly permeable nature of soil type 1A, only alternative systems which meet or exceed treatment standard 2 can be installed.

²A conventional gravity system in type 1 soil is only allowed if it is in compliance with all conditions listed under WAC 246-272-11501 (2)(h). One of these limiting conditions is a 2.5 acre minimum lot size.

(ii) **METHOD II.** A minimum land area proposal using method II is acceptable only when the applicant:

(A) Justifies the proposal through a written analysis of the:

- (I) Soil type and depth;
- (II) Area drainage, and/or lot drainage;
- (III) Public health impact on ground and surface water quality;
- (IV) Setbacks from property lines, water supplies, etc.;
- (V) Source of domestic water;

- (VI) Topography, geology, and ground cover;
- (VII) Climatic conditions;
- (VIII) Availability of public sewers;
- (IX) Activity or land use, present, and anticipated;
- (X) Growth patterns;
- (XI) Reserve areas for additional subsurface treatment and disposal;
- (XII) Anticipated sewage volume;
- (XIII) Compliance with current planning and zoning requirements;
- (XIV) Possible use of alternative systems or designs;
- (XV) Existing encumbrances, such as listed in WAC 246-272B-11001 (2)(a)(vii) and legal access documents if any component of the LOSS is not on the lot where the sewage is generated; and
- (XVI) Any other information required by the local health officer.

(B) Shows development with public water supplies having:

(I) At least twelve thousand five hundred square feet lot sizes per single family residence;

(II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and

(C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(D) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming LOSS;

(ii) Assure preservation of reserve areas for proposed and existing LOSS;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The local health officer or department shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) LOSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the LOSS, or a single individual owning the LOSS;

(iii) Management requirements under WAC 246-272B-08001 when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The local health officer or department may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a method II determination under sub-

section WAC 246-272B-20501 (2)(d)(ii) to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and LOSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection; or

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed LOSS design does not protect public health by meeting requirements of these regulations.

NEW SECTION

WAC 246-272B-21501 Areas of special concern. (1)

The local health officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

(a) Shellfish protection districts or shellfish growing areas;

(b) Sole source aquifers designated by the U.S. Environmental Protection Agency;

(c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington Growth Management Act, RCW 36.70A.170;

(d) Designated public water supply wellhead protection areas;

(e) Upgradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(f) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas delineated by the Federal Emergency Management Agency; and

(i) Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

(2) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

(a) Additional location, design, and/or performance standards for OSS;

(b) Larger land areas for new development;

(c) Prohibition of development;

(d) Additional operation, maintenance, and monitoring of OSS performance;

(e) Requirements to upgrade existing OSS;

(f) Requirements to abandon existing OSS; and

(g) Monitoring of ground water or surface water quality.

(3) Within areas of special concern, to reduce risk of system failures, a person approved or designated by the local health officer shall:

- (a) Inspect every OSS at least once every three years;
- (b) Submit the following written information to both the local health officer and the property owner within thirty days following the inspection:
 - (i) Location of the tank;
 - (ii) Structural condition of the tank, including baffles;
 - (iii) Depth of solids in tank;
 - (iv) Problems detected with any part of the system;
 - (v) Maintenance needed;
 - (vi) Maintenance provided at time of inspection; and
 - (vii) Other information as required by the local health officer.
- (c) Immediately report failures to the local health officer.

NEW SECTION

WAC 246-272B-24001 State advisory committee.

The department shall:

- (1) Maintain an on-site sewage advisory committee to:
 - (a) Make recommendations concerning departmental policy and regulations;
 - (b) Review program services; and
 - (c) Provide input to the department regarding the on-site sewage program;
- (2) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and
- (3) Convene meetings as needed.

NEW SECTION

WAC 246-272B-25001 Waiver of state regulations.

(1) The department may grant a waiver from specific requirements in this chapter if a person submits a completed departmental waiver application and required fee to the department, including justification showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(2) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) of this section shall be followed again.

NEW SECTION

WAC 246-272B-26001 Enforcement. (1) The department:

- (a) Shall enforce the rules of chapter 246-272B WAC; or
 - (b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.
- (2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the LOSS and/or person causing or responsible for the violation of the rules of chapter 246-272B WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, or certification; and

(d) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272B WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any LOSS or portion of the LOSS or improvements to the LOSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272B WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification; and/or

(ii) Referral to the office of the county prosecutor or attorney general;

(iii) Other appropriate remedies;

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order;

(h) Comply with chapters 43.70 and 34.05 RCW if issued by the department.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272B WAC, or any other statutory provision or rule regulating the operation of a LOSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272B-27001, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

- (i) Board members;
- (ii) Officers;
- (iii) Managers;
- (iv) Partners;
- (v) Association members;
- (vi) Agents; and in addition
- (vii) Third persons acting with the knowledge of such persons.

NEW SECTION

WAC 246-272B-27001 Notice of decision—Adjudicative proceeding. (1) The department shall provide notice of a denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70-115, chapter 34.05 RCW, and chapter 246-10 WAC.

(2) A person contesting a departmental decision regarding a permit, certificate, approval, or fine may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(3) Department actions are governed under the Administrative Procedure Act, chapter 34.05 RCW, chapter 43.70.115 RCW, this chapter, and chapter 246-10 WAC.

(4) All LOSS contract jurisdictions shall establish rules for conducting hearings requested to contest a local health officer's actions.

NEW SECTION

WAC 246-272B-28001 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

NEW SECTION

WAC 246-272B-990 Fees. The minimum fee for required review of larger on-site system's engineering reports and plans and specifications shall be four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for presite inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspections of larger on-site systems shall be one hundred dollars per site visit.

WSR 03-22-099
PERMANENT RULES
DEPARTMENT OF REVENUE
 [Filed November 5, 2003, 11:50 a.m.]

Date of Adoption: November 5, 2003.

Purpose: WAC 458-40-680 provides the log scaling and grading methods that may be used by a harvester to determine the volume of timber harvested. The rule identifies the guidelines under which the department will approve sample

scaling for tax reporting purposes. It also identifies the conversion methods that may be used if the harvested timber was not originally scaled by the Scribner Decimal C Log Rule.

The amended rule clarifies that a harvester may rely upon a purchaser's approved sample scaling method. The proposed rule clarifies that the weight conversion tables are to be used when weight is the sole method for payment for smaller logs. It also explains that the department will designate a reasonable conversion method when harvesters use a sample scaling method that is not approved.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

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

Adopted under notice filed as WSR 03-16-009 on July 24, 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 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

November 5, 2003

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 00-24-068, filed 12/1/00, effective 1/1/01)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions. (1) **Introduction.** The acceptable log scaling and grading standard for stumpage value areas 1, 2, 3, 4, 5, and 10 is the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" developed and authored by the Northwest Log Rules Advisory Group. The acceptable log scaling standard for stumpage value areas 6 and 7 is the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 2409.11) as published by the United States Forest Service. Lodgepole pine harvested in stumpage value areas 6, 7, or 10 must be scaled using a one inch taper allowance per log segment.

(2) **Special services scaling.** Special services scaling as described in the "Official Log Scaling and Grading Rules"

developed and authored by the Northwest Log Rules Advisory Group may not be used for tax reporting purposes without prior written approval of the department of revenue.

(3) **Sample scaling.** Sample scaling may not be used for tax reporting purposes without prior written approval of the department of revenue. To be approved, sample scaling must be in accordance with the following guidelines:

(a) Sample selection, scaling, and grading must be conducted on a continuous basis as the unit is harvested.

(b) The sample must be taken in such a manner to assure random, unbiased sample selection in accordance with accepted statistical tests of sampling.

(c) The sample used to determine total volume, species, and quality of timber harvested for a given reporting period must have been taken during that period.

(d) Sample frequency must be large enough to meet board foot variation accuracy limits of plus or minus two and five-tenths percent standard error at the ninety-five percent confidence level.

(e) Harvesters, or a purchaser with an approved sample scaling method, must maintain sufficient supporting documentation to allow the department of revenue to verify source data, and test statistical reliability of sample scale systems.

(f) Exceptions: Sampling designs and accuracy standards other than those described herein may only be used with the prior written approval of the department of revenue.

(4) **Conversions to Scribner Decimal C Scale.** The following definitions, tables, and conversion factors must be used in determining taxable volume for timber harvested that was not originally scaled by the Scribner Decimal C Log Rule. Conversion methods other than those listed are not to be used for tax reporting purposes without prior written approval of the department of revenue. Harvesters who wish to use a method of conversion other than those listed below must obtain written approval from the department of revenue before harvesting. Purchasers may obtain written approval of a sample scaling method from the department of revenue. The department will maintain a list of purchasers with an approved sample scaling method. A harvester may obtain this list and a summary of the approved method for specific purchasers from the department of revenue. If a harvester has not obtained approval of a sample scaling method before harvesting, the harvester may use a purchaser's approved sample scaling method. If the harvester, or purchaser, fails to use an approved sample scaling method or other method of conversion approved by these rules to set the purchase price, the department will establish its own method, as the circumstances require, to determine a reasonable estimate of the volume of timber sold.

(a) **Weight measurement.** If the ~~((original))~~ sole unit of measure used to set the purchase price for logs from harvest units that meet the definition of the lowest quality code for each species was ~~((by))~~ weight, and the harvester ~~((has not applied for approval))~~ does not use an approved method of sample scaling to determine volume for the stumpage value tables, the following tables must be used for converting to Scribner Decimal C. If weight is the sole measure used for a harvest unit with quality codes other than the lowest, the department will establish its own method, as the circumstances require, to determine a reasonable estimate of the vol-

ume of timber sold. Harvesters must keep records to substantiate the species and quality codes reported. For tax reporting purposes, a ton equals 2,000 pounds.

(Stumpage Value Areas 1, 2, 3, 4, 5, & 10) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)				
Species	Quality code			
	1	2	3	4
Douglas-fir ¹	NA	NA	NA	7.50
Western Hemlock ²	NA	NA	NA	8.25
Western Redcedar ³	7.0			((7.00))
Red Alder ⁴	NA	7.8		((7.75))
Chipwood	9.0			((9.00))

- ¹ Includes Douglas-fir, Western Larch, and Sitka Spruce.
- ² Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ³ Includes Alaska-cedar.
- ⁴ Maple, Black Cottonwood and other hardwoods.

(Stumpage Value Areas 6 & 7) BOARD FOOT WEIGHT SCALE FACTORS (TONS/MBF)		
Species	Quality code	
	1	2
((Species))		
Ponderosa Pine	((5.0)) NA	6.50
Douglas-fir ¹	5.50	
Lodgepole Pine	6.0	
Western Hemlock ²	5.50	
Englemann Spruce	4.50	
Western Redcedar ³	4.50	
Chipwood	9.0	
Small Logs	6.50	

- ¹ Includes Western Larch.
- ² Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and other conifers not separately designated. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ³ Includes Alaska-cedar.

(b) **Cord measurement.** For the purposes of converting cords into Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 400 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 330 board feet per cord.

(ii) In stumpage value areas 6 and 7 logs with an average scaling diameter of 8 inches and larger must be converted to Scribner volume using 470 board feet per cord. Logs having an average scaling diameter of less than 8 inches must be converted to Scribner volume using 390 board feet per cord.

(iii) A cord of Western Redcedar shake or shingle blocks must be converted to Scribner volume using 600 board feet per cord.

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(c) **Cants or lumber from portable mills.** To convert from lumber tally to Scribner volume:

(i) In stumpage value areas 1, 2, 3, 4, 5, and 10 multiply the lumber tally for the individual species by 75%, and round to the nearest one thousand board feet (MBF); or

(ii) In stumpage value areas 6 and 7 multiply the lumber tally for the individual species by 88%, and round to the nearest one thousand board feet (MBF).

(d) **Log scale conversion.** Timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 10 and which has been scaled by methods and procedures published in the "National Forest

Log Scaling Handbook" (FSH 2409.11) must have the volumes reported reduced by eighteen percent. Timber harvested in stumpage value areas 6 and 7 and which has been scaled by methods and procedures published in the "Official Log Scaling and Grading Rules" developed and authored by the Northwest log rules advisory group, must have the volumes reported increased by eighteen percent.

(e) **Timber pole and piling volume tables.** Harvesters of poles must use the following tables to determine the Scribner board foot volume for each pole length and class:

Total Scribner Board Foot Volume Stumpage Value Areas 1, 2, 3, 4, 5, and 10																	
Length	Pole Class ¹															Piling Class ²	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
20							50	50	40	40	30	30	20	20	20	80	70
25							60	60	50	50	40	40	30	30	30	100	90
30							110	70	60	60	50	50	40	40		130	110
35					160	160	130	100	80	80	60	60	50			130	110
40			240	200	180	180	150	120	120	90	70	60				150	120
45	380	340	340	280	230	230	190	150	120	120	90	90				150	120
50	430	370	370	300	260	260	210	160	140	140	100					160	140
55	470	410	410	330	280	280	230	180	150	150						180	150
60	540	470	470	410	340	340	290	220	190	190						190	160
65	610	520	520	420	380	380	320	260	210	210						210	180
70	650	560	560	480	400	400	350	270	230	230						230	190
75	700	600	600	520	520	520	440	290	250							230	200
80	820	700	700	600	600	540	440	360	290							250	210
85	910	800	800	660	660	660	570	490	360							260	210
90	1080	930	930	820	820	690	590	490	400							260	220
95	1170	1000	1000	870	870	750	640	540								290	240
100	1190	1030	1030	900	900	760	660	550								310	250
105	1310	1160	1160	1000	1000	860	740	610								330	270
110	1370	1220	1220	1050	1050	910	780	650								380	300
115	1440	1280	1280	1100	1100	960	860	680								400	310
120	1660	1460	1460	1300	1300	1140	970	820								500	400
125	1840	1600	1600	1410	1410	1250	1080	930									
130	1920	1680	1680	1490	1490	1310	1120	970									

¹ Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class ¹															Piling Class ²	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
20							70	60	50	50	30	30	20	20	20	90	70
25							80	70	50	50	40	40	30	30	20	100	80
30							110	90	60	60	50	50	50	40		130	110
35					190	160	140	100	100	70	60	60	50			140	100
40				240	240	200	170	120	110	100	70	70				140	100
45	390	330	330	270	270	220	180	150	110	110	80	70				150	110
50	460	390	390	340	340	280	240	190	150	150	120					190	150
55	510	430	430	370	360	300	250	190	150	150						190	150
60	610	530	530	440	440	380	310	240	200	200						240	200
65	650	570	570	490	480	410	350	280	220	220						240	200
70	750	650	650	550	470	470	410	320	260	260						260	210
75	810	700	700	600	600	500	440	340	270							270	220

PERMANENT

Total Scribner Board Foot Volume Stumpage Value Areas 6 and 7																	
Length	Pole Class ¹															Piling Class ²	
	H6	H5	H4	H3	H2	H1	1	2	3	4	5	6	7	9	10	A	B
80	960	830	830	710	710	610	510	420	340							220	220
85	1020	870	870	760	760	640	550	450	360							300	240
90	1110	970	970	840	840	720	620	500	420							280	280
95	1160	1010	1010	870	870	740	640	510								360	280
100	1380	1210	1210	1060	1060	910	780	650								360	280
105	1430	1250	1250	1100	1100	940	820	690								400	300
110	1580	1390	1390	1220	1220	1070	920	770								460	340
115	1660	1470	1470	1280	1280	970	810	680								470	360
120	1880	1680	1680	1480	1480	1290	1130	950								560	450
125	1910	1690	1690	1490	1490	1140	970	810									
130	2170	1920	1920	1710	1710	1510	1320	1140									

¹ Pole class definitions taken from American National Standard specifications and dimensions for wood poles as approved August 7, 1976, under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Piling class definitions as per American Society for Testing and Materials for "round timber piles." As the designation: D 25-58 (reapproved 1964).

PERMANENT

WSR 03-21-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed October 15, 2003, 4:20 p.m.]

Date of Adoption: October 3, 2003.

Purpose: The purpose of this emergency filing to amend sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. See Citation of Existing Rules below for new and amended rules affected. This notice and the full text of these emergency rules are available from the DSHS rule-making website at <http://www1.dshs.wa.gov/msa/rpau/docket.html>, or by contacting Jean Croisant, DSHS Children's Administration, phone (360) 725-2486, or by e-mail at biggire@dshs.wa.gov.

Citation of Existing Rules Affected by this Order: Chapter 388-148 WAC, Licensing requirements for child foster homes, staffed residential homes, group care programs/facilities, and agencies; amending WAC 388-148-0035 What personal characteristics do I need to provide care to children?, 388-148-0040 What first aid and cardiopulmonary resuscitation (CPA) training is required?, 388-148-0045 What HIV/AIDS training is required?, 388-148-0050 How do I apply for a license?, 388-148-0060 When am I not allowed to received a license from a child-placing agency?, 388-148-0065 When may I be certified to provide care to children?, 388-148-0095 When are licenses denied, suspended or revoked?, 388-148-0120 What incidents involving children must I report?, 388-148-0125 What are your requirements for keeping client records?, 388-148-0140 What personnel policies must I have?, 388-148-0170 What steps must I take to ensure children's safety around bodies of water?, 388-148-0220 What fire safety requirements must I follow to qualify for a license?, 388-148-0260 What are the general requirements for bedrooms?, 388-148-0270 What are the requirements for beds?, 388-148-0335 When must I get medical exams for the children under my care?, 388-148-0345 What must I do to prevent the spread of infections and communicable diseases?, 388-148-0350 How do I manage medications for children under my care?, 388-148-0395 What requirements must I meet for feeding babies?, 388-148-0460 What requirements do you have for supervising children?, 388-148-0520 What are the training requirements for foster parents and prospective foster parents?, 388-148-0560 Do I need a treatment plan for children under my care?, 388-148-0585 What social service staff do I need?, 388-148-0630 What fire prevention measures must I take?, 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency?, 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have?, 388-148-0725 What is the ratio of child care staff to children in group care facilities?, 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services?, 388-148-0800 What levels of secure CRCs exist?, 388-148-0915 What steps must be taken after a youth is admitted into a CRC?, 388-148-0995 What are the ratio requirements of youth care

staff to youth in crisis residential centers?, 388-148-1060 What services may a child-placing agency provide?, 388-148-1070 What health histories need to be provided to adoptive parents?, 388-148-1115 Do you have requirements for adoptive services? and 388-148-1120 What is the process for adoptions?; and new sections WAC 388-148-0058 May I have a license for both child day care and child foster care?, 388-148-0427 Are there specific requirements regarding Native American children?, 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home?, 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home?, 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency?, 388-148-0892 What are the requirements for a level three secure CRC?, 388-148-1076 What are the qualifications for an executive director of a child-placing agency?, 388-148-1077 What are the qualifications for a case aide for a child-placing agency program?, 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?, and 388-148-1079 What are the qualifications for consultants for child-placing agency programs?

Statutory Authority for Adoption: Chapter 74.15 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

These rules replace emergency rules adopted as WSR 03-14-012 on June 18, 2003. Children's Administration has filed a preproposal statement of inquiry (WSR 02-06-083) and is engaged in working with stakeholders for the permanent adoption of rule changes. Stakeholders recently reviewed the draft rules, and the department is preparing economic analyses related to the possible impact of the rules. Providers of group programs are reviewing the fire safety rules included in the chapter. The tentative date for the filing of the proposed rules for public comment is January 2004.

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 10, Amended 36, 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 10, Amended 36, Repealed 0.

Effective Date of Rule: Immediately.

October 3, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0035 What personal characteristics do I need to provide care to children? If you are requesting a license, certification, or a position as an employee, volunteer, intern, or contractor in a foster home, group care facility, staffed residential home, or child-placing agency you must have the following specific personal characteristics:

(1) You must demonstrate that you have the understanding, ability, physical health, emotional stability and personal-ity suited to meet the physical, mental, emotional, and social needs of the children under your care.

(2) You must not have been disqualified by our background check (chapter 388-06 WAC) prior to having unsupervised access to children.

(3) You have not had a license denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well being, and long-term stability.

(4) You must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well being and long-term stability.

(5) You must have the ability to furnish the child with a nurturing, respectful, supportive, and responsive environment.

~~((4))~~ (6) The department may require you to give additional information. We may request this 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.

~~((5))~~ (7) Any evaluation requested under WAC 388-148-0035 ~~((4))~~(6)(a)-(d) will be at the applicant/licensee's expense.

~~((6))~~ (8) The licensor must be given permission to speak with the evaluator/provider prior to and after the evaluation.

(9) Misrepresentation by a prospective employee, intern, or volunteer may be grounds for termination or denial of employment or volunteer service to that individual.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required? You ~~((and)),~~ your staff, interns, volunteers, or any adult who may at any time be the sole caregiver, must have the following first-aid and CPR training:

(1) If you have a home or facility that provides care, the care givers must have current training in:

(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 such as the American Red Cross or American Heart Association.

(3) For any facilities other than foster homes, the person with first aid and CPR training must be on the premises at all times when children are present.

(4) The ~~((requirement for))~~ CPR training ~~((may be waived))~~ is not required for persons with a statement from their physician that the training is not advised for medical reasons.

(5) You must keep records in your home or facility showing who has completed current first aid and CPR training.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0045 What HIV/AIDS training is required? (1) You must provide or arrange for training for yourself ~~((and any of)),~~ your staff, and any adult who may at anytime be the sole caregiver, on the prevention, transmission, and treatment of HIV and AIDS. Such training must include infection control requirements.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

~~((3))~~ ~~The staff of group care programs are required to complete blood borne pathogen training.~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0050 How do I apply for a license? To apply for a license, the person or legal entity responsible for your home or facility must follow these procedures:

(1) You must send the application form to your licensor at DLR or a child-placing agency.

(2) With the application form, you must send written verification for each applicant of the following information:

(a) ~~((Written verification for each applicant of:))~~

~~((i))~~ A tuberculosis test or an x-ray unless you can demonstrate ~~((religious))~~ medical reasons prohibiting the test;

~~((ii))~~ (b) First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

~~((iii))~~ (c) HIV/AIDS training including infection control standards.

~~((b))~~ (3) A completed background check form for any one age sixteen years or older on the premises of the home or facility including, but not limited to:

(a) Each applicant((:));

(b) Family member((:));

(c) Staff person((:));

(d) Board member((:));

(e) Intern or volunteer who:

(i) Is at least sixteen years old;

(ii) Is not a foster child; and

(iii) Has unsupervised access to children (see chapter 388-06 WAC).

~~((e))~~ (4) If you ~~((have))~~ or anyone age sixteen years or older in your home or facility has lived in Washington state less than three years, you must provide us with a completed FBI fingerprint form for that person.

~~((d) We may require additional information from you including, but not limited to:~~

~~(i) Substance and alcohol abuse evaluations and/or documentation of completed treatment;~~

~~(ii) Psychiatric evaluations;~~

~~(iii) Psycho-sexual evaluations; and~~

~~(iv) Medical evaluations and/or medical records.~~

~~(3) Except foster homes, if you are applying for a license renewal, you must send the application form to your licenser at least ninety days prior to the expiration of your current license.))~~

NEW SECTION

WAC 388-148-0058 May I have a license for both child day care and child foster care? The department does not issue licenses for both a foster home and a child day care home, except under the following conditions:

(1) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care.

(2) The total number of children in both categories must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(3) Any exceptions to the limitation on capacity require the written approval of the director of the division of licensed resources or their designee and the appropriate division of child care and early learning approval.

(4) Approval to have both a child foster care license and a child day care license must:

(a) Be in writing; and

(b) Signed by a licenser from the division of licensed resources (for a foster care license) and from the division of child care and early learning (for a child day care license).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0060 When am I not allowed to receive a license from a child-placing agency? (1) You or your relatives, are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role or directly involved in cer-

tification, placement, or authorization of payment to yourself or your relative for that same child-placing agency.

(2) You or your relative may apply to a different child-placing agency for a license.

(3) Licensed foster parents who become employed by ~~((the department))~~ children's administration or a child-placing agency must be relicensed through an agency other than their employer within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0065 When may I be certified to provide care to children? You may apply for certification of your home or facility by the department rather than a license, if ~~((you))~~ the following four conditions apply:

(1) You are exempt from needing a license (per chapter 74.15 RCW);

(2) You meet the licensing requirements; ~~((and))~~

(3) You wish to serve department-funded children; and

(4) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0095 When are licenses denied, suspended or revoked? (1) A 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, also, disqualify you for any of the reasons that follow.

(a) You have been disqualified by your background check (see chapter 388-06 WAC).

(b) You have been found to have committed child abuse or neglect or you treat, permit or assist in treating children in your care with cruelty, indifference, abuse, neglect, or exploitation, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(c) You or anyone living on the premises had a license denied or revoked from an agency that ~~((provided))~~ regulates care to children or vulnerable adults, unless the department determines that you do not pose a risk to children or vulnerable adults.

(d) You try to get a license by deceitful means, such as making false statements or leaving out important information on the application.

(e) You commit, permit or assist in an illegal act on the premises of a home or facility providing care to children.

(f) You are using illegal drugs, or excessively using alcohol and/or prescription drugs.

(g) You knowingly allowed employees or volunteers who made false statements on their applications to work at your agency.

(h) You knowingly allowed employees or volunteers who use illegal drugs, alcohol, or prescription drugs that affect their ability to perform their job duties to work at your agency or be on the premises when children are present.

(i) You repeatedly lack qualified or an adequate number of staff to care for the number and types of children under your care.

~~((f))~~ (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.

~~((g))~~ (k) You are unable to manage the property, fiscal responsibilities, or staff in your agency.

~~((h))~~ (l) You have failed to comply with the federal and state laws for any Native American children that you have under care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report any of the following incidents ~~((immediately))~~ as soon as possible and in no instance later than forty-eight hours to your local children's administration intake staff, the child's social worker or case manager, and parent or legal guardian when the parent has placed the child:

(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 improper or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool 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 health problems that require off site medical treatment;~~

~~((j))~~ Any medication that is given incorrectly and requires off-site medical treatment; or

~~((k))~~ (j) Serious property damage that is a safety hazard and is not immediately corrected~~((; or~~

~~(l) Any emergent medical care)).~~

(2) ~~((You or your staff must report immediately))~~ The following are examples of significant incidents that must be reported as soon as possible or in no instance later than forty-eight hours, ~~((any of the following incidents))~~ to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

(a) Suicidal/homicidal ideations, 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 incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical treatment;

(e) Runaways; ~~((and))~~

(f) Any emergent medical care; and

(g) Use of physical restraints for routine behavior management.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. If the child is in the department's custody, at the end of the child's placement, reports written by others about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the social worker for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available;

(g) Other pertinent information related to the child's health, including dental records;

(h) Record of immunizations. Receiving and interim care homes and facilities do not need to keep records of immunizations for children in their care less than thirty days. Crisis residential centers and children placed in a foster home by a child-placing agency licensed to provide emergency respite services do not need to keep records of immunizations for children in their care;

(i) Child's school records, report cards, school pictures, and individual education plans (IEP);

(j) Special instructions including supervision requirements and suggestions for managing problem behavior;

(k) Inventory of personal belongings at the time of placement; and

(l) The child's visitation plan.

(4) During a child's placement in a staffed residential home ~~((or a)),~~ group care program, or a child-placing agency program your records must be kept at your site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

(a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan";(~~and~~)

(e) Daily logs of therapy treatment received by children with the signature of the person making the entry in the log; and

(f) Facility or program logs documenting the following:

(i) Date, time, and which residents and staff are participating in an activity;

(ii) Narrative to note behavior and issues of residents;

(iii) Any health or safety issues;

(iv) Signature of staff reviewing the log during each shift;

(v) Staff to resident ratio on each shift;

(vi) On-call and relief staff on premises during emergencies; and

(vii) After-hours telephone number of the supervisor.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0140 What personnel policies must I have? You must follow the personnel requirements listed below, at any home or facility we license.

(1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a background check (chapter 388-06 WAC). You must keep a log of all the background check results.

(2) Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0170 What steps must I take to ensure children's safety around outdoor bodies of water? (1) You must ensure children in your care or placed in your home or facility are safe around bodies of water.

(2) You must daily empty and clean any portable wading pool that children use.

(3) Children under twelve must be in continuous visual or auditory range at all times when they are swimming(~~ing~~) or wading(~~ing~~ or boating) by an adult with current age appropriate first aid and CPR.

(4) You must ensure age and developmentally appropriate supervision of any child that uses hot tubs, swimming pools, spas, and around man-made and natural bodies of water.

(5) All safety devices and rescue equipment, such as personal flotation devices must meet state and federal water safety regulations.

(6) You must lock or secure hot tub and spa areas when they are not in use.

~~((6))~~ (7) You must place a fence designed to discourage climbing and have a locking gate around a pool or have another DLR approved safety device. The pool must be inaccessible to children when not in use.

(8) Foster homes with pools must have a written safety and supervision plan for each child.

(9) Individuals providing supervision in foster homes and staffed residential homes serving five or fewer children must know how and be able to use rescue equipment or have a current life-saving certification, when children are using a pool on the premises.

(10) All group care facilities and staffed residential homes serving six children must have a person with current life-saving certification on-duty when children are using a pool at the facility.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a program or facility other than a foster home, staffed residential home, or child-placing agency, you must follow the regulations developed by the Washington State Fire Marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the current Uniform Fire Code with Washington state amendments.

(2) Foster homes and staffed residential homes (~~need~~) must have inspections by fire marshal or local fire department if either:

(a) Licensors request the inspections; or

(b) Local ordinances or State Fire Marshal regulations require these inspections.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(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. In foster homes only, children age one through five years may sleep on separate floors provided that they are supervised with an electronic "baby" monitor to ensure health and safety. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window of not less than one-tenth of the required floor space that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) For any foster children six years of age and over, you must furnish separate sleeping quarters for each gender.

(6) Children in care must not share the same bed.

(7) In group care facilities, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least thirty inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) 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.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) 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

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) 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, expectant mothers and children with disabilities.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0335 When must I get medical exams for the children under my care? (1) (~~You, together~~) In consultation with the child's social worker, you must schedule a medical exam for any child who, within the past year, has not:

(a) Been under regular medical supervision; or

(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for severely and multiple-handicapped children must have an infection control program supervised by a registered nurse.

(3) Foster homes with medically fragile children may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(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 unless a person believes they have been exposed to someone with

tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file on the premises of the facility.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0350 How do I manage medications for children under my care? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (example: respite provider) may ~~(give or)~~:

(a) Have access to medications for the child under your care;

~~((4))~~ (b) Give medications, prescription and nonprescription, only on the written approval of a parent, person or agency having authority by court order to approve medical care;

~~((5))~~ (c) Except for foster homes, keep a record of all medications you give a child;

~~((6))~~ (d) Foster homes must keep a record of all prescription medication given to foster children; and

~~((7) Properly dispose)~~

(4) You or another authorized care provider must follow the department of health protocol in the proper disposal of medications that are no longer being taken or have expired.

Prescription medications

~~((8))~~ (5) You or another authorized care provider must:

(a) Give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(b) Check with the physician or pharmacist about possible side effects for any prescription medications, herbal supplements and remedies, and interactions with nonprescription drugs the child is taking.

Psychotropic medications

~~((9))~~ (6) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:

(a) The child's parent;

(b) Dependency guardians;

(c) A court order; or

(d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

~~((10))~~ (7) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.

Nonprescription medications

~~((11))~~ (8) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs and herbal supplements are given.

~~((12))~~ (9) You or another authorized care provider must follow these requirements for nonprescription medications. You must:

(a) Give certain classifications of nonprescribed 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:

(i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(ii) Nonnarcotic cough suppressants;

(iii) Decongestants;

(iv) Antacids and anti-diarrhea medication;

(v) Anti-itching ointments or lotions intended specifically to relieve itching;

(vi) Shampoo for the removal of lice;

(vii) Diaper ointments and powders intended specifically for use in the diaper area of children;

(viii) Sun screen (for children over six months); and

(ix) Antibacterial ointments for first aid use.

(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty.

(6) You must not prop bottles while feeding infants.

NEW SECTION

WAC 388-148-0427 Are there specific requirements regarding Native American children? You must comply with all requirements of the Federal Indian Child Welfare Act, 25 USC 1901, et. seq. and all applicable state laws.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0460 What requirements do you have for supervising children? (1) You must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) You must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In group care children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

(6) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff when it is part of the written supervision plan with the child's social worker.

(7) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(8) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(9) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

(10) When a child exhibits behavior that poses a safety risk to other children in care, ((the child must not share a) sleeping arrangements and/or bedroom ((with) assignments must be made, in consultation with the child's social worker, to ensure the safety of other children.

NEW SECTION

WAC 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home? (1) A foster parent may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met. The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(2) On an occasional basis and for less than twenty-four hours, the foster parent may use a friend or a relative as a substitute caregiver, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a history that would disqualify them from caring for a department child; or

(b) Would be at risk in the their care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents?

(1) ~~((To receive a) All foster ((home license, you)) parents (both parents in a two-parent household) must ((attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers.~~

~~((2) You need)) have:~~

~~((a) Proof of completion of current first-aid/CPR training that is geared for the ages of the foster children ((you)) they want in your home((-~~

~~((3) You need)); and~~

~~((b) Proof of completion of HIV/AIDS prevention training.~~

~~((((4) The primary care givers must))~~

~~((2) The CPR training is not required for person with a statement from their physician that the training is not advised for medical reasons.~~

~~((3) At least one foster parent must:~~

~~((a) Attend required orientation and pre-service training programs that the department sponsors or that your licensed child-placing agency offers; and~~

~~((b) Complete all required DLR-approved training after licensing.~~

NEW SECTION

WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home? (1) A foster parent may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, provided the foster parent has no reason to suspect:

(i) The babysitter has a disqualifying criminal history or founded complaint of child abuse/neglect; and

(ii) The child would be at risk in the care of the babysitter.

(c) The youth babysitter must not be responsible for more than three foster children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker for the foster child.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) ~~((If you operate a))~~ All group homes, staffed residential home ((or a group care program you)), a child-placing agency, or foster homes that have contracts or agreements with the department to provide treatment or therapeutic services to dependent children must assist in developing and implementing a written treatment plan for each child ~~((accepted for care in any of the programs you provide))~~ in care after thirty days.

(2) The treatment plan must:

(a) Identify the service needs of the child, parent or guardian;

(b) Describe the treatment goals and strategies for achieving those goals;

(c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and

(d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

(3) A social service staff person must review and sign approving the child's treatment plan.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0585 What social service staff do I need ((for my home or facility))? (1) Except for foster homes, you must provide or arrange for social services by qualified persons who have specific educational training. Except for juvenile detention facilities, social service staff must meet education and training requirements that follow:

~~((1))~~ (2) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

~~((2))~~ (3) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field. A person with a master's degree must consult at least eight hours per month with any social service staff who have only a bachelor's degree.

~~((3))~~ (4) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. Written agreements must meet the requirements of this rule.

~~((4))~~ (5) A social service staff person must review and sign approving the child's treatment plan.

~~((5))~~ (6) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0630 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your staffed residential home and group care facility:

(1) You must request the local fire department to visit your home or facility to(:(

~~(a) Assist care givers in meeting all necessary fire safety requirements; and~~

~~(b))~~ become familiar with your home or facility.

(2) You must assure that furnace rooms are:

(a) Maintained free of lint, grease, and rubbish; and

(b) Suitably isolated, enclosed, or protected.

(3) 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.

(4) 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.

(5) All electrical motors must be kept free of dust.

(6) 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.

(7) Candles must not be used.

(8) 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.

(9) House and facility numbers must be clearly visible from the street or road in front of the property. Where the home or facility is not clearly visible from the road, the address must be posted at the head of the driveway.

Note: This is to allow emergency vehicles and fire trucks to easily find addresses.

(10) 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.

GROUP CARE AND CHILD-PLACING AGENCIES

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency? (1) A group care program or child-placing agency executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in social science or closely related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or

(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have? The child care staff person of a group care program and child-placing agency is responsible for the care, supervision, and behavior management of children under your care. The department requires ~~((the))~~ child care staff of each group care program and child-placing agency:

(1) Be at least twenty-one years old;

(2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;

(3) Have a high school diploma or GED;

(4) Have one year of experience working with children;

(5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and

(6) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency? (1) The health care staff, such as a licensed practical nurse (LPN) and certified nurse's assistant/aide (CNA), must meet the full professional competency requirements in their respective field.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group homes is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they have adequate training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

(a) There are more than six youth in care; and

(b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or

(c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For certified juvenile detention facilities, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight ~~((mothers))~~ persons.

(b) When more than eight persons ~~((including mothers and children))~~ are on the premises, at least two adults, including at least one child care staff must be on duty.

(3) You must have relief staff so that all staff can have the equivalent of two days off a week.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses ~~((two))~~ three types of secure crisis residential centers (CRCs): Level one ~~((and))~~, level two, and level three. Level one is the most secure facility and level ~~((two))~~ three is the least secure facility.

NEW SECTION

WAC 388-148-0892 What are the requirements for a level three secure CRC? A level-three secure crisis residential center (CRC) must meet each of these requirements:

- (1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;
- (2) Meet or exceed the current state building code for facilities with special egress-control devices; and
- (3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support youth's vigorous physical activity. (Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3)).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?

All CRCs

(1) The director or designee of ~~((a))~~ any crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

(3) After a youth is admitted to any CRC, the director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(4) By the first school day after admission, the staff of any crisis residential center must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

Secure CRCs

~~((3))~~ (5) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

~~((4))~~ (6) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

~~((5))~~ (7) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

~~((6))~~ (8) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

~~((7) After a youth is admitted, the CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.~~

~~(8) By the first school day after admission, the crisis residential center staff must:~~

~~(a) Notify the youth's school district about the youth's placement; and~~

~~(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.)~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty ~~((at all times))~~ when youth are present.

(6) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention ((facilities)) center must have ~~((the))~~ at least one awake youth care staff on duty for every four youth in care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

- (1) Certification of eligible foster homes meeting full licensing requirements;
- (2) Maternity services to expectant mothers;
- (3) Specialized (treatment) foster care;
- (4) Emergency respite services;
- (5) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and
- ~~((5))~~ (6) Adoption services.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1070 What health histories need to be provided to ~~((foster or))~~ adoptive parents? ~~((1) To meet department requirements,))~~ Your child-placing agency must provide adoptive ~~((see WAC 388-25-0330), or foster))~~ parents with ~~((the following))~~ information ~~((when available, at the time of placement:~~

- (a) ~~The mental and physical health histories of the birth parents;~~
- (b) ~~A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and~~
- (c) ~~The developmental and psychological history for the adoptive children.~~

Note: You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.

- (2) ~~The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.~~
- (3) ~~When the child is being placed for adoption, your report must not contain information that might identify the birth parents))~~ that meets the federal and state statutes.

NEW SECTION

WAC 388-148-1076 What are the qualifications for an executive director of a child-placing agency? The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in section WAC 388-148-0700.

NEW SECTION

WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program? The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program outlined in WAC 388-148-0720.

NEW SECTION

WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care? A child-placing agency health care staff, such as licensed practical nurses (LPN) and certified nursing assistants (CNA) must meet the health care staff qualifications outlined in WAC 388-148-0722.

NEW SECTION

WAC 388-148-1079 What are the qualifications for consultants for child-placing agency programs? The qualifications for consultants for child-placing agency programs are outlined in WAC 388-148-0600.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1115 Do you have requirements for adoptive services? (1) As a child-placing agency providing adoption services, you must ~~((meet the department's requirements under chapter 388-25 WAC.~~

- ~~((2) You must))~~ follow federal and state adoption laws.
- ~~((a) Recruit potential adoptive families that reflect the diversity of children in your community((-~~
- ~~((3) You must)); and~~
- ~~((b) Provide adoptive applicants with the following services, at a minimum:~~
- ~~((a))~~ (i) Information about the adoption process;
- ~~((b))~~ (ii) Your agency's policies, practices and legal procedures;
- ~~((c))~~ (iii) Types of children available for adoption and implications for parenting different types of children; and
- ~~((d))~~ (iv) Information on adoption support programs.
- ~~((4))~~ (2) You must document that you provided this information to the adoptive applicant in the applicant's file.
- (3) You must visit the adoptive home of all adoptive placements at least once in the first thirty days of placement and an additional face-to-face visit to observe the parent and child each sixty days after that until the adoption is finalized.
- (4) You must be available for consultation regarding the adjustment of the adopted child and the family after finalization of the adoption.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

- (1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.
- (2) Once you have received an application, but before you have sign a contract for services, you must give the applicants a written statement about:
 - (a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants ~~((need to))~~ must decide ((about)) the following:

(a) The suitability of the applicant(s) to be adoptive parent(s); and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family ~~((as described in chapter 388-25 WAC))~~ provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

WSR 03-22-001

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 03-275—Filed October 22, 2003, 3:06 p.m.]

Date of Adoption: October 22, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000N and 220-33-01000P; 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: An extension of thirty-six hours was adopted to the current season for the last week of the fishery to provide additional opportunity to harvest surplus hatchery stock coho. Harvestable numbers of chinook and coho are available. All fisheries are consistent with the 2003 fall management agreement and the preseason allocation agreement. Rules are consistent with actions of the Columbia River compact on October 20, 2003, and July 30, 2003, and are included in the biological assessment of ESA listed stocks. The biological opinion covering these fisheries

has been signed. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 22, 2003

Evan Jacoby

for Jeff Koenigs

Director

NEW SECTION

WAC 220-33-01000P Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

1) OPEN AREA: SMCRA 1A, 1B, 1C, 1D, 1E.

SEASON: 6:00 a.m. October 22, 2003 through 6:00 a.m. October 24, 2003

6:00 p.m. October 26, 2003 through 6:00 a.m. October 29, 2003

a) GEAR: No minimum mesh restriction, 9 3/4 inch maximum mesh restriction.

b) SANCTUARIES: Elochomin-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy

c) ALLOWABLE SALE: Salmon and sturgeon. A maximum of 9 sturgeon may be possessed or sold for each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

d) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

2) OPEN AREA: SMCRA 1B upstream of a line between Harrington Point in Washington and to Settler Point in Oregon, 1C, 1D, 1E

a) SEASON: 6:00 a.m. October 29, 2003 through 6:00 a.m. October 31, 2003

b) GEAR: No minimum mesh restriction, 9 3/4 inch maximum mesh restrictions.

c) SANCTUARIES: Elochoman-A, Abernathy Creek, Cowlitz, Kalama-A, Lewis-A, Washougal, Sandy

d) ALLOWABLE SALE: Salmon and sturgeon. A maximum of nine sturgeon may be possessed or sold for each par-

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icipating vessel during each calendar week (Sunday through Saturday) that the fishery is open.

e) Quick reporting required for Washington wholesale dealers, WAC 220-69-240

3) OPEN AREA: Blind Slough/Knappa Slough Select Area

Blind Slough fishing area includes all waters from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent waters extend downstream of the railroad bridge. Oregon State waters extend upstream of the railroad bridge. Knappa Slough fishing area includes all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to boundary lines defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure of about a 100 foot radius at the mouth of Big Creek defined by markers. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh size. Maximum net length of 100 fathoms. No weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

4) OPEN AREA: Tongue Point/South Channel Select Area

Tongue Point fishing area includes all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. All waters are under concurrent jurisdiction.

South Channel area includes all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: In the Tongue Point area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 250 fathoms, and weight not to exceed two pounds on any one fathom on the lead line.

In the South Channel area the mesh size is restricted to 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Participants in the Tongue Point fishery may have stored on board their boats, gill nets with lead line in excess of two pounds per fathom.

5) OPEN AREA: Deep River Select Area

Deep River is open to fishing down river from the town of Deep River to the mouth (a line from navigation marker

"16" southwest to a marker on the Washington shore). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet - 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) OPEN AREA: Steamboat Slough Select Area

Steamboat Slough is open to fishing in waters bounded by markers on Price Island and the Washington shore, at both upstream and downstream ends of Steamboat Slough. All open waters are under concurrent jurisdiction.

a) SEASON: Monday, Tuesday, Wednesday, and Thursday nights immediately through October 31, 2003. Open hours are 6:00 p.m. to 8:00 a.m. daily.

b) GEAR: Gillnet 6-inch maximum mesh. Net length maximum of 100 fathoms, and no weight restriction on the lead line.

c) ALLOWABLE SALE: Salmon.

d) MISCELLANEOUS: Transportation or possession of fish outside the fishing area is unlawful unless by licensed buyer, except fishers may transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch.

e) OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000N Columbia River season below Bonneville. (03-265)

The following section of the Washington Administrative Code is repealed effective November 1, 2003:

WAC 220-33-01000P Columbia River season below Bonneville.

WSR 03-22-002 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 03-276—Filed October 22, 2003, 3:07 p.m., effective October 24, 2003, 12:01 p.m.]

Date of Adoption: October 22, 2003.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000T; and amending WAC 220-56-360.

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: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 2 and those portions of Razor Clam Area 3 opened for harvest. Washington Department of Health has certified clams from these beaches to be safe for human consumption.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 24, 2003, 12:01 p.m.

October 22, 2003

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-36000T Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. October 24 through 11:59 p.m. October 26, 2003, razor clam digging is allowed in Razor Clam Area 1, Razor Clam Area 2 and that portion of Razor Clam Area 3 that is between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (Grays Harbor County). Digging is allowed from 12:01 p.m. to 11:59 p.m. each day.

2. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 27, 2003:

WAC 220-56-36000T Razor clams—Areas and seasons.

WSR 03-22-004
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed October 22, 2003, 4:07 p.m., effective October 23, 2003]

Purpose: To continue the emergency rule that is in effect (WSR 03-14-060) while the permanent rule-making process is being completed. The permanent rule proposal (WSR 03-19-068) is scheduled for a public hearing on October 21, 2003. The purpose of the rule amendment is to initiate six-month reviews for family and children's medical programs and to eliminate continuous eligibility for children which was mandated by FY 2003 state supplemental budget.

Citation of Existing Rules Affected by this Order: Amending WAC 388-416-0015, 388-434-0005, 388-418-0025, and 388-418-0005.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.530, and State Supplemental Budget for FY 2003 (chapter 10, Laws of 2003).

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: Budget assumptions included in the FY 2003 supplemental budget (chapter 10, Laws of 2003) include savings that will result from policy changes affecting the rules listed in this order. Further, all changes that may be construed to result in more restrictive eligibility under the Medicaid program had to be implemented before September 2, 2003, to ensure state receipt of enhanced federal funding made available under the federal Jobs and Growth Tax Relief Reconciliation Act of 2003, HR.2. Observing the time requirements of regular rule-making procedures would prevent the department from implementing the changes in a timeframe that is required under the spending authority in the supplemental budget. It would, in addition, prevent implementation of the changes prior to the deadline to ensure receipt of the enhanced federal funding. Therefore, immediate adoption of the proposed amendments is necessary to implement the state Supplemental Budget Act and ensure receipt of enhanced federal funding of the Medicaid program.

A proposed rule-making notice was filed as WSR 03-19-068, and the hearing for the permanent adoption of this rule was held October 21, 2003. The department anticipates filing a permanent rule-making order shortly.

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 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: October 23, 2003.

October 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-08-002, filed 3/22/00, effective 5/1/00)

WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP). (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families(~~(s)~~) and children(~~(, and SSI-related persons)~~) the certification period is (~~((twelve))~~) six months. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

(5) For an SSI-related person the certification period is twelve months.

(6) When the child turns nineteen the certification period ends even if the (~~((twelve))~~) six-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

- (a) The child is receiving inpatient services on the last day of the month the child turns nineteen;
- (b) The inpatient stay continues into the following month or months; and
- (c) The child remains eligible except for exceeding age nineteen.

(~~((6))~~) (7) A retroactive certification period can begin up to three months immediately before the month of application when:

- (a) The client would have been eligible for medical assistance if the client had applied; and
- (b) The client received covered medical services as described in WAC 388-529-0100.

(~~((7))~~) (8) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

(~~((8))~~) (9) Any months of a retroactive certification period are added to the designated certification periods described in this section.

(~~((9))~~) (10) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), (4), and (~~((5))~~) (6) of this section;

(b) There is not a retroactive eligibility period as described in subsections (~~((6), (7), and (8))~~) (7), (8), and (9); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

- (i) All other CHIP eligibility factors are met; and
- (ii) An eligibility decision is made per WAC 388-406-0035.

AMENDATORY SECTION (Amending WSR 99-23-083, filed 11/16/99, effective 1/1/00)

WAC 388-434-0005 The department reviews each client's eligibility for benefits on a regular basis. (1) If you receive cash assistance, the department reviews your eligibility for assistance at least once every six months.

(2) When it is time for your eligibility review, the department requires you to complete a review form. We use the information you provide to determine your eligibility for all assistance programs.

(3) If you complete an interview for assistance with a department representative and sign the printed application for benefits (AFB) form, you do not have to complete a separate review form.

(4) For cash assistance, the eligibility review form or the AFB must be dated and signed by both husband and wife, or both parents of a child in common when the parents live together.

(5) If you receive medical assistance only, the eligibility review form or the AFB must be signed by at least one parent when the parents live together.

(6) We may move the date of your eligibility review if we decide your circumstances need to be reviewed sooner.

(7) At your review, we look at:

(a) All eligibility requirements under WAC 388-400-0005 through 388-400-0035, 388-503-0505 through 388-503-0515, and 388-505-0210 through 388-505-0220;

(b) Changes that happened since we last determined your eligibility; and

(c) Changes that are anticipated to happen during the next review period.

(8) If you receive medical assistance only, we set your eligibility review date in advance under WAC 388-416-0005 through 388-416-0035. We will start the review process before your benefits end.

(9) Clients are responsible for attending an interview if one is required under WAC 388-452-0005.

(10) If you do not complete the eligibility review for cash assistance, you are considered to be withdrawing your request for continuing assistance(~~(-)~~), therefore:

(a) Your cash assistance benefits will end(~~(-)~~); and

(b) Your medical assistance will continue for (~~((twelve))~~) six consecutive months from the last:

- (i) Application;

- (ii) Eligibility review; or
- (iii) Food assistance application or recertification.

(11) We must send you written notice under WAC 388-458-0005, 388-458-0010, and 388-450-0015 before assistance can be suspended, terminated, or a benefit error is established as a result of your eligibility review.

(12) If you are currently receiving cash or medical assistance, and you are found to no longer be eligible for benefits, we will determine if you are eligible for other medical programs. Until we decide if you are eligible for ~~((other programs))~~ another program, your medical assistance will continue under WAC 388-418-0025 ~~((even if you request that your benefits end))~~.

(13) When a client is determined to need necessary supplemental accommodation (NSA) under WAC ~~((388-200-1300))~~ 388-472-0010, we will help the client meet the requirements of this section.

AMENDATORY SECTION (Amending WSR 01-11-109, filed 5/21/01, effective 7/1/01)

WAC 388-418-0005 What type of changes must I report for cash, food, and medical assistance? For purposes of this section, an "assistance unit" or "AU" is a group of people who live together and whose income or resources we count to decide what benefits the AU gets. Even if someone in your AU is not eligible to get a benefit, we still count that person's income or resources if they are financially responsible for you or someone in your AU, such as a common child. If you are a parent of a child who gets long-term care benefits, you need only report changes in income or resources that are actually contributed to the child. Tables one, two and three below show the types of changes you must report based on the type of assistance you get. Use table one to see if you must report a change for cash or food assistance. Use table two to see if you must report a change for children's, pregnant women's, or family medical assistance. Use table three to see if you must report a change for SSI-related medical or long-term care medical assistance.

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for food assistance?
(5) Has a change in shelter costs;	Yes, but only if you went from having no shelter costs to having a shelter cost, or from having shelter costs to not having to pay anything. You don't have to report a change in the amount you pay.	Yes, report the change at your recertification. If your shelter costs go up, you could get more food assistance benefits. Report the change sooner to see if you will get more benefits.
(6) Gets married, divorced, or separated;	Yes	Yes
(7) Gets a vehicle;	Yes	Yes
(8) Has a disability that ends;	Yes	Yes
(9) Has countable resources that are more than the resource limits under WAC 388-470-0005;	Yes	Yes
(10) Gets a job or changes employers;	Yes	Yes
(11) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	Yes
(12) Has a change in hourly wage rate or salary;	Yes	Yes
(13) Stops working;	Yes	Yes
(14) Has a pregnancy that begins or ends;	Yes	No
(15) Has a change in uncovered medical expenses;	No	Yes, report this change only at your next eligibility review. If you are elderly or disabled and you have an increase in uncovered medical expenses, report this change sooner as you may be eligible to get more benefits.

Type of change to report when you or anyone in your assistance unit AU):	Do I have to report this change for cash assistance?	Do I have to report this change for food assistance?
(1) Starts to get money from a new source;	Yes	Yes
(2) Has unearned income that changed by more than twenty-five dollars from amount we budgeted;	Yes	Yes
(3) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(4) Moves to a new residence;	Yes	Yes

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF((SFA))-related) <u>and children's medical?</u>	Do I have to report this change for ((children's medical and/or)) pregnancy medical?
(16) Starts to get money from a new source;	Yes	No
(17) Has unearned income that changed;	Yes	No

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Table 2 - Medical Assistance

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for family medical assistance (i.e., TANF((SFA))-related) <u>and children's medical?</u>	Do I have to report this change for ((children's medical and/or)) pregnancy medical?
(18) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(19) Moves to a new residence;	Yes	Yes
(20) Has a change in shelter costs;	No	No
(21) Gets married, divorced, or separated;	Yes	No
(22) Gets a vehicle;	No	No
(23) Has a disability that ends;	No	No
(24) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(25) Gets a job or changes employers;	Yes	No
(26) Changes from part-time to full-time or full-time to part-time work. We use your employer's definition of part-time and full-time work;	Yes	No
(27) Has a change in hourly wage rate or salary;	Yes	No
(28) Stops working;	Yes	No
(29) Has a pregnancy that begins or ends;	Yes	Yes
(30) Has a change in uncovered medical expenses.	(No) <u>Yes, but only if an AU member has spenddown.</u>	Yes, but only if an AU member has a spend-down.

Table 3 - SSI-Related Medical Assistance and Long-Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPEs, CAP, or nursing home)
(31) Starts to get money from a new source;	Yes	Yes
(32) Has unearned income that changed;	Yes	Yes
(33) Has a change in earnings or stops working	Yes	Yes

Table 3 - SSI-Related Medical Assistance and Long-Term Care

Type of change to report when you or anyone in your assistance unit (AU):	Do I have to report this change for SSI-related medical assistance?	Do I have to report this change for long-term care (i.e., COPEs, CAP, or nursing home)
(34) Moves into or out of your home, including newborns or if an AU member dies. This also includes when someone temporarily moves in or out;	Yes	Yes
(35) Moves to a new residence;	Yes	Yes
(36) Has a change in shelter costs;	No, unless you went from paying rent to not paying any rent. You do not need to report if your rent amount changes.	Yes, if client or community spouse live in their own home
(37) Gets married, divorced, or separated;	Yes	Yes
(38) Gets a vehicle;	Yes, but only if that person or their spouse gets SSI-related medical	Yes, but only if that person gets long-term care
(39) Has a disability that ends;	Yes	Yes
(40) Has countable resources that are more than the resource limits, under WAC 388-470-0005 or 388-513-1350;	Yes, but only if that person or their spouse get SSI-related medical	Yes, but only if that person gets long-term care
(41) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spend-down.	Yes.

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-418-0025 Effect of changes on medical program eligibility. (1) ~~(A client continues)~~ You continue to be eligible for Medicaid until the department determines ~~(the client's)~~ your ineligibility or eligibility for another medical program. This applies to ~~(a client who)~~ you if, during a certification period, ~~(becomes)~~ you become ineligible for, ~~(is)~~ or are terminated from, or ~~(requests)~~ request termination from:

- (a) A CN Medicaid program; or
- (b) Any of the following cash grants:
 - (i) TANF;
 - (ii) SSI; or
 - (iii) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) ~~(A child remains continuously eligible for CN Medicaid for a period of twelve months from the date of certification for medical benefits or last review, whichever is later. This applies unless the child:~~

- (a) Moves out of state;
- (b) Loses contact with the department or the department does not know the child's whereabouts;

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~~(c) Becomes an inmate of a public institution, including a correctional facility (refer to WAC 388-505-0210(5) for exceptions);~~

~~(d) Turns nineteen years of age;~~

~~(e) Dies; or~~

~~(f) Receives benefits under the state children's health insurance program (SCHIP) and:~~

~~(i) Does not pay health insurance premiums for four consecutive months; or~~

~~(ii) Is determined to have had creditable coverage at the time of application. Refer to chapter 388-542 WAC.~~

~~(3) When a client becomes)~~ If you become ineligible for refugee cash assistance, refugee medical assistance can be continued ~~((only))~~ through the eight-month limit, as described in WAC 388-400-0035(4).

~~((4) A client receiving medical benefits with)~~

~~(3) If you receive~~ a TANF cash grant or family medical ~~((program is))~~, you are eligible for a medical extension, as described under WAC 388-523-0100, when ~~((the client's))~~ your cash grant or family medical program is terminated as a result of:

(a) Earned income; or

(b) Collection of child or spousal support.

~~((5))~~ (4) A change in income during a certification period does ~~((not))~~ affect eligibility for all medical programs except:

(a) Pregnant women's medical programs; ~~((or))~~

(b) Children's medical for newborns F05; or

(c) The first six months of the medical extension benefits.

~~((6))~~ (5) For a child receiving benefits under SCHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:

(a) Family income has decreased to less than two hundred percent Federal Poverty Level (FPL);

(b) The child becomes pregnant;

(c) A change in family size; or

(d) The child receives SSI.

WSR 03-22-005
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 22, 2003, 4:09 p.m.]

Date of Adoption: October 15, 2003.

Purpose: Copayment levels of \$25 or more a month for families of the subsidized child care program (working connections child care, WCCC) will increase by \$25. The WCCC program will also cease authorization of unfunded portions of the program. These changes are due to budget shortfalls and are at the request of the governor. The sections of chapter 388-290 WAC that are being revised are WAC 388-290-0075, 388-290-0085, and 388-290-0190. WAC 388-290-0210 is being repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-290-0210; and amending WAC 388-290-0075, 388-290-0085, and 388-290-0190.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085, and 74.12.340.

Other Authority: ESSB 5404 (chapter 25, Laws of 2003 1st sp.s.).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The governor directed the department to increase copayment levels (effective March 1, 2003) for families of the subsidized child care program and cease authorization of unfunded portions of the program due to budget shortfalls. Without this emergency rule, the department funds would be expended before the end of the fiscal year, leaving many children and families without subsidized day care services. The department has filed notice of intent in WSR 02-20-055 to adopt the rules as permanent, and is actively undertaking appropriate procedures to adopt the rules permanently. We expect to file the CR-102 Proposed rule-making notice for permanent adoption in late October 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 3, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Effective Date of Rule: Immediately.

October 15, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

WAC 388-290-0075 What are the steps the WCCC program takes to determine my family's WCCC eligibility and copayment amount? The WCCC program takes the following steps to determine your WCCC income eligibility and copayment:

(1) Determine your family size (under WAC 388-290-0015); and

(2) Determine your countable income (under WAC 388-290-0065).

(3) If your family's countable monthly income falls within the range below, then your copayment is:

YOUR INCOME	YOUR COPAYMENT is:
At or below 82% of the FPL	\$15
Above 82% of the FPL up to 137.5% of the FPL	\$((25)) 50
Above 137.5% of the FPL -200% of the FPL	The dollar amount equal to subtracting 137.5% of FPL from countable income, multiplying by 44%, then adding \$((25)) 50
Income above 200% of the FPL, you are not eligible for WCCC benefits.	

AMENDATORY SECTION (Amending WSR 02-14-067, filed 6/27/02, effective 8/1/02)

WAC 388-290-0085 When might my WCCC copayment change? (1) Once we have determined that you are eligible for WCCC benefits, your copayment could change when:

- (a) Your activity changes under WAC 388-290-0040, 388-290-0045, or 388-290-0050;
- (b) Your monthly income decreases;
- (c) Your family size increases;
- (d) You are no longer eligible for the three-month TANF grant exemption under WAC 388-290-0070(h) or the minimum copayment under WAC 388-290-0090;

(e) There is a mass change in benefits due to a change in law or program funding.

(2) If your copayment changes during your eligibility period, the change is effective the first of the month following the change.

(3) We do not increase your copayment during your current eligibility period when your countable income remains at or below two hundred percent of the FPL, and:

- (a) Your monthly countable income increases; or
- (b) Your family size decreases.

AMENDATORY SECTION (Amending WSR 02-12-069, filed 5/31/02, effective 7/1/02)

WAC 388-290-0190 What does the WCCC program pay for and when can the program pay more? (1) We pay for:

- (a) Basic child care hours, either full day, half day or hourly:
 - (i) A full day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for five or more hours per day;
 - (ii) A half day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for less than five hours per day; and
 - (iii) Hourly child care is authorized when the provider is an in-home/relative.
- (b) A registration fee (under WAC 388-290-0245);

- (c) An activity fee (under WAC 388-290-0245);
- (d) ~~Care for nonstandard hours (under WAC 388-290-0210 and 388-290-0215);~~
- (e)) An infant bonus (under WAC 388-290-0250); and
- ((f)) (e) Special needs care when the child has a documented need for higher level of care (under WAC 388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235).

(2) We pay more than the basic child care subsidy daily rate if:

- (a) Care is not available at our daily rate within a reasonable distance, then the provider's usual daily rate is authorized; or
- (b) Care is over ten hours per day, then an additional amount of care is authorized.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-290-0210 When can the WCCC program authorize the nonstandard hour child care bonus?

**WSR 03-22-017
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-277—Filed October 24, 2003, 3:20 p.m.]

Date of Adoption: October 24, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100L and 220-47-41100M; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This action adds a second fishing day in Areas 10 and 11 and three extra days in Areas 7 and 7A during the week of October 26 through November 1. These days are needed to help compensate for the low fishing effort experienced the first two weeks of the fisheries and allow for full utilization of the nontreaty chum allocation in these areas. This emergency rule maintains the appropriate minimum mesh sizes in Area 8A as agreed during the Pacific Fisheries Management Council and North of Falcon pre-season planning meetings and during the August 2, 2003, Fish and Wildlife Commission meeting. 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 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 24, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-47-31100M Purse seine—Open periods.

Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area	Time	Date
7,7A	6:00 AM - 5:00PM	10/28, 10/29, 10/30, 10/31
	6:00 AM - 5:00PM	11/6

NEW SECTION

WAC 220-47-41100N Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 8A, 10, 11, 12 and 12B unless the gill net license holder provides the department with 24-hour notice prior to each day of fishing. The daily fishing notice to the department must include the gill net license holder's name, telephone number where they can be contacted and the area they will be fishing. The notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279

Effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7, 7A and 8A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

AREA	TIME	DATE(S)	MINIMUM MESH
7, 7A:	7AM - 7PM	10/28, 10/29, 10/30, 10/31, 11/5	6 1/4"
8A:	4PM - 8AM	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-47-31100L Purse seine—Open periods. (03-270)
- WAC 220-47-41100M Gill net—Open periods. (03-270)

**WSR 03-22-018
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-278—Filed October 24, 2003, 3:24 p.m.]

Date of Adoption: October 24, 2003.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-40-02700C; and amending WAC 220-40-027.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available for commercial harvest. The six hour extension to this fishery allows fishers to access opportunity lost due to inclement weather which for safety reasons forced fishers off the water.

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.

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 24, 2003

J. P. Koenings
Director

by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report: dealer name, purchase location, date of purchase, the fish ticket numbers, gear used, catch area, total number for each species including take home fish and the total weight for each species.

NEW SECTION

WAC 220-40-02700D Salmon—Willapa Bay fall fishery. Notwithstanding the provisions of WAC 220-40-027, effective immediately until further notice, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
12 p.m. (noon) October 26 through 6:00 p.m. October 28, 2003	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and easterly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
Noon, November 5 through noon November 30, 2003	Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Effective immediately through October 31, 2003 - 6-1/2 inch maximum mesh.

(c) November 1 through November 30, 2003 - 9-inch minimum mesh.

(d) Fishers must be willing to take WDFW observers when participating in these openings.

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02700C Salmon—Willapa Bay fall fishery. (03-272)

WSR 03-22-027

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed October 27, 2003, 4:40 p.m., effective October 28, 2003]

Date of Adoption: October 22, 2003.

Purpose: To continue the emergency rule adopted as WSR 03-14-104 while the permanent rule-making process is completed. The medically indigent program was eliminated effective July 1, 2003. Funding for the medically indigent program was not appropriated in the state's 2003-2005 Omnibus operating budget.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-438-0100; and amending WAC 388-438-0110 and 388-503-0505.

Statutory Authority for Adoption: Section 209, Part II, 2003-2005 Omnibus operating budget (chapter 25, Laws of 2003 1st sp.s.).

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: Operating funds for the medically indigent program were not appropriated under the state's 2003-2005 Omnibus operating budget. The department has filed a notice of intent (WSR 03-12-054) to adopt the permanent rule, and is taking appropriate steps to adopt the permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

EMERGENCY

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Effective Date of Rule: October 28, 2003.

October 22, 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 388-438-0110 The alien emergency medical (AEM) program. (1) The alien emergency medical (AEM) program is a federally-funded program. It is for aliens who are ineligible for other Medicaid programs, due to citizenship or alien status requirements described in WAC 388-424-0005 and 388-424-0010.

(2) Except for the social security number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:

- (a) WAC 388-505-0110, for an SSI-related person;
- (b) WAC 388-505-0220, for family medical programs;
- (c) WAC 388-505-0210, for a child under the age of nineteen; or
- (d) WAC 388-523-0100, for medical extensions.

(3) When an alien has monthly income which exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must meet one of the criteria described in subsection (2) of this section and have:

- (a) An emergency medical condition as described in WAC 388-500-0005; or
- (b) Been approved by the department as requiring nursing facility or COPES level of care.
- (5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.
- (6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

(7) Under the AEM program, a person receives CN scope of care, as described in WAC 388-529-0100. Covered services are limited to those medical services necessary for treatment of the person's emergency medical condition. The following services are not covered:

- (a) Organ transplants and related services;
- (b) Prenatal care, except labor and delivery; and
- (c) School-based services.

(8) A person whose income exceeds the CN income standard has spenddown liability and MN scope of care.

(9) A person determined eligible for the AEM program is certified for three months. The number of three-month certification periods is not limited, but, the person must continue to meet eligibility criteria in subsection (2) and (3) of this section.

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-503-0505 General eligibility requirements for medical programs. (1) Persons applying for benefits under the medical coverage programs established under chapter 74.09 RCW must meet the eligibility criteria established by the department in chapters 388-400 through 388-555 WAC.

(2) Persons applying for medical coverage are considered first for federally funded or federally matched programs. State-funded programs are considered after federally funded programs are not available to the client except for brief periods when the state-funded programs offer a broad scope of care which meet a specific client need.

(3) Unless otherwise specified in program specific WAC, the eligibility criteria for each medical program is as follows:

- (a) Verification of age and identity (chapters 388-404, 388-406, and 388-490 WAC); and
- (b) Residence in Washington state (chapter 388-468 WAC); and
- (c) Citizenship or immigration status in the United States (chapter 388-424 WAC); and
- (d) Possession of a valid Social Security Account Number (chapter 388-476 WAC); and
- (e) Assignment of medical support rights to the state of Washington (WAC 388-505-0540); and
- (f) Cooperation in securing medical support (chapter 388-422 WAC); and
- (g) Countable resources within program limits (chapters 388-470 and 388-478 WAC); and
- (h) Countable income within program limits (chapters 388-450 and 388-478 WAC).

(4) In addition to the general eligibility requirements in subsection (3) of this section, each program has specific eligibility requirements as described in applicable WAC.

(5) Persons living in a public institution, including a correctional facility, are not eligible for the department's medical coverage programs. ~~((A person living in a city or county jail may be considered only for the medically indigent (MI) program.))~~ For a person under age twenty or over age sixty-five who is a patient in an institution for mental disease see WAC 388-513-1315(13) for exception.

(6) Persons terminated from SSI or TANF cash grants and those who lose eligibility for categorically needy (CN) medical coverage have their CN coverage continued while their eligibility for other medical programs is redetermined. This continuation of medical coverage is described in chapter 388-434 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-438-0100

Medically indigent (MI) program.

WSR 03-22-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-279—Filed October 27, 2003, 4:41 p.m.]

Date of Adoption: October 27, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000X; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. 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.

October 27, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-44-05000Y Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice: (1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 68, No. 206, published October 24, 2003. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery man-

agement area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000X

Coastal bottomfish catch limits. (03-166)

WSR 03-22-042
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed October 29, 2003, 3:04 p.m., effective October 31, 2003]

Date of Adoption: October 15, 2003.

Purpose: Adopt emergency rules to implement 2SHB 1095, chapter 311, Laws of 2003. The bill modifies small forest landowner road maintenance and abandonment planning requirements.

Citation of Existing Rules Affected by this Order: Amending chapters 222-16, 222-20, and 222-24 WAC.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.055, 76.09.420.

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: RCW 76.09.420 (2SHB 1095, section 4) explicitly directs the board to adopt emergency rules by October 31, 2003. As required by RCW 76.09.055 (2SHB 1095, section 5), the board published a notice of the proposed rules in the Washington State Register (WSR 03-17-078) and held two public hearings in September 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 2, Amended 8, 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 2, Amended 8, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Per RCW 76.09.055 (2SHB 1095, sections 4 and 5), the emergency rules shall remain in effect until permanent rules can be adopted.

Effective Date of Rule: October 31, 2003.

October 23, 2003

Pat McElroy
Chair

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

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these rules:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the depart-

ment information on forest practices applications and notification filed on specified areas.

"**Alluvial fan**" see "sensitive sites" definition.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the Tailed frog (*Ascaphus truei*) and their respective habitats.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull depth**" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"**Bankfull width**" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"**Basal area**" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"**Bedrock hollows**" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

"**Board**" means the forest practices board established by the act.

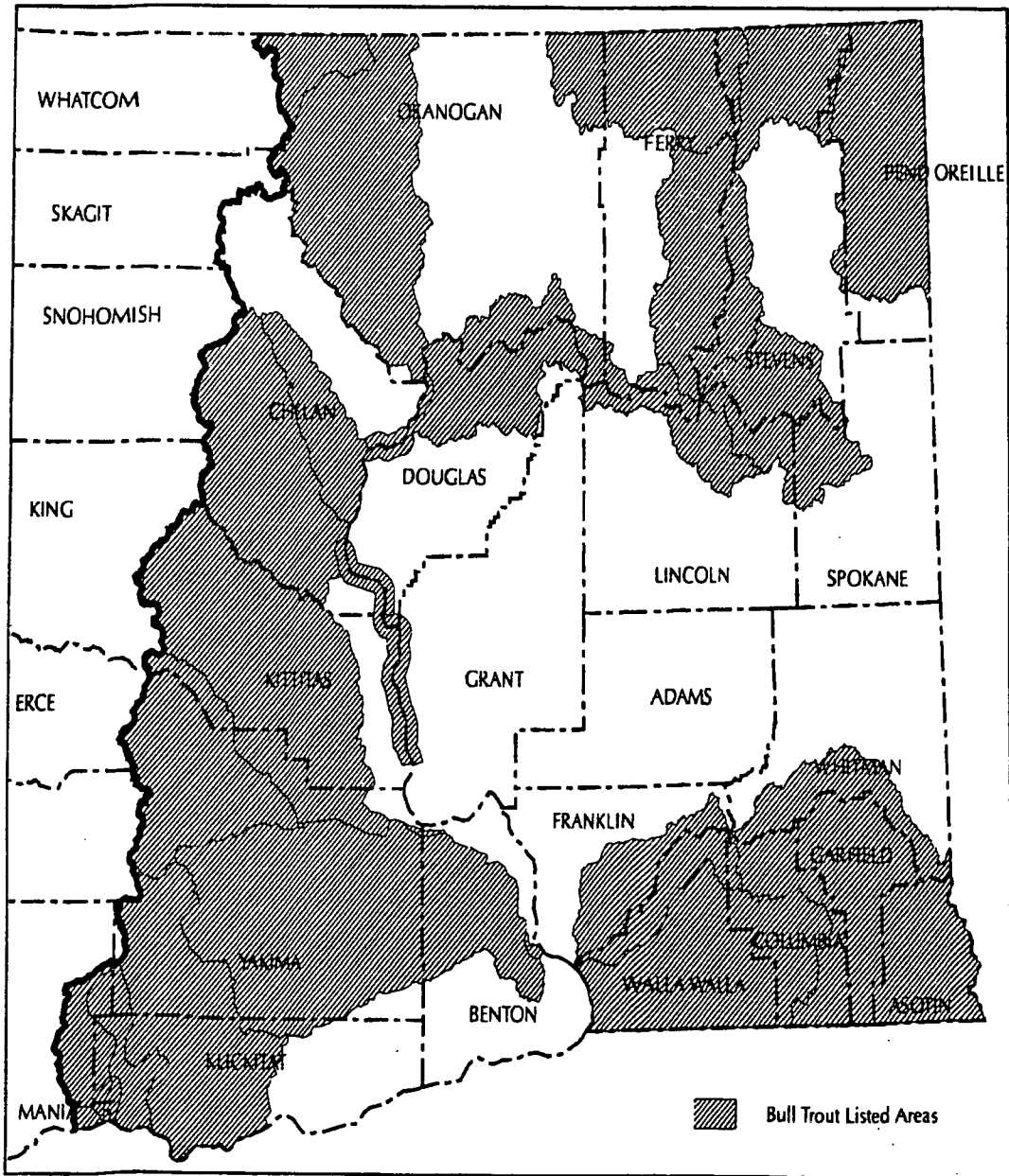
"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. (See board manual section 8.)

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"Bull trout habitat overlay" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine

whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

Bull Trout Overlay Map



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"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream. (See the board manual section 2 for descriptions and illustrations of CMZs, delineation guidelines), except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"CRGNSA special management area" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"CRGNSA special management area guidelines" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 16 U.S.C. §544d.

"Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"Completion of harvest" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"Constructed wetlands" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a

result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"Contamination" means introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Convergent headwalls" (or headwalls) means teardrop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Cooperative habitat enhancement agreement (CHEA)" see WAC 222-16-105.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"Critical nesting season" means for marbled murrelets - April 1 to August 31.

"Critical habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Daily peak activity" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Deep-seated landslides" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

"Demographic support" means providing sufficient suitable spotted owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"Department" means the department of natural resources.

"Desired future condition (DFC)" is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of

age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

"Diameter at breast height (dbh)" means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

"Dispersal habitat" see WAC 222-16-085(2).

"Dispersal support" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"Drainage structure" means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent excessive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

"Eastern Washington" means the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

Eastern Washington Definition Map



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"Eastern Washington timber habitat types" means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

Timber Habitat Types	Elevation Ranges
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

"Edge" of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or

road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Equipment limitation zone" means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

"Erodible soils" means those soils that, when exposed or displaced by a forest practice operation, would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Fen**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"**Fertilizers**" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"**Fill**" means the placement of earth material or aggregate for road or landing construction or other similar activities.

"**Fish**" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

"**Fish habitat**" means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

"**Fish passage barrier**" means any artificial instream structure that impedes the free passage of fish.

"**Flood level - 100 year.**" Is a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"**Forest land**" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. For road maintenance and abandonment planning and implementation for small forest landowners, "forest land" excludes any of the following:

(a) Residential home sites. A residential home site may be up to five acres in size, and must have a fixed structure in use as a residence;

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

"**Forest landowner**" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner (~~or~~ ~~Provided, That~~). However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(1) "Large forest landowner," for purposes of road maintenance and abandonment planning, means any forest landowner who is not a small forest landowner.

(2) "Small forest landowner" is a forest landowner who at the time of submitting a forest practices application or notification:

(a) Has harvested from his or her own forest lands in Washington state no more than an average timber volume of two million board feet per year during the three years prior to submitting the forest practices application or notification to the department; and

(b) Certifies that he or she does not expect to harvest from his or her own forest lands in the state more than an average timber volume of two million board feet per year during the ten years following the submission of a forest practices application or notification to the department.

(c) A landowner who exceeded the harvest threshold as described above, or expects to exceed the harvest limits during any of the following ten years, will still be considered a "small forest landowner" if:

(i) He or she establishes to the department's reasonable satisfaction that the harvest limits were or will be exceeded in order to raise funds to pay estate taxes; or

(ii) There is an equally compelling and unexpected obligation, such as for a court-ordered judgment or for extraordinary medical expenses.

(d) For the purposes of the forestry riparian easement program, "small forest landowner" is defined in WAC 222-21-010(13).

"**Forest practice**" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;

Prevention and suppression of diseases and insects;
Salvage of trees; and
Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"**Forest road**" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices or forest management activities such as fire control. "Forest roads" does not include skid trails, highways, or county roads except where the county is a forest landowner or operator. "Forest road," as it applies to road maintenance and abandonment planning for small forest landowners, means a road or road segment that crosses forest lands owned by the small forest landowner, but excludes portions of access roads to residential home sites not used as a part of a current forest practice involving harvest or salvage of trees.

"**Forest trees**" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"**Full bench road**" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"**Ground water recharge areas for glacial deep-seated slides**" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"**Headwater spring**" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Historic site**" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"**Horizontal distance**" means the distance between two points measured at a 0% slope.

"**Hyporheic**" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

Mass wasting;

Surface and road erosion;

Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);

Large organic debris;

Shading; and

Stream bank and bed stability.

"**Inner gorges**" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

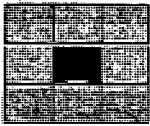
"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"**Local government entity**" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"**Low impact harvest**" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"**Marbled murrelet detection area**" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be comprised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



■ Detection Area
 ■ Detection Section

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to

prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or
- (c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or
- (c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16-085 (1)(a).

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a charac-

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ter distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

Ponderosa pine habitat type	Mixed conifer habitat type
all hardwoods	all hardwoods
ponderosa pine	western larch
western larch	ponderosa pine
Douglas-fir	western red cedar
western red cedar	white pine
	Douglas-fir
	lodgepole pine

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

- For fish and water:
 - Physical fish habitat, including temperature and turbidity;
 - Turbidity in hatchery water supplies; and
 - Turbidity and volume for areas of water supply.
- For capital improvements of the state or its political subdivisions:
 - Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:
 (1) **For Western Washington**
 (a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Western Washington Total RMZ Width
I	200'
II	170'
III	140'
IV	110'
V	90'

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) **For Eastern Washington**
 (a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'
III	90' or 100*
IV	75' or 100*
V	75' or 100*

* Dependent upon stream size. (See WAC 222-30-022.)
 (b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

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(3) For exempt 20 acre parcels, a specified area along-side Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) For Western Washington, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) For Eastern Washington, the 30 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) For Western Washington, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) For Eastern Washington, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means the establishment of any new sub-grade including widening, realignment, or modification of an existing road prism, with the exception of replacing or installing drainage structures, for the purposes of managing forest land under Title 222 WAC.

"Road maintenance" means any road work specifically related to maintaining water control or road safety and visibility (such as; grading, spot rocking, resurfacing, roadside vegetation control, water barring, ditch clean out, replacing or installing relief culverts, cleaning culvert inlets and outlets) on existing forest roads.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Sensitive sites" are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Head wall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or

fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means an erosional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site class" means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) For Western Washington

Site class	50-year site index range (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

EMERGENCY

(2) For Eastern Washington

Site class	100-year site index range (state soil survey)	50-year site index range (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

"**Site preparation**" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"**SOSEA goals**" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"**Spotted owl dispersal habitat**" see WAC 222-16-085(2).

"**Spotted owl special emphasis areas (SOSEA)**" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by

the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"**Stream-adjacent parallel roads**" means roads (including associated right-of-way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

"**Sub-mature habitat**" see WAC 222-16-085 (1)(b).

"**Suitable marbled murrelet habitat**" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"**Suitable spotted owl habitat**" see WAC 222-16-085(1).

"**Temporary road**" means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

"**Threaten public safety**" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

"**Threatened or endangered species**" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"**Unconfined avulsing stream**" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Yarding corridor" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

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

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Except as provided in subpart (4) below, applications and notifications** shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)).

(4) In lieu of a landowner's signature, where the timber rights have been transferred by deed to a perpetual owner who is different from the forest landowner, the owner of perpetual timber rights may sign a forest practices application or notification for operations not converting to another use and the statement of intent not to convert for a set period of time. The holder of perpetual timber rights shall serve the signed forest practices application or notification and the signed statement of intent on the forest landowner. The forest practices application shall not be considered complete until the

holder of perpetual timber rights has submitted evidence acceptable to the department that such service has occurred.

(5) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(6) **Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices rules as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) **Applications and notifications** must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

(8) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application.

(a) A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days.

(b) An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications.

(c) A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit.

(d) A road maintenance and abandonment plan as described in WAC 222-24-0511 shall be submitted with a small forest landowner's application or notification for harvest or salvage of trees, unless exempt under WAC 222-24-0512.

If a notification or application is delivered in person to the department by the operator or the operator's authorized

agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

(9) **An operator's name**, if known, must be included on any forest practices application or notification. The landowner or timber owner must provide notice of hiring or change of operator to the department within 48 hours. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070. Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

(10) **Financial assurances** may be required by the department prior to the approval of any future forest practices application or notification to an operator or landowner under the provisions of WAC 222-46-090.

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

WAC 222-20-015 Multiyear permits. (1) Where a watershed analysis has been approved for a WAU under WAC 222-22-080, landowner(s) may apply for a multiyear permit. The information provided and level of detail must be comparable to that required for a two-year permit. At a minimum, the application must include:

(a) A description of the forest practices to be conducted during the period requested for the permit, and a map(s) showing their locations; and

(b) Prescriptions must be identified where operations are proposed within or include areas of resource sensitivity.

(2) A landowner may apply for a multiyear permit to perform road maintenance or abandonment if the landowner has an approved road maintenance and abandonment plan where the schedule for implementing the plan is longer than two years. The information provided and level of detail must be comparable to that required for two-year permits under WAC 222-24-050. A checklist road maintenance and abandonment plan does not qualify for a multiyear permit.

(3) A landowner may apply for a multiyear permit to perform an approved alternate plan.

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

WAC 222-20-040 Approval conditions. (1) **Whenever an approved application** authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) Local government entity conditions.

(a) RCW 76.09.240(1) allows a local government entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local government entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that will be converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960.

(c) The department shall transmit the applications to the appropriate local government entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local government entity if:

(i) The local government entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local government entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local government entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local government entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local government entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business days of the transmittal of the application to the local government entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local government entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local government entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) Lead agency mitigation measures.

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local government entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

(5) Small forest landowner approval conditions.

(a) The department shall not disapprove a forest practices application or notification filed by a small forest landowner solely on the basis that fish passage barriers have not been removed, replaced or repaired if:

(i) The landowner will remove, replace or repair fish passage barriers on the forest roads covered or affected by the forest practices application or notification, during the term of the forest practices application or notification; or

(ii) The landowner commits to the state led cost share program to remove, replace or repair all fish passage barriers on the forest roads covered or affected by the forest practices application or notification and the landowner's fish passage barriers are lower on the priority list for funding than current projects funded by the program.

(b) The department may disapprove applications or notifications for harvest or salvage of trees, or take any enforcement action deemed necessary, to replace, remove or repair the fish passage barriers of small forest landowners who previously committed to:

(i) Participate in the cost share program, but failed to remove, replace or repair the fish passage barriers on their own lands when cost share funding became available; or

(ii) Remove, replace or repair fish passage barriers on their own lands as an identified part of a forest practice application but failed to do so.

(6) CRGNSA special management area.

(a) **Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§ 544, et seq. chapter 43.97 RCW, 16 U.S.C. § 544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. § 544a.

The forest practices rules addressing forest practices in the CRGNSA special management area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in

the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and rules for forest practices in the CRGNSA special management area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA management plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA special management area guidelines shall apply to all forest practices within the CRGNSA special management area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department Southeast and Southwest regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA special management area.

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

WAC 222-20-055 Continuing forest land obligations. Continuing forest land obligations include reforestation, road maintenance and abandonment plans, and harvest strategies on perennial nonfish habitat waters in Eastern Washington.

(1) Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the Forest Practices Act and rules, the seller must notify the buyer of the existence and nature of such a continuing obligation and the buyer must sign a notice of continuing forest land obligation indicating the buyer's knowledge of the obligations. The notice must be:

- (a) On a form prepared by the department;
- (b) Sent to the department by the seller at the time of sale or transfer of land or perpetual timber rights; and
- (c) Retained by the department.

(2) If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the buyer in enforcing the continuing forest land obligation against the seller.

(3) Failure by the seller to send the required notice to the department at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

(4) Small forest landowner checklist road maintenance and abandonment plans are exempt from the notice requirements of this section.

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

WAC 222-24-010 Policy. *(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

*(2) To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. This will be accomplished by constructing and maintaining roads so as not to result in the delivery of sediment and surface water to any typed water in amounts, at times or by means, that preclude achieving desired fish habitat and water quality by:

- Providing for fish passage at all life stages (see Washington state department of fish and wildlife hydraulic code Title 220 WAC);
- Preventing mass wasting;
- Limiting delivery of sediment and surface runoff to all typed waters; and
- Avoiding capture and redirection of surface or ground water. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor;
- Divert most road runoff to the forest floor;
- Provide for the passage of some woody debris;
- Protect stream bank stability;
- Minimizing the construction of new roads;
- Assure that there is no net loss of wetland function.

The road construction and maintenance rules in this chapter must be applied in achieving these goals. The strategies for achieving the goals for road maintenance outlined in this chapter are expected to be completed by December 2016. Additional guidance is identified in the board manual, section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed.

*(3) Extra protection is required during road construction and maintenance to protect public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.

*(4) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and rules and/or permit requirements may apply. See chapter 222-50 WAC.)

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

WAC 222-24-050 *Road maintenance and abandonment. The goals for road maintenance are established in WAC 222-24-010; all forest roads must be maintained to prevent potential or actual damage to public resources. Fish passage must be addressed by December 2016. Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts that were installed under an approved forest practices application or notification, and are capable of passing fish, until the end of the culvert's functional life.

(1) All forest roads on lands owned by large forest landowners must be improved and maintained to the standards of this chapter within 15 years of the effective date of these rules. Guidelines for how to meet these goals and standards are in the board manual, section 3. Work performed toward meeting the standards must generally be even flow over the 15-year period with priorities for achieving the most benefit to public resources early in the period. ~~((Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification if they have been properly maintained and are capable of passing fish, until the end of the culvert's functional life.))~~

(2) Forest roads used as part of any forest practices applications or notifications on lands owned by small forest landowners must be maintained only to the extent necessary to prevent damage to public resources. Fish passage barriers on small forest landowner properties will be addressed through a watershed based assessment focused on a priority of fixing the worst barriers first.

(a) A cost share program administered by the department is available to assist small forest landowners with the removal, replacement, or repair of fish passage barriers that were installed prior to May 14, 2003. The cost share program includes limits on landowner costs and the opportunity for in-kind contributions. If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on watershed ranking, one hundred percent public funding shall be provided as provided in chapter 76.13 RCW.

(b) Small forest landowners who have committed to participate in the state led cost share program are not required to remove, replace or repair fish passage barriers until cost share funding is available and higher priority fish passage barriers on other lands in the watershed have been removed or funded.

(c) A small forest landowner not participating in the state led cost share program must remove, replace or repair any fish passage barriers on the forest roads within their ownership covered or affected by an active forest practices application or notification for harvest or salvage of trees.

(d) The department, in consultation with the department of fish and wildlife, shall monitor the effectiveness of the checklist road maintenance and abandonment plan approach described in WAC 222-24-0511, and state-led cost share program, and report to the board by December 31 of both 2008

and 2013 on the accomplishments with respect to having road maintenance and fish passage addressed by 2016.

(3) If any landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a compliance schedule of work to address the problems identified by the department.

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

WAC *222-24-051 Large forest landowner road maintenance schedule. All forest roads must be covered under an approved road maintenance and abandonment plan within 5 years of the effective date of this rule or by December 31, 2005. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

*(1) Large forest landowners ((with 500 acres or more of forest land in a DNR region)) must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.

~~((2) Landowners with less than 500 acres of forest land in a DNR region must submit with their first forest practice application or notification a road maintenance and abandonment plan covering the roads that will be used by the application. Within one year of the date of submittal of the first forest practices application or notification or before the end of 2005, whichever comes first, the landowner must submit a road maintenance and abandonment plan for the rest of their ownership in that region. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.~~

~~(3)) (2) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the planning area must be in compliance with the current rules by the end of calendar year 2015. See the board manual section 3 for road maintenance and abandonment plan outline.~~

~~(((4))) (3) Plans will be submitted by landowners on a priority basis. Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Based upon a "worst first" principle, work on roads that affect the following are presumed to be the highest priority:~~

~~(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.~~

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

*~~((5))~~ (4) Based upon a "worst first" principle, road maintenance and abandonment plans must pay particular attention to:

- (a) Roads that block fish passage;
- (b) Roads that deliver sediment to typed water;
- (c) Roads with evidence of existing or potential instability that could adversely affect public resources;
- (d) Roads or ditchlines that intercept ground water; and
- (e) Roads or ditches that deliver surface water to any typed waters.

*~~((6))~~ (5) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads; planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent parallel roads and an inventory of the existing condition; and

(b) Detailed description of the first years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) The landowner or landowner representative's signature.

*~~((7))~~ (6) Priorities for road maintenance work within plans are:

(a) Removing blockages to fish passage beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Preventing or limiting sediment delivery (areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority);

(c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to public resources or threaten public safety;

(d) Disconnecting road drainage from typed waters;

(e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(f) Improving hydrologic connectivity by minimizing the interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(g) Repair or maintenance work which can be undertaken with the maximum operational efficiency.

*~~((8))~~ (7) Initial plans for large forest landowners ~~((with 500 acres or more of forest land in a DNR region))~~ must be submitted to the department during the year 2001 as scheduled by the department.

*~~((9))~~ (8) Each year on the anniversary date of the plan's submittal, landowners must report work accomplished for the previous year and submit to the department a detailed description of the upcoming year's work including modifications to the existing work schedule. The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

(c) Additional plans will be signed by the landowner or the landowner's representative.

*~~((10))~~ (9) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:

(a) Suggest priorities for road maintenance and abandonment planning; and

(b) Exchange information on road maintenance and stream restoration projects.

*~~((11))~~ (10) A forest practice application with a detailed one to five year work plan associated with a submitted road maintenance and abandonment plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days of acceptance. The application will be reviewed in consultation with the department of ecology, department of fish and wildlife, affected tribes and interested parties.

*~~((12))~~ (11) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

*~~((13))~~ (12) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.

(a) The landowner may submit a revised maintenance plan for maintenance and abandonment and request permission to use the road for log haul.

(b) The department must approve use of the road if the revised maintenance plan provides protection of the public resource and maintains the overall schedule of maintenance of the road system or basin.

*~~((14))~~ (13) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.

NEW SECTION

WAC 222-24-0511 Small forest landowner road maintenance planning. (1) Small forest landowners other than those described in WAC 222-24-0512, must follow either of the options in (a) or (b) of this subsection when submitting a forest practices application or notification for harvest or salvage of trees, unless (c) of this subsection applies.

(a) Small forest landowners must submit with each forest practices application or notification a checklist road maintenance and abandonment plan for the forest roads covered or affected by the forest practices activity. A small forest landowner may, at any time, submit a checklist road maintenance and abandonment plan for their entire ownership.

(b) Small forest landowners must submit for approval road maintenance and abandonment plans as outlined in WAC 222-24-051. Approved road maintenance and abandonment plans must be attached to or referenced in subsequent forest practices applications or notifications.

(c) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, small forest landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan.

(2) A small forest landowner is not required to submit an annual report as described in WAC 222-24-051(8).

(3) Small forest landowners who have committed to participate in the cost share program are not required to remove, replace or repair fish passage barriers until funding is available and higher priority fish passage barriers on other lands in the watershed have been removed or funded.

(4) Forest roads that are being used or proposed to be used for timber hauling must be maintained in a condition that prevents damage to public resources. If the department determines that use of such a road will cause or has the potential to cause damage to a public resource, the department may require the applicant to submit a compliance schedule of work to address the problem(s) identified by the department.

NEW SECTION

WAC 222-24-0512 Forest landowners exempted from road maintenance and abandonment planning. Forest landowners owning 80 acres or less of forest land in Washington who are submitting a forest practices application or notification for a block of forest land that is 20 contiguous acres or less in area are not required to submit either a checklist road maintenance and abandonment plan or a road maintenance and abandonment plan.

WSR 03-22-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-281—Filed October 30, 2003, 3:20 p.m., effective November 2, 2003]

Date of Adoption: October 29, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300F; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibition of all diving from licensed sea urchin and sea cucumber harvest vessels within one day of scheduled sea urchin openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: November 2, 2003.

October 29, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07300G Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective November 2, 2003 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1 and 2 are open only on Sundays, Mondays and Tuesdays of each week. Sea Urchin Districts 3, 4, 6 and 7 are open only on Mondays and Tuesdays of each week. The minimum size for green sea urchins is 2.25 inches (size in largest test diameter exclusive of spines).

(2) Red sea urchins: Sea Urchin Districts 1 and 2 are open only on Mondays through Fridays of each week. In Sea Urchin Districts 1 and 2, it is unlawful to harvest red sea urchins smaller than 4.0 inches or larger than 5.5 inches (size in largest test diameter exclusive of spines).

(3) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on Saturdays of each week.

REPEALER

The following section of the Washington Administrative Code is repealed effective November 2, 2003:

WAC 220-52-07300F Sea urchins. (03-253)

WSR 03-22-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 03-282—Filed October 30, 2003, 3:23 p.m.]

Date of Adoption: October 30, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000S; and amending WAC 220-52-040.

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: The pot limits for the commercial crab fishery in the Puget Sound licensing district is to maintain commercial harvest allocation plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

October 30, 2003

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-04000T Commercial crab fishery—Exceptions to permanent rules for pot limits. Notwithstanding the provisions of WAC 220-52-040:

1) Effective 6:00 p.m. November 3, 2003 until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, and 22B. The remaining 50 buoy tags per license must be onboard the designated vessel and available for inspection.

2) Effective immediately until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license, per buoy tag number in all waters of the Puget Sound Marine Fish Shellfish Catch Reporting Areas 23A, 23B, 23C, 23D, 24A, 24B, 24C, 24D, 25A, 25B, 25D, 25E, 26AE, 26AW, and 29. The remaining 25 buoy tags per license must be onboard the designated vessel and available for inspection.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04000S Crab fishery—Commercial crab fishery—Exceptions to permanent rules for pot limits. Order No. 03-249.

WSR 03-22-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 31, 2003, 1:24 p.m., effective November 1, 2003]

Date of Adoption: October 24, 2003.

Purpose: The department is adopting rules to implement the SSB 5579 (chapter 231, Laws of 2003). SSB 5579 requires the department to change its current bed hold process to the process described in the bill.

Citation of Existing Rules Affected by this Order: Amending WAC 388-105-0005, 388-105-0030, and 388-105-0040.

Statutory Authority for Adoption: Chapter 231, Laws of 2003.

Other Authority: Chapter 18.20 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Legislature made the finding in section 12 of SSB 5579: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." The department has filed a preproposal statement of inquiry as WSR 03-15-050, to adopt these rules as permanent, and a proposed rule will be filed soon for formal public comment and a public hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 3, Repealed 0.

Effective Date of Rule: November 1, 2003.

October 24, 2003

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0005 What are the daily Medicaid payment rates for contracted adult family home (AFH), adult residential care (ARC), and enhanced adult residential care (EARC) services? For contracted AFH, ARC, and EARC services, the department pays the following daily rates for care of a Medicaid resident:

Four level payment system rates for AFHs, ARCs, & EARCs			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((46.06)) 45.70	\$ ((44.79)) 44.43	\$ ((44.79)) 44.43
Level 2	\$ ((49.28)) 48.65	\$ ((51.52)) 50.89	\$ ((56.97)) 56.34
Level 3	\$ ((57.07)) 56.32	\$ ((59.51)) 58.76	\$ ((65.76)) 65.01
Level 4	\$ ((68.15)) 67.75	\$ ((72.07)) 71.67	\$ ((78.31)) 77.91

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0030 What are the daily Medicaid payment rates for contracted assisted living facilities (ALF) not receiving a capital rate add-on? For contracted ALF services for care of a Medicaid resident, the department pays the following daily rates:

COPES ALF Daily Payment Rates w/o Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((54.84)) 54.48	\$ ((56.35)) 55.99	\$ ((61.03)) 60.67
Level 2	\$ ((61.14)) 60.51	\$ ((6.92)) 62.29	\$ ((68.52)) 67.89
Level 3	\$ ((67.54)) 66.79	\$ ((69.90)) 69.15	\$ ((76.46)) 75.71

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

AMENDATORY SECTION (Amending WSR 02-22-058, filed 10/31/02, effective 12/1/02)

WAC 388-105-0040 What are the daily capital add-on rates for assisted living facilities (ALF) and the ALF daily payment rates with a capital add-on rate? For an ALF that qualifies for a capital add-on rate, the department will add the following amount to the per resident day payment rates in WAC 388-105-0030:

COPES ALF Add-on Rate July 1, 2002		
Non-metropolitan	Metropolitan*	King Co.
\$ 4.68	\$ 4.39	\$ 4.84

COPES ALF Daily Payment Rates with a Capital Add-on Rate			
Care Levels	Non-metropolitan	Metropolitan*	King Co.
Level 1	\$ ((59.52)) 59.16	\$ ((60.74)) 60.38	\$ ((65.87)) 65.51
Level 2	\$ ((65.82)) 65.19	\$ ((67.31)) 66.68	\$ ((73.36)) 72.73
Level 3	\$ ((72.22)) 71.47	\$ ((74.29)) 73.54	\$ ((81.30)) 80.55

*Benton, Clark, Franklin, Island, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties.

NEW SECTION

WAC 388-105-0045 When a Medicaid resident is discharged from a facility for a hospital or nursing home

EMERGENCY

stay, must the Adult Family Home (AFH) or a boarding home that contracts with the department to provide adult residential care services (ARC), enhanced adult residential care services (EARC), or assisted living services (AL) under chapter 74.39A RCW hold the bed or unit for the residents return? (1) When an AFH, ARC, EARC, or AL contracts to provide services under chapter 74.39A RCW, the AFH, ARC, EARC, and AL provider must hold a Medicaid eligible resident's bed or unit when:

(a) Short-term care is needed in a nursing home or hospital;

(b) The resident is likely to return to the AFH, ARC, EARC, or AL; and

(c) Payment is made under subsection (3) of this section.

(2) When the department pays the provider to hold the Medicaid resident's bed or unit during the resident's short-term nursing home or hospital stay, the provider must hold the unit or bed for up to twenty days.

(3) The department will compensate the provider for holding the bed or unit for the:

(a) First through seventh day at seventy percent of the daily rate paid for care of the resident before the hospital or nursing home stay; and

(b) Eighth through the twentieth day, at ten dollars and forty-three cents a day.

(4) The AFH, ARC, EARC, and AL provider may seek third-party payment to hold a bed or unit for twenty-one days or longer. The provider may only collect from the third-party a payment not exceeding eighty-five percent of the average daily rate paid to the facility.

(5) If third-party payment is not available and the returning Medicaid resident continues to meet the admission criteria under chapter 388-71-WAC, the Medicaid resident may return to the first available and appropriate bed or unit.

WSR 03-22-053

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 31, 2003, 1:26 p.m.]

Date of Adoption: October 30, 2003.

Purpose: The emergency rule provides an alleged perpetrator in an adult protective services (APS) report the opportunity to request an administrative hearing to challenge a substantiated finding made on or after October 1, 2003.

A CR-101 preproposal statement of inquiry for adoption of permanent rules on this subject has also been filed as WSR 03-17-064.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0105.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: RCW 74.39A.050, 74.08.090, chapter 74.34 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency rule is necessary to preserve the due process rights of alleged perpetrators.

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 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

October 30, 2003

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-03-029, filed 1/11/00, effective 2/11/00)

WAC 388-71-0105 What definitions apply to adult protective services and the personal aide registry? In addition to the definitions found in chapter 74.34 RCW, the following definitions apply:

"**Basic necessities of life**" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

"**Finding**" means the decision made by APS after an investigation regarding alleged abuse, abandonment, neglect, self-neglect or financial exploitation of a vulnerable adult.

"**Legal representative**" means a guardian appointed under chapter 11.88 RCW or individual named in a durable power of attorney as the attorney-in-fact as defined under chapter 11.94 RCW.

"**Person or entity with a duty of care**" includes, but is not limited to, the following:

(1) A guardian appointed under chapter 11.88 RCW; or

(2) A person or entity providing the basic necessities of life to vulnerable adults where:

(a) The person or entity is employed by or on behalf of the vulnerable adult; or

(b) The person or entity voluntarily agrees to provide, or has been providing, the basic necessities of life to the vulnerable adult on a continuing basis.

"**Personal aide**" as found in RCW 74.39.007.

"**Self-directed care**" as found in RCW 74.39.007.

"**Substantiated finding**" means the determination following an investigation by APS that, based on available information, it is more likely than not that abuse, abandon-

ment, neglect, self-neglect or financial exploitation of a vulnerable adult did occur.

NEW SECTION

WAC 388-71-0116 Can an alleged perpetrator who is not a personal aide challenge an APS finding of abuse, abandonment, neglect or financial exploitation? (1) An alleged perpetrator of abuse, abandonment, neglect or financial exploitation of a vulnerable adult, other than a personal aide, may request an administrative hearing under chapter 34.05 RCW and chapter 388-02 WAC to challenge a substantiated APS finding made on or after October 1, 2003.

(2) The alleged perpetrator must request an administrative hearing in writing within thirty days after the department mails a notice of a substantiated APS finding to the alleged perpetrator at the alleged perpetrator's last known mailing address.

(3) The right of personal aides to a hearing is described in WAC 388-71-0150 and 388-71-0155.

**WSR 03-22-058
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 03-283—Filed October 31, 2003, 3:34 p.m., effective October 31, 2003, 7:01 p.m.]

Date of Adoption: October 31, 2003.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100M and 220-47-41100N; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This action adds four extra days in Areas 7 and 7A during the week of November 2 through November 8. These days are needed to help compensate for the low fishing effort experienced the first three weeks of the fisheries and allow for full utilization of the non-treaty chum allocation in these areas. This emergency rule maintains the appropriate minimum mesh sizes in Area 8A as agreed during the Pacific Fisheries Management Council and North of Falcon pre-season planning meetings and during the August 2, 2003, Fish and Wildlife Commission meeting. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: October 31, 2003, 7:01 p.m.

October 31, 2003

J. P. Koenings

Director

NEW SECTION

WAC 220-47-31100N Purse seine—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken with purse seine gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7 and 7A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

Area	Time	Date
7, 7A	7:00 AM - 5:00 PM	11/3, 11/4, 11/5, 11/6, 11/7
10, 11	7:00 AM - 5:00 PM	11/3, 11/5

NEW SECTION

WAC 220-47-41100P Gill net—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken with gill net gear, for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 8A, 10, 11, 12 and 12B unless the gill net license holder provides the department with 24-hour notice prior to each day of fishing. The daily fishing notice to the department must include the gill net license holder's name, telephone number where they can be contacted and the area they will be fishing. The notice must be given by one of the following three means:

- (a) Fax transmission to 360-902-2949;
- (b) E-mail to psfishtickets@dfw.wa.gov; or
- (c) Toll-free telephone call to 1-866-791-1279

Effective immediately until further notice, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Puget Sound Salmon Management and Catch Reporting Areas 7, 7A and 8A except in accordance with the open periods, mesh size, areas, species restrictions, notification, and landing requirements set forth in this section, provided that unless otherwise amended, all permanent rules remain in effect:

AREA	TIME	DATE(S)	MINIMUM MESH
7, 7A:	7 AM - 7 PM	11/3, 11/4, 11/5, 11/6, 11/7	6 1/4"

EMERGENCY

AREA	TIME	DATE(S)	MINIMUM MESH
8A	4 PM - 8 AM	NIGHTLY 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"

REPEALER

The following sections of the Washington Administrative Code are repealed effective 7:01 p.m. October 31, 2003:

- WAC 220-47-31100M Purse seine—Open periods. (03-277)
- WAC 220-47-41100N Gill net—Open periods. (03-277)

**WSR 03-22-084
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed November 5, 2003, 9:46 a.m.]**

Date of Adoption: November 5, 2003.

Purpose: Adopt emergency rules to implement chapter 140, Laws of 2003, allowing nursing assistants to accept nurse delegation in the in-home care setting. Amends WAC 246-841-405 to make the rules consistent with the new laws.

These rules were already adopted by emergency rule which is about to expire. Due to extensive stakeholder work and legal advice on these issues there have been some delays. This rule needs to continue to be in place for public protection. The anticipated implementation date is within the next ninety days.

Citation of Existing Rules Affected by this Order: Amending WAC 246-840-405.

Statutory Authority for Adoption: Chapter 18.88A RCW and chapter 140, Laws of 2003.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 140, Laws of 2003, allows nurse delegation to nursing assistants in the in-home care setting. This law has an emergency clause which makes the law effective immediately.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 5, 2003

Frank T. Maziarski, RN, ARNP
Nursing Commission Chair

AMENDATORY SECTION (Amending WSR 96-06-029, filed 2/28/96, effective 3/30/96)

WAC 246-841-405 Nursing assistant delegation. Provision for delegation of certain tasks.

(1) Nursing assistants may perform the following tasks, when delegated by a registered nurse, for residents in certified community residential programs for the developmentally disabled, residents in licensed adult family homes, ~~((and))~~ to residents of licensed boarding homes contracting to provide assisted living services, and to residents in an in-home care setting as defined by chapter 140, Laws of 2003:

- (a) Oral and topical medications and ointments;
- (b) Nose, ear, eye drops, and ointments;
- (c) Dressing changes and urinary catheterization using clean techniques;
- (d) Suppositories, enemas, and ostomy care in established and healed condition;
- (e) Blood glucose monitoring; and
- (f) Gastrostomy feedings in established and healed condition.

(2) Any nursing assistant who receives authority to perform such delegated nursing task must, before performing any delegated task:

- (a) For nursing assistants-registered, complete both the basic caregiver training and core delegation training as established by the department of social and health services.
- (b) For nursing assistants-certified, complete the core delegation training as established by the department of social and health services.
- (c) Comply with requirements and protocol established by the nursing care quality assurance commission in WAC 246-840-910 through 246-840-980.

(3) Any nursing assistant performing a delegated nursing care task pursuant to this section, shall perform the task:

- (a) Only for the specific resident who was the subject of the delegation;
- (b) Only with the resident's consent; and
- (c) In compliance with all requirements and protocols established by the nursing care quality assurance commission in WAC 246-840-910 through 246-840-980.

(4) A nursing assistant may consent or refuse to consent to perform a delegated nursing care task listed in subsection (1) of this section, and shall be responsible for their own actions with regard to the decision to consent or refuse to consent and the performance of the delegated nursing care task.

EMERGENCY

WSR 03-22-085
EMERGENCY RULES
DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed November 5, 2003, 9:47 a.m.]

Date of Adoption: November 5, 2003.

Purpose: Adopt emergency rules to implement chapter 140, Laws of 2003 allowing nurse delegation in the in-home care setting and by registered nurses working for a home care or hospice agency. Amends WAC 246-840-700, 246-840-910, 246-840-930, and 246-840-940 to make the rules consistent with the new laws.

These rules were previously adopted by emergency which is about to expire. Due to extensive stakeholder involvement and research for several legal issues the permanent rules were delayed. Anticipated implementation is within ninety days.

Citation of Existing Rules Affected by this Order: Amending WAC 246-840-700, 246-840-910, 246-840-930, and 246-840-940.

Statutory Authority for Adoption: Chapter 18.79 RCW and chapter 140, Laws of 2003.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 140, Laws of 2003, allows nurse delegation in the in-home care setting and by registered nurses working for a home care of hospice agency. This law has an emergency clause which makes the law effective immediately.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

November 5, 2003

Frank T. Maziarski, RN, ARNP

Nursing Commission Chair

AMENDATORY SECTION (Amending WSR 02-06-117, filed 3/6/02, effective 4/6/02)

WAC 246-840-700 Standards of nursing conduct or practice. (1) The purpose of defining standards of nursing conduct or practice through WAC 246-840-700 and 246-840-

710 is to identify responsibilities of the professional registered nurse and the licensed practical nurse in health care settings and as provided in the Nursing Practice Act, chapter 18.79 RCW. Violation of these standards may be grounds for disciplinary action under chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the professional and ethical standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following;

(2) The nursing process is defined as a systematic problem solving approach to nursing care which has the goal of facilitating an optimal level of functioning and health for the client, recognizing diversity. It consists of a series of phases: Assessment and planning, intervention and evaluation with each phase building upon the preceding phases.

(a) Registered Nurse:

Minimum standards for registered nurses include the following:

(i) Standard I Initiating the Nursing Process:

(A) Assessment and Analysis: The registered nurse initiates data collection and analysis that includes pertinent objective and subjective data regarding the health status of the clients. The registered nurse is responsible for ongoing client assessment, including assimilation of data gathered from licensed practical nurses and other members of the health care team;

(B) Nursing Diagnosis/ Problem Identification: The registered nurse uses client data and nursing scientific principles to develop nursing diagnosis and to identify client problems in order to deliver effective nursing care;

(b) Licensed Practical Nurse:

Minimum standards for licensed practical nurses include the following:

(i) Standard I - Implementing the Nursing Process: The practical nurse assists in implementing the nursing process;

(A) Assessment: The licensed practical nurse makes basic observations, gathers data and assists in identification of needs and problems relevant to the clients, collects specific data as directed, and, communicates outcomes of the data collection process in a timely fashion to the appropriate supervising person;

(B) Nursing Diagnosis/ Problem Identification: The licensed practical nurse provides data to assist in the development of nursing diagnoses which are central to the plan of care;

(C) **Planning:** The registered nurse shall plan nursing care which will assist clients and families with maintaining or restoring health and wellness or supporting a dignified death;

(D) **Implementation:** The registered nurse implements the plan of care by initiating nursing interventions through giving direct care and supervising other members of the care team; and

(E) **Evaluation:** The registered nurse evaluates the responses of individuals to nursing interventions and is responsible for the analysis and modification of the nursing care plan consistent with intended outcomes;

(ii) **Standard II Delegation and Supervision:** The registered nurse is accountable for the safety of clients receiving nursing service by:

(A) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence as defined in WAC 246-840-010(10);

(B) Supervising others to whom he/she has delegated nursing functions as defined in WAC 246-840-010(10);

(C) Evaluating the outcomes of care provided by licensed and other paraprofessional staff; ~~((and))~~

(C) **Planning:** The licensed practical nurse contributes to the development of approaches to meet the needs of clients and families, and, develops client care plans utilizing a standardized nursing care plan and assists in setting priorities for care;

(D) **Implementation:** The licensed practical nurse carries out planned approaches to client care and performs common therapeutic nursing techniques; and

(E) **Evaluation:** The licensed practical nurse, in collaboration with the registered nurse, assists with making adjustments in the care plan. The licensed practical nurse reports outcomes of care to the registered nurse or supervising health care provider;

(ii) **Standard II Delegation and Supervision:** Under direction, the practical nurse is accountable for the safety of clients receiving nursing care:

(A) The practical nurse may delegate selected nursing tasks to competent individuals in selected situations, in accordance with their education, credentials and competence as defined in WAC 246-840-010(10);

(B) The licensed practical nurse in delegating functions shall supervise the persons to whom the functions have been delegated;

(C) The licensed practical nurse reports outcomes of delegated nursing care tasks to the RN or supervising health care provider; and

(D) The registered nurse may delegate certain additional acts to certain individuals in community-based long-term care settings as provided by WAC 246-840-910 through 246-840-980 and WAC 246-841-405; and (E) A registered nurse working for a home health agency regulated under chapter 70.127 RCW may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care as described in WAC 246-840-010(10);

(iii) **Standard III Health Teaching.** The registered nurse assesses learning needs including learning readiness for patients and families, develops plans to meet those learning needs, implements the teaching plan and evaluates the outcome.

(3) **The following standards apply to registered nurses and licensed practical nurses:**

(a) The registered nurse and licensed practical nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care. Communication is defined as a process by which information is exchanged between individuals through a common system of speech, symbols, signs, and written communication or behaviors that serves as both a means of gathering information and of influencing the behavior, actions, attitudes, and feelings of others; and

(b) The registered nurse and licensed practical nurse shall document, on essential client records, the nursing care given and the client's response to that care; and

(c) The registered nurse and licensed practical nurse act as client advocates in health maintenance and clinical care.

(4) **Other responsibilities:**

(a) The registered nurse and the licensed practical nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice;

(b) The registered nurse and the licensed practical nurse shall be responsible and accountable for his or her practice based upon and limited to the scope of his/her education, demonstrated competence, and nursing experience consistent with the scope of practice set forth in this document; and

(D) In community based long-term care settings as provided by WAC 246-840-910 through 246-840-980 and WAC 246-841-405, the practical nurse may delegate only personal care tasks to qualified care givers;

(iii) **Standard III Health Teaching.** The practical nurse assists in health teaching of clients and provides routine health information and instruction recognizing individual differences.

(c) The registered nurse and the licensed practical nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or procedures which are in his/her scope of practice.

(d) The registered nurse and the licensed practical nurse shall be responsible for maintaining current knowledge in his/her field of practice; and

(e) The registered nurse and the licensed practical nurse shall respect the client's right to privacy by protecting confidential information and shall not use confidential health care information for other than legitimate patient care purposes or as otherwise provided in the Health Care Information Act, chapter 70.02 RCW.

AMENDATORY SECTION (Amending WSR 02-02-047, filed 12/27/01, effective 1/27/02)

WAC 246-840-910 Purpose. The purpose of this delegation protocol is to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the registered nurse delegator to make independent professional decisions regarding the delegation of a nursing task. A licensed registered nurse may delegate specific nursing care tasks to nursing assistants who meet certain requirements and provide care to individuals served by certified community residential programs for the developmentally disabled, to residents in licensed adult family homes, ~~((and))~~ to residents of licensed boarding homes, and to individuals in an in-home care setting as defined by chapter 140, Laws of 2003. Before delegating a task, the registered nurse delegator must determine that specific criteria described in the protocol are met and ensure that the patient is in a stable and predictable condition. Registered nurses delegating tasks are accountable to the Washington state nursing care quality assurance commission. The registered nurse delegator and nursing assistant are accountable for their own individual actions in the delegation process. No person may coerce a registered nurse into compromising patient safety by requiring the registered nurse to delegate if the registered nurse delegator determines it is inappropriate to do so. Registered nurse delegators cannot delegate the following care tasks under any circumstances:

(1) Administration of medications by injection (intramuscular, intradermal, subcutaneous, intraosseous and intravenous).

(2) Sterile procedures.

(3) Central line maintenance.

AMENDATORY SECTION (Amending WSR 02-02-047, filed 12/27/01, effective 1/27/02)

WAC 246-840-930 Criteria for delegation. (1) Before delegating a nursing task, the registered nurse delegator must determine that it is appropriate to delegate based on the elements of the nursing process: ASSESS, PLAN, IMPLEMENT, EVALUATE:

ASSESS

(2) Determine that the setting allows delegation because it is a certified community residential program for the developmentally disabled, a licensed adult family home, ~~((or))~~ a licensed boarding home, or an in-home care setting as defined by chapter 140, Laws of 2003.

(3) Assess the patient's nursing care needs and determine that the patient is in a stable and predictable condition.

(4) Determine that the task to be delegated is within the delegating nurse's area of responsibility.

(5) Determine that the task to be delegated can be properly and safely performed by the nursing assistant. The registered nurse delegator shall assess the potential risk of harm for the individual patient. Potential harm may include, but is not limited to, infection, hemorrhage, hypoxemia, nerve damage, physical injury, or psychological distress.

(6) Analyze the complexity of the nursing task and determine the required training or additional training needed by the nursing assistant to competently accomplish the task. The registered nurse delegator shall consider the psychomotor and cognitive skills required to perform the nursing task. More complex tasks may require additional training and supervision for the nursing assistant. The registered nurse delegator must identify and facilitate any additional training of the nursing assistant that is needed prior to delegation. The registered nurse delegator must ensure that the task to be delegated can be properly and safely performed by the nursing assistant.

(7) Assess the level of interaction required, considering language or cultural diversity that may affect communication or the ability to accomplish the task to be delegated, as well as methods to facilitate the interaction.

(8) Verify that the nursing assistant:

(a) Is currently registered or certified as a nursing assistant in Washington state and is in good standing without restriction;

(b) As required in WAC 246-841-405 (2)(a), nursing assistants registered must complete both the basic caregiver training and core delegation training before performing any delegated task;

(c) Has a certificate of completion issued by the department of social and health services indicating completion of nurse delegation for nursing assistants; and

(d) Is willing to perform the task in the absence of direct or immediate nurse supervision and accept responsibility for their actions.

(9) Assess the ability of the nursing assistant to competently perform the delegated nursing task in the absence of direct or immediate nurse supervision to ensure that the nursing task can be properly and safely performed by the nursing assistant.

(10) If the registered nurse delegator determines delegation is appropriate, the nurse must:

(a) Discuss the delegation process with the patient or authorized representative, including the level of training of the nursing assistant delivering care.

(b) Obtain patient consent. The patient, or authorized representative, must give written, informed consent to the delegation process under chapter 7.70 RCW. Documented verbal consent of patient or authorized representative may be

acceptable if written consent is obtained within thirty days; electronic consent is an acceptable format.

(c) Written consent is only necessary at the initial use of the nurse delegation process for each patient and is not necessary for task additions or changes or if a different nurse or nursing assistant will be participating in the process.

PLAN

(11) Document in the patient's record the rationale for delegating or not delegating nursing tasks.

(12) Provide specific, written delegation instructions to the nursing assistant with a copy maintained in the patient's record that include:

- (a) The rationale for delegating the nursing task;
- (b) That the delegated nursing task is specific to one patient and is not transferable to another patient;
- (c) That the delegated nursing task is specific to one nursing assistant and is not transferable to another nursing assistant;
- (d) The nature of the condition requiring treatment and purpose of the delegated nursing task;
- (e) A clear description of the procedure or steps to follow to perform the task;
- (f) The predictable outcomes of the nursing task and how to effectively deal with them;
- (g) The risks of the treatment;
- (h) The interactions of prescribed medications;
- (i) How to observe and report side effects, complications, or unexpected outcomes and appropriate actions to deal with them, including specific parameters for notifying the registered nurse delegator, health care provider, or emergency services;
- (j) The action to take in situations where medications and/or treatments and/or procedures are altered by health care provider orders, including:
 - (i) How to notify the registered nurse delegator of the change;
 - (ii) The process the registered nurse delegator will use to obtain verification from the health care provider of the change in the medical order; and
 - (iii) The process to notify the nursing assistant of whether administration of the medication or performance of the procedure and/or treatment is delegated or not;
- (k) How to document the task in the patient's record;
- (l) Document what teaching was done and that a return demonstration, or other method for verification of competency, was correctly done; and
- (m) A plan of nursing supervision describing how frequently the registered nurse will supervise the performance of the delegated task by the nursing assistant and reevaluate the delegated nursing task. Supervision shall occur at least every ninety days.

(13) The administration of medications may be delegated at the discretion of the registered nurse delegator. The registered nurse delegator must provide written parameters specific to an individual patient which includes guidelines for the nursing assistant to follow in the decision-making process to administer a medication and the procedure to follow for such administration.

IMPLEMENT

(14) Delegation requires the registered nurse delegator teach the nursing assistant how to perform the task, including return demonstration or other method of verification of competency as determined by the registered nurse delegator.

(15) The registered nurse delegator is accountable and responsible for the delegated nursing task. The registered nurse delegator must monitor the performance of the task(s) to assure compliance to established standards of practice, policies and procedures and to ensure appropriate documentation of the task(s).

EVALUATE

(16) The registered nurse delegator must evaluate the patient's responses to the delegated nursing care and to any modification of the nursing components of the patient's plan of care.

(17) The registered nurse delegator must supervise and evaluate the performance of the nursing assistant, including direct observation or other method of verification of competency of the nursing assistant to perform the delegated nursing task. The registered nurse delegator must also reevaluate the patient's condition, the care provided to the patient, the capability of the nursing assistant, the outcome of the task, and any problems.

(18) The registered nurse delegator must ensure safe and effective services are provided. Reevaluation and documentation must occur at least every ninety days. Frequency of supervision is at the discretion of the registered nurse delegator.

AMENDATORY SECTION (Amending WSR 02-02-047, filed 12/27/01, effective 1/27/02)

WAC 246-840-940 Washington state nursing care quality assurance commission community care setting delegation decision tree.

(1)	Does the patient reside in one of the following settings? A certified community residential program for the developmentally disabled, a licensed adult family home, a licensed boarding home, or an in-home care setting as defined by chapter 140, Laws of 2003	No →	Do not delegate
Yes ↓			
(2)	Has the patient or authorized representative given consent to the delegation?	No →	Obtain the written, informed consent
Yes ↓			
(3)	Is RN assessment of patient's nursing care needs completed?	No →	Do assessment, then proceed with a consideration of delegation
Yes ↓			
(4)	Is the task within the registered nurse's scope of practice?	No →	Do not delegate
Yes ↓			

EMERGENCY

(5)	Is the nursing assistant registered or certified and properly trained in the nurse delegation for nursing assistants?	No →	Do not delegate
Yes ↓			
(6)	Can the task be performed without requiring judgment based on nursing knowledge?	No →	Do not delegate
Yes ↓			
(7)	Are the results of the task reasonably predictable?	No →	Do not delegate
Yes ↓			
(8)	Can the task be safely performed according to exact, unchanging directions?	No →	Do not delegate
Yes ↓			
(9)	Can the task be performed without a need for complex observations or critical decisions?	No →	Do not delegate
Yes ↓			
(10)	Can the task be performed without repeated nursing assessments?	No →	Do not delegate
Yes ↓			
(11)	Can the task be performed improperly without life-threatening consequences?	No →	Do not delegate
Yes ↓			
(12)	Is appropriate supervision available?	No →	Do not delegate
Yes ↓			
(13)	There are no specific laws or rules prohibiting the delegation?	No →	Do not delegate
Yes ↓			
(14)	Task is delegable		

EMERGENCY



WSR 03-22-007
RULES COORDINATOR
OFFICE OF
FINANCIAL MANAGEMENT
[Filed October 22, 2003, 4:38 p.m.]

The Office of Financial Management designates Roselyn Marcus to serve as the agency's rules coordinator. Roselyn's contact information is as follows: Roselyn Marcus, Director of Legal Affairs, Office of Financial Management, 300 Insurance Building, 3rd Floor, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0568, fax (360) 664-2832, e-mail roselyn.marcus@ofm.wa.gov.

Marty Brown
Director

WSR 03-22-008
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—October 22, 2003]

The board of directors of the Washington State Convention and Trade Center has set the following schedule for board meetings for calendar year 2004. These dates were approved at the October 21, 2003, board meeting.

- January 20, 2004
- February 17, 2004
- March 16, 2004
- April 20, 2004
- May 18, 2004
- June 15, 2004
- July 20, 2004
- August 17, 2004
- September 21, 2004
- October 19, 2004
- November 16, 2004
- December 14, 2004

All dates are on a Tuesday, and meetings begin at 2:00 p.m. Meeting rooms are not noted because the location may be changed on short notice, as event needs dictate.

WSR 03-22-010
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed October 23, 2003, 4:43 p.m.]

WITHDRAWAL OF BULLETIN

In an effort to continue the scheme of regulatory improvement, the insurance commissioner has reviewed bulletins issued by the office over the past forty-seven years. The following bulletin has become obsolete and is no longer

necessary to clarify state law and/or state regulations. Therefore, the following bulletin is being withdrawn: No. 71-3 Access Rate Application.

If you have questions contact Kacy Scott, (360) 725-7041, kacys@oic.wa.gov.

WSR 03-22-011
OFFICE OF
THE INSURANCE COMMISSIONER

[Filed October 23, 2003, 4:45 p.m.]

In the Matter of)	
	)	No. G2003-93
FAMILY LIFE INSURANCE COM-	)	No. G2003-94
PANY AND INVESTORS LIFE	)	NOTICE OF HEARING
INSURANCE COMPANY OF	)	ON APPLICATIONS
AMERICA.	)	FOR REDOMESTICA-
	)	TION
Insurers.)	

TO: Eugene E. Payne, President
Investors Life Insurance Company of North America and Family Life Insurance Company
PO Box 149138
Austin, TX 78714-9138

Barry Senterfitt, Attorney at Law
Akin Gump Strauss Hauer & Feld, LLP
300 West 6th Street, Suite 2100
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Melvin Sorensen, Attorney at Law
Carney Bradley Smith & Spellman, P.S.
700 Fifth Avenue, Ste. 5800
Seattle, WA 98104-5017

AND TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
Jim Odiorne, Deputy Commissioner, Company Supervision
Marshall McGinnis, Company Licensing Manager
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

Carol Sureau, Deputy Commissioner, Legal Affairs
Office of Insurance Commissioner
PO Box 40250
Olympia, WA 98504-0250

On September 12, 2003, Family Life Insurance Company (Family Life) and Investors Life Insurance Company of North America (Investors Life) each filed an Application for Redomestication.

Pursuant to RCW 48.07.210(2), Family Life and Investors Life seek the approval of the Washington State Insurance Commissioner (Commissioner) to transfer their corporate domicile from Washington State to the state of Texas.

MISC.

Family Life and Investors Life are Washington domestic insurance companies. Because they are affiliated companies and are both wholly owned subsidiaries of a single parent corporation, Financial Industries Corporation, the undersigned has consolidated these proceedings.

The redomestication of Family Life and Investors Life are controlled by RCW 48.07.210(2). Pursuant to RCW 48.07.210(2), [t]he commissioner shall approve any proposed transfer of domicile unless the commissioner determines after a hearing, pursuant to such notice as the commissioner may require, that the transfer is not in the best interests of the public or the insurer's policyholders in this state. On September 24, 2003, pursuant to RCW 48.04.010(1), the undersigned received a request for hearing from the Commissioner. Although a hearing prior to approval of an application for redomestication is not required, the Commissioner believes that such a hearing is in the interests of the public and Washington policyholders and believes that notice should be given to policyholders and investors.

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing on Monday, December 8, 2003 at 9:00 a.m. Pacific Standard Time. Pursuant to the authority given to the undersigned [decide whether the hearing must be held in person or may be held by telephone pursuant to RCW 34.05.449(3)]. The purpose of this hearing, which will include all parties, is to consider the application for redomestication of Family Life and Investors Life. Pursuant to RCW 48.07.210, approval of these applications are conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given, and that the redomestications are in the best interests of the public [public] and Family Life's and Investors Life's Washington policyholders.

Please note that any interested individual or entity may indicate his/her or its support, or objection, to these proposed redomestications by submitting a letter on or before December 5, 2003 to the undersigned at the above address. Interested individuals and entities may include in their letters a request to be included in the hearing by telephone or in person in order to present their positions orally.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.07.210. As above, RCW 48.07.210 indicates the findings which must be made before approval will be given to these proposed redomestications.

The basic facts relied upon are those set forth in the Application for Redomestication of these companies, with attachments, which have been filed with the Commissioner. The Applications, with attachments, will be made part of the record of this proceeding. The Commissioner had not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved. The hearing will be governed by the Administrative Procedure Act, Chapter

34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05.RCW.

Patricia D. Petersen, Presiding Officer, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of Insurance Commissioner, PO Box 40255, Olympia, WA 98504-0255. Her telephone number is (360) 725-7105. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Administrative Assistant, Victoria Meyer, at the same address. Ms. Meyer's telephone number is (360) 725-7002.

ENTERED AT OLYMPIA, WASHINGTON, this 15th day of October, 2003.

PATRICIA D. PETERSEN
Presiding Officer

OFFICE OF THE INSURANCE COMMISSIOER

To request an interpreter, complete and mail this form to:

Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255

(For information, call (360) 725-7002

REQUEST FOR INTERPRETER

I am a party or witness in Matter No. _____, before the Insurance Commissioner. I NEED AN INTERPRETER and request that one be furnished.

(Please check the statements that apply to you:)

I am a non-English-speaking person. I cannot readily speak or understand the English language. My primary language is _____(Insert your primary language). I need an interpreter who can translate to and from the primary language and English.

I am unable to readily understand or communicate the spoken English language because:

I am deaf.

I have an impairment of hearing.

I have an impairment of speech.

[Please state below or on the reverse side any details which would assist the commissioner or presiding officer in arranging for a suitable interpreter, or in providing appropriate mechanical or electronic amplification, viewing, or communication equipment.]

Date: _____ Signed: _____

[Please print or type your name:]

Address where I can be contacted: _____

Telephone number by which I can be contacted: _____

MISC.

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 Office of the Insurance Commissioner and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 03-22-013
NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD

[Memorandum—October 21, 2003]

The following is the Executive Ethics Board meeting schedule for the year 2004. The Executive Ethics Board will hold regular monthly meetings on the second Friday of each month with the exceptions of August and December, when no meetings are scheduled, or indicated otherwise. All meetings will take place at one of the following two locations: At 2425 Bristol Court S.W., 1st Floor, Conference Room 148, Olympia; and at 4224 6th Avenue, Building 1, LeAnn Miller Conference Center, Lacey.

Meeting dates for 2004 are:

January 12 - rescheduled
 due to holidays
 February 13
 March 12
 April 9
 May 14
 June 11
 July 9
 August - no meeting
 September 10
 October 8
 November 12
 December - no meeting

Meeting agendas and other information may be accessed five to seven days prior to the meeting at <http://www.wa.gov/ethics>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at (360) 664-0871. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

WSR 03-22-014
OFFICE OF THE GOVERNOR

[Filed October 24, 2003, 11:05 a.m.]

NOTICE OF APEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On October 17, 2003, the Governor received an administrative appeal submitted by Samuel P. Harvey, Ph.D., regarding the denial of his appeal to amend WAC 296-19A relating to vocational counselor qualifications dated September 30, 2003.

DATE: October 22, 2003

Jennifer Joly
 General Counsel
 to the Governor

WSR 03-22-015
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Interagency Committee for Outdoor Recreation)

[Memorandum—October 16, 2003]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, November 20, and Friday, November 21, 2003, beginning with a board workshop on Thursday, November 20, from 10:00 a.m. until 2:00 p.m. in the Washington Ballroom A-C of the Seattle Marriott SeaTac Airport Hotel in SeaTac, Washington. The remainder of the day on Thursday and Friday will consist of a regular board meeting.

This two-day meeting is a funding recommendation session for projects in the boating facilities program (BFP), Washington wildlife and recreation program (WWRP), and firearms and archery range recreation (FARR) program. Additional agenda items include adoption of the 2004 IAC meeting schedule, BFP and WWRP manual updates, and an aquatic land enhancement activities (ALEA) program update, along with management update reports and a possible executive session.

If you plan to participate or have materials for committee review, please submit information to IAC no later than November 5, 2003. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by November 12, 2003, at (360) 902-2637 or TDD (360) 902-1996.

WSR 03-22-016
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Memorandum—October 23, 2003]

To ensure a quorum, the South Puget Sound Community College board of trustees has changed their regular meeting in January. The date changed from Thursday, January 8, 2004, to Friday, January 16, 2004, 3-4:30 p.m. in Building 25, Boardroom, on the campus of South Puget Sound Community College.

If you have any questions, please contact Diana Toledo at 754-7711 ext. 5202.

WSR 03-22-019
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)
 [Memorandum—October 27, 2003]

WASHINGTON STATE
MEDICAL QUALITY ASSURANCE COMMISSION
2004 MEETING DATE

DATE		COMMENTS
January 15-26	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
February 26-27	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
April 15-16	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
May 27-28	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
July 8-9	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
October 7-8	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.
November 18-19	Holiday Inn Select One South Grady Way Renton, Way 98055 (425) 226-7700	Regular Meeting Begins at 7:30 a.m.

WSR 03-22-022
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed October 27, 2003, 10:23 a.m.]

Notice of Prevailing Rate of Wage Change

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 the Department of Labor and Industries has determined that the prevailing rate of wage published on August 1, 2003, (WSR 03-16-062) for the roofer classification in Island and Whatcom counties was incorrectly adjusted. For any public works contracts let on or after October 27, 2003, the prevailing rate of wage and apprenticeship wages for this classification in these counties is as follows:

Journey Level Wages:

Prevailing Wage Category	Prevailing Wage	Overtime Code	Holiday Code	Note Code
Roofers - Journey Level	\$24.71	20	5A	N/A
Roofers - Journey Level Using Irritable Bituminous Materials	\$27.71	20	5A	N/A

Apprenticeship Wages:

State of Progression and Hour Range		Overtime Code	Holiday Code	Note Code
1: 0 - 820 Hours - 60%	\$15.53	20	5A	N/A
2: 821 - 1630 Hours - 67%	\$16.89	20	5A	N/A
3: 1631 - 2450 Hours - 74%	\$18.25	20	5A	N/A
4: 2451 - 3270 Hours - 81%	\$21.01	20	5A	N/A
5: 3271 - 4080 Hours - 88%	\$22.38	20	5A	N/A
6: 4081 - 4899 Hours - 95%	\$23.74	20	5A	N/A

L&I has determined that these changes are necessary to correct an error that was made in adjusting these wages. Absent these changes, L&I will be enforcing incorrect prevailing wages, which irreparably harms contractors, workers and the people of the state of Washington. Contractors rely on L&I's determination of prevailing wages, and they will be adversely impacted by utilizing incorrect prevailing wage rates to complete their contract with an awarding agency. These incorrect wages do not afford contractors the necessary certainty in bidding projects and in the wages that they pay their workers.

The establishment of wages that are inaccurate not only adversely impacts potential public works contracts, but also may lead to distrust in the established wages leading to the erosion of local wage standards. This erosion has the potential of an economic harm to the general public and workers, which L&I is responsible for protecting. The director has determined that the readjustments to these wages are necessary to ensure for the correct application of prevailing wages and the general welfare and shall take effective immediately upon publication.

For more information on prevailing wage please visit our website at www.lni.wa.gov/prevailingwage or call (360) 902-5335.

Cindy Hanson
Acting Industrial Statistician

WSR 03-22-023
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—October 27, 2003]

NOTIFICATION OF SPECIAL MEETING

The board of trustees of Everett Community College will hold a special session on October 28, 2003, at 6:00 p.m. in the Olympus Board Room at Everett Community College.

WSR 03-22-031**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—October 24, 2003]

The board of trustees of Shoreline Community College will hold a special meeting on December 3, 2003, to replace its scheduled November 26, 2003, meeting. There is no additional meeting scheduled for December.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@ctc.edu if you have further information.

WSR 03-22-033**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 28, 2003, 3:42 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: First steps childcare.

Effective Date: October 2003.

Document Description: These are billing instructions for authorized first steps childcare providers to use when billing for medical assistance eligible clients. Included in this document are definitions, "about the program," client eligibility, authorization process, billing, and fee schedule, and billing form.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

October 27, 2003

E. A. Myers, Manager

Rules and Publications Section

for claims with dates of service on and after January 1, 2003, and provider definitions for place of service codes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

October 27, 2003

E. A. Myers, Manager

Rules and Publications Section

WSR 03-22-035**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 28, 2003, 3:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-87 MAA.

Subject: Regional support network contacts for psychiatric hospitalizations.

Effective Date: October 1, 2003.

Document Description: Attached to this memo are two tables listing the current regional support network contacts for psychiatric hospitalization.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

October 27, 2003

E. A. Myers, Manager

Rules and Publications Section

WSR 03-22-034**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 28, 2003, 3:45 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-88 MAA.

Subject: Indian health service encounter rate increase and definitions for place of service codes.

Effective Date: Encounter rate retroactive to January 1, 2003; place of service codes effective October 16, 2003.

Document Description: The purpose of this memorandum is to inform Indian health service and tribal health clinic providers of an increase in the IHS encounter rate retroactive

WSR 03-22-036**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 28, 2003, 3:47 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 03-83 MAA.

Subject: Updates to prescription drug program.

Effective Date: December 1, 2003.

Document Description: Effective for the week of December 1, 2003, and after, the Medical Assistance Administration will implement changes to the prescription drug pro-

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gram such as: Additions to MAA's preferred drug list; additions to MAA's preferred drug list in therapeutic consultation services; additions/modifications to expedited prior authorization; change in limitation of certain drugs; and drug changes to prior authorization. This memo explains the changes.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memoranda," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

October 27, 2003
E. A. Myers, Manager
Rules and Publications Section

WSR 03-22-044
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Barley Commission)
[Memorandum—October 27, 2003]

The Washington Barley Commission's December 12, 2003, regular meeting has been rescheduled. The meeting will now be held on December 2, 2003. The meeting will begin at the previously scheduled time which is 9 a.m. and will be held at the Washington Wheat Commission's Conference Room, 907 West Riverside Avenue, Spokane, WA.

If you have any questions, please give Mary Palmer Sullivan a call at (509) 456-4400.

WSR 03-22-047
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
[Memorandum—October 28, 2003]

The date and location for the next Washington State Department of Services for the Blind community meeting is on Friday, December 5, 2003, at 3:30 p.m. - 5:30 p.m., at the Tacoma Rhodes Conference Center, Broadway Building, Camano Room, 950 Broadway, Tacoma, WA 98402.

Please call Marla Oughton at (206) 721-6430 or toll free at (800) 552-7103 should you have any questions.

WSR 03-22-048
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
[Memorandum—October 29, 2003]

The Public Disclosure Commission has changed its regular meeting previously scheduled for Tuesday, December

16, 2003, to Wednesday, December 10, 2003, beginning at 9 a.m. The meeting will be held in the Commission's Meeting Room, Evergreen Plaza Building, Suite 206, 711 Capitol Way, Olympia, WA. Any discussion of rules will take place at that time and place.

WSR 03-22-051
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed October 31, 2003, 10:29 a.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

This announcement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has issued the following Excise Tax Advisories:

ETA 2009-1S.32 BTA Nonacquiescence. This is the first supplement to ETA 2009, and identifies four BTA decisions to which the department does not acquiesce. ETA 2009, which explains the application of BTA decisions and when the department will announce a statement regarding adverse BTA decisions via an ETA or ETA supplement, and all its supplements should be retained.

ETA 2011-2S.32 Withdrawal of published determinations. This is the second supplement to ETA 2011, and announces the withdrawal of Det. 98-101, 18 WTD 260. ETA 2011, which explains the situations under which the department will announce the withdrawal of a Washington Tax Decision (WTD) via an ETA or ETA supplement, and all its supplements should be retained.

Copies of these documents are available via the internet at http://dor.wa.gov/content/rules_laws/eta/eta.htm or a request for copies may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
Rules Coordinator

WSR 03-22-057
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
(Fish and Wildlife Commission)
[Memorandum—October 30, 2003]

Below are the Washington Fish and Wildlife Commission dates for 2004 meetings, workshops, and conference calls for publication in the Washington State Register:

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
January 8	Conference call	Olympia
January 15	Conference call	Olympia
January 16-17	Workshop	Olympia
February 5	Conference call	Olympia
February 6-7	Meeting	Olympia

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February 19	Conference call	Olympia
Mach 4	Conference call	Olympia
March 12-13	Workshop	Olympia
March 18	Conference call	Olympia
April 1	Conference call	Olympia
April 2-3	Meeting	Spokane
April 15	Conference call	Olympia
May 6	Conference call	Olympia
May 20	Conference call	Olympia
June 3	Conference call	Olympia
June 4-5	Workshop	Olympia
June 17	Conference call	Olympia
July 1	Conference call	Olympia
July 15	Conference call	Olympia
August 5	Conference call	Olympia
August 6-7	Meeting	Everett/Lynnwood
August 19	Conference call	Olympia
September 2	Conference call	Olympia
September 16	Conference call	Olympia
October 1-2	Workshop	Olympia
October 7	Conference call	Olympia
October 21	Conference call	Olympia
November 4	Conference call	Olympia
November 5-6	Workshop	Clarkston
November 18	Conference call	Olympia
December 2	Conference call	Olympia
December 3-4	Meeting	Long Beach/Ocean Shores
December 16	Conference call	Olympia

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis.

WSR 03-22-060
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—November 3, 2003]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for November 20, 2003, has been canceled and rescheduled for Thursday, November 13, 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 03-22-071
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
 (Wine Commission)
 [Memorandum—November 3, 2003]

Our scheduled Wine Commission meeting of December 5, 2003, has been changed to December 3, 2003. The location and time remain the same.

If you have any questions, please fee free to give Kim Abello a call at (206) 667-9463 ext. 200 or via e-mail at kabello@washingtwinwine.org.

WSR 03-22-072

NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—November 3, 2003]

Per WAC 222-08-040, the Forest Practices Board will hold a special meeting on December 2, 2003, 9 a.m. - 1 p.m., Ramada Inn Governor House, 621 South Capitol Way, Olympia.

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please use the contact information following: Board Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

To view this and other board related information on-line, log on to the Forest Practices Board's website at www.wa.gov/dnr.

WSR 03-22-073
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—November 3, 2003]

Per WAC 222-08-040, the Forest Practices Board will hold meetings on:

February 10, 2004 9 a.m. - 5 p.m. Special Meeting	Location undetermined at this time Olympia area
February 11, 2004 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia - Room 172
June 1 and 2, 2004 9 a.m. - 5 p.m. Special Meeting	Location undetermined at this time
August 11, 2004 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia - Room 172
November 11, 2004 9 a.m. - 5 p.m.	Natural Resources Building 1111 Washington Street S.E. Olympia - Room 172

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please use the contact information following: Board Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1758, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

To view this and other board related information on-line, log on to the Forest Practices Board's website at www.wa.gov/dnr.

MISC.

WSR 03-22-074
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION
 [Memorandum—November 3, 2003]

The following is a schedule of the year 2004 monthly meetings of the Marine Employees' Commission (MEC) adopted by the MEC at its public meeting on October 24, 2003:

MONTH	DAY	LOCATION
January	24	Olympia
February	28	Olympia
*March	28	Olympia
April	25	Olympia
May	22 (Thursday)	Seattle
*June	27	Seattle
July	25	Seattle
August	29	Seattle
*September	26	Seattle
October	24	Seattle
November	<i>NO MEETING</i>	_____
*December	12	Seattle

All meetings will begin at **10:00 a.m.** Meetings scheduled in Seattle will be held in the Dolphin Conference Room, Colman Building, 3rd Floor, 811 First Avenue, Seattle. Meetings scheduled in Olympia will be held in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way South, Olympia.

Special Needs: For special accommodations or to request auxiliary aid, please contact the MEC office at least ten days in advance of the event at (360) 586-6354 (voice) or (360) 586-0820 (fax).

*Quarterly management team meetings will be held immediately following the commission meetings.

WSR 03-22-076
DEPARTMENT OF ECOLOGY

[Filed November 4, 2003, 3:33 p.m.]

State Implementation Plan Revision

Including and Removing Local Air Quality Agency Regulations

Background: The state of Washington and local air pollution control agencies periodically submit air quality regulations to the Department of Ecology (ecology) for inclusion in Washington's state implementation plan (SIP). The SIP is a statewide plan for meeting federal health-based standards for certain air pollutants.

Ecology will hold a public hearing to receive comments on including changes to chapter 173-400 WAC, General regulations for air pollution sources in the SIP. The state new source review program in chapter 173-400 WAC applies to sources statewide unless a local air quality agency or the Energy Facility Site Evaluation Council (EFSEC) has

adopted its own new source review rule applicable within its jurisdiction. (Local air quality agencies may have supplemental rules as long as they are as stringent as the WAC.) For this reason, ecology will also receive comment on adding to the SIP various local air quality agency general source related provisions.

The proposed changes are necessary to achieve alignment of state and federal air quality rules for stationary sources. Moreover, they clarify requirements for existing and new stationary sources of air pollution by eliminating conflicts with chapter 70.94 RCW and 40 C.F.R. Part 51. When incorporated into the SIP, the rules reduce the number of duplicative applicable state and local regulations.

There are seven local air quality agencies in Washington state: Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane County Air Pollution Control Authority, and Yakima Regional Clean Air Authority. Additionally, EFSEC is a state agency with authority from the United States Environmental Protection Agency and the state of Washington to issue permits under the federal Clean Air Act and Washington Clean Air Act for facilities under its jurisdiction.

Ecology will receive comments on adopting, amending and removing the following regulations in the SIP: State of Washington: Chapter 173-400 WAC; amending WAC 173-400-030, 173-400-040, 173-400-060, 173-400-105, 173-400-110, 173-400-112, 173-400-113, 173-400-151 and 173-400-171; and adding WAC 173-400-035, 173-400-117 and 173-400-118.

Northwest Air Pollution Agency: Amending Sections 200, 300, 301, and 325; removing Sections 104, 302, 303, 310 and 324.

Olympic Region Clean Air Agency: Adding Regulation 1, Articles 1.07, 3.01, 3.03, 3.17, 3.19, 3.21, 5.01 through 5.04, 7.01 through 7.04, 7.06, 7.07, 7.11, 7.12, 7.14, 7.15, 7.19, 7.20 and 7.21.

Southwest Clean Air Agency: Amending Sections 400-030, 040, 050, 052, 060, 070, 081, 091, 100, 101, 105, 109 through 114, 151, 171, 190, 200, 205, 230, 250 and 270; adding Sections 400-045, 046, 106, 130, 131, 136 and 140; and removing 400-090.

Yakima Regional Clean Air Authority: Amending Regulation 1, Appendix A; and removing Regulation 1, Sections 1.03 (except subsections 84 and 85), 4.02, 4.03, 5.06, 5.08, 5.11 and 12.01.

Hearing Schedule: On Thursday, December 10, 2003, at 2:00 p.m., Washington State Department of Ecology, 300 Desmond Drive, Room 1S-16, Lacey, WA.

For a SIP hearing, only comments on whether or not to include the changes in the SIP are considered. Written comments must be postmarked no later than December 18, 2003, and should be sent to Brett Rude, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For More Information: For more information about the updates or the SIP process prior to the hearing, please contact Melissa McEachron, Department of Ecology, (360) 407-6860; or Brett Rude, Department of Ecology, (360) 407-6847.

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If you require this publication in an alternative format, please contact Tami Dahlgren at (360) 407-6830 (voice) or (TTY) at 711 or 1-800-833-6388.

August	27	Seattle
*September	24	Seattle
October	22	Seattle
November	NO MEETING	_____
*December	10	Seattle

WSR 03-22-077
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE
 [Memorandum—November 4, 2003]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following dates when the Lake Washington Technical College board of trustees are scheduled to hold regular meetings during 2004:

- January 12 (second Monday)
- February 2
- March 1
- April 5
- May 3
- June 7
- July (no meeting)
- August (no meeting)
- September 13 (second Monday)
- October 4
- November 1
- December 6

Work sessions begin at 6:00 p.m. in Room W302E at the college; the regular meeting agenda begins at 7:00 p.m. in Room W305A at the college.

In the event it is necessary to change any of these meeting dates appropriate advertising will take place.

WSR 03-22-078
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION
 [Memorandum—November 4, 2003]

CORRECTED

The following is the schedule of the year 2004 monthly meetings of the Marine Employees' Commission (MEC) adopted by the MEC at its public meeting on October 24, 2003:

MONTH	DAY	LOCATION
January	23	Olympia
February	27	Olympia
*March	26	Olympia
April	23	Olympia
May	21	Seattle
*June	25	Seattle
July	23	Seattle

All meetings will begin at 10:00 a.m. Meetings scheduled in Seattle will be held in the Dolphin Conference Room, Colman Building, 3rd Floor, 811 First Avenue, Seattle. Meetings scheduled in Olympia will be held in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way South, Olympia.

Special Needs: For special accommodations or to request auxiliary aid, please contact the MEC office at least ten days in advance of the event at (360) 586-6354 (voice) or (360) 586-0820 (fax).

*Quarterly management team meetings will be held immediately following the commission meetings.

WSR 03-22-079
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
 [Memorandum—October 23, 2003]

2004 COMMISSION MEETING DATES

Below are the 2004 meeting dates for the Washington Traffic Safety Commission. Please note that the dates and time have changed.

- Thursday, January 22
- Thursday, April 22
- Thursday, July 22
- Thursday, October 28

Each meeting will be held at 10:30 a.m. in the conference room of the Washington Traffic Safety Commission. Please pass this information along to anyone who may be interested.

Please note that the July 22 meeting is a critical one. We need to have the commissioners in attendance to approve the highway safety plan. Please contact Michelle Nicholls for additional information.

For special accommodation needs or to request an auxiliary aid for these meetings, please contact Michelle Nicholls at (360) 586-3864.

WSR 03-22-080
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—November 4, 2003]

Special Board Meeting

The board of trustees of Bates Technical College will have a special meeting on November 5, 2003, from 1:00 p.m. to approximately 3:00 p.m. in the Clyde Hupp Board Room.

MISC.

1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing personnel matters. No action will be taken during executive session.

WSR 03-22-081
PROCLAMATION
OFFICE OF THE GOVERNOR
[November 4, 2003]

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Regular Session of the Legislature adjourned on April 27, 2003, the 105th day of the session; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 First Special Session of the Legislature adjourned June 10, 2003, the 30th day of the first special session; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Second Special Session of the Legislature adjourned June 11, 2003, the 1st day of the second special session; and

WHEREAS, it is now necessary for me to convene a Third Special Session of the Legislature for the purpose of canceling the non-binding 2004 presidential primary;

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 at the Capitol in Olympia at noon on Friday, December 5, 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 4th day of November, A.D., Two Thousand and Three.

Gary Locke

Governor of Washington

BY THE GOVERNOR:
Steve Excell

Assistant Secretary of State

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 #
1-21-070	AMD-X	03-21-159	16-157-110	REP	03-03-044	16-200-885	REP-P	03-19-126
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3-20-100	REP	03-09-144	16-157-220	AMD	03-03-044	16-200-890	REP-P	03-19-126
3-20-200	NEW-P	03-05-101	16-157-230	AMD	03-03-044	16-200-900	REP-P	03-19-126
3-20-200	NEW	03-09-144	16-157-240	AMD	03-03-044	16-200-910	REP-P	03-19-126
3-20-300	NEW-P	03-05-101	16-157-245	NEW	03-03-044	16-200-920	REP-P	03-19-126
3-20-300	NEW	03-09-144	16-157-250	AMD	03-03-044	16-200-930	REP-P	03-19-126
4-25	PREP	03-12-052	16-157-255	AMD	03-03-044	16-200-940	REP-P	03-19-126
4-25-410	AMD-P	03-17-061	16-157-260	AMD	03-03-044	16-200-950	REP-P	03-19-126
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4-25-720	AMD	03-17-041	16-160-070	AMD	03-03-045	16-228-1020	AMD	03-22-029
4-25-721	PREP	03-05-012	16-200-715	PREP	03-13-114	16-228-1030	AMD-P	03-17-095
4-25-721	AMD-P	03-09-052	16-200-715	AMD-P	03-19-125	16-228-1030	AMD	03-22-029
4-25-721	AMD	03-17-042	16-200-7401	NEW	03-02-100	16-228-1040	AMD-P	03-17-095
4-25-750	AMD-P	03-17-061	16-200-7402	NEW	03-02-100	16-228-1040	AMD	03-22-029
4-25-830	PREP	03-17-040	16-200-7403	NEW	03-02-100	16-228-1100	AMD-P	03-17-095
4-25-910	AMD-P	03-17-061	16-200-7404	NEW	03-02-100	16-228-1100	AMD	03-22-029
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16-54-155	PREP	03-12-020	16-200-750	REP-P	03-19-126	16-228-1115	AMD	03-22-029
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16-54-155	NEW-P	03-15-139	16-200-760	REP-P	03-19-126	16-228-1120	AMD	03-22-029
16-54-155	NEW	03-19-029	16-200-770	REP-P	03-19-126	16-228-1125	AMD-P	03-17-095
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16-100-020	REP-X	03-13-130	16-200-820	REP-P	03-19-126	16-228-1150	AMD	03-22-029
16-100-020	REP	03-20-063	16-200-830	REP-P	03-19-126	16-228-1200	AMD-P	03-17-095
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Table of WAC Sections Affected

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16-228-1231	AMD	03-05-034	16-228-1555	AMD	03-22-029	16-239-073	NEW-P	03-07-082
16-228-1231	AMD-P	03-17-095	16-228-1570	AMD-P	03-17-095	16-239-073	NEW	03-12-040
16-228-1231	AMD	03-22-029	16-228-1570	AMD	03-22-029	16-239-074	NEW-P	03-07-082
16-228-1238	NEW-P	03-17-095	16-228-1585	AMD-P	03-17-095	16-239-074	NEW	03-12-040
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16-228-1250	AMD	03-22-029	16-228-1590	AMD	03-22-029	16-239-076	NEW-P	03-07-082
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16-228-1262	NEW-P	03-02-098	16-229-200	AMD-P	03-05-075	16-239-077	NEW	03-12-040
16-228-1262	NEW	03-05-033	16-229-200	AMD-W	03-09-035	16-239-078	NEW-P	03-07-082
16-228-1264	NEW-P	03-02-098	16-231-107	AMD-X	03-07-037	16-239-078	NEW	03-12-040
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16-228-1266	NEW	03-05-033	16-237-170	AMD-P	03-15-090	16-239-080	NEW-P	03-07-082
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16-228-1270	AMD	03-22-029	16-238-010	REP-P	03-07-082	16-239-0801	NEW-P	03-07-082
16-228-1300	AMD-P	03-17-095	16-238-010	REP	03-12-040	16-239-0801	NEW	03-12-040
16-228-1300	AMD	03-22-029	16-238-020	REP-P	03-07-082	16-239-0802	NEW-P	03-07-082
16-228-1320	AMD-P	03-17-095	16-238-020	REP	03-12-040	16-239-0802	NEW	03-12-040
16-228-1320	AMD	03-22-029	16-238-030	REP-P	03-07-082	16-239-0803	NEW-P	03-07-082
16-228-1322	AMD-P	03-17-095	16-238-030	REP	03-12-040	16-239-0803	NEW	03-12-040
16-228-1322	AMD	03-22-029	16-238-060	REP-P	03-07-082	16-239-0804	NEW-P	03-07-082
16-228-1330	AMD-P	03-17-095	16-238-060	REP	03-12-040	16-239-0804	NEW	03-12-040
16-228-1330	AMD	03-22-029	16-238-070	REP-P	03-07-082	16-239-0805	NEW-P	03-07-082
16-228-1370	AMD-P	03-17-095	16-238-070	REP	03-12-040	16-239-0805	NEW	03-12-040
16-228-1370	AMD	03-22-029	16-238-082	REP-P	03-07-082	16-239-0806	NEW-P	03-07-082
16-228-1380	AMD-P	03-17-095	16-238-082	REP	03-12-040	16-239-0806	NEW	03-12-040
16-228-1380	AMD	03-22-029	16-238-090	REP-P	03-07-082	16-239-0807	NEW-P	03-07-082
16-228-1400	AMD-P	03-17-095	16-238-090	REP	03-12-040	16-239-0807	NEW	03-12-040
16-228-1400	AMD	03-22-029	16-238-100	REP-P	03-07-082	16-239-0808	NEW-P	03-07-082
16-228-1410	AMD-P	03-17-095	16-238-100	REP	03-12-040	16-239-0808	NEW	03-12-040
16-228-1410	AMD	03-22-029	16-238-110	REP-P	03-07-082	16-239-0809	NEW-P	03-07-082
16-228-1420	AMD-P	03-17-095	16-238-110	REP	03-12-040	16-239-0809	NEW	03-12-040
16-228-1420	AMD	03-22-029	16-239-010	NEW-P	03-07-082	16-239-0810	NEW-P	03-07-082
16-228-1430	AMD-P	03-17-095	16-239-010	NEW	03-12-040	16-239-0810	NEW	03-12-040
16-228-1430	AMD	03-22-029	16-239-020	NEW-P	03-07-082	16-239-0811	NEW-P	03-07-082
16-228-1440	AMD-P	03-17-095	16-239-020	NEW	03-12-040	16-239-0811	NEW	03-12-040
16-228-1440	AMD	03-22-029	16-239-030	NEW-P	03-07-082	16-239-0812	NEW-P	03-07-082
16-228-1450	AMD-P	03-17-095	16-239-030	NEW	03-12-040	16-239-0812	NEW	03-12-040
16-228-1450	AMD	03-22-029	16-239-040	NEW-P	03-07-082	16-239-0813	NEW-P	03-07-082
16-228-1455	AMD-P	03-17-095	16-239-040	NEW	03-12-040	16-239-0813	NEW	03-12-040
16-228-1455	AMD	03-22-029	16-239-050	NEW-P	03-07-082	16-239-090	NEW-P	03-07-082
16-228-1460	AMD-P	03-17-095	16-239-050	NEW	03-12-040	16-239-090	NEW	03-12-040
16-228-1460	AMD	03-22-029	16-239-060	NEW-P	03-07-082	16-239-0901	NEW-P	03-07-082
16-228-1500	AMD-P	03-17-095	16-239-060	NEW	03-12-040	16-239-0901	NEW	03-12-040
16-228-1500	AMD	03-22-029	16-239-061	NEW-P	03-07-082	16-239-0902	NEW-P	03-07-082
16-228-1520	AMD-P	03-17-095	16-239-061	NEW	03-12-040	16-239-0902	NEW	03-12-040
16-228-1520	AMD	03-22-029	16-239-062	NEW-P	03-07-082	16-239-0903	NEW-P	03-07-082
16-228-1530	AMD-P	03-17-095	16-239-062	NEW	03-12-040	16-239-0903	NEW	03-12-040
16-228-1530	AMD	03-22-029	16-239-063	NEW-P	03-07-082	16-239-0904	NEW-P	03-07-082
16-228-1540	AMD-P	03-17-095	16-239-063	NEW	03-12-040	16-239-0904	NEW	03-12-040
16-228-1540	AMD	03-22-029	16-239-064	NEW-P	03-07-082	16-239-0905	NEW-P	03-07-082
16-228-1545	AMD-P	03-17-095	16-239-064	NEW	03-12-040	16-239-0905	NEW	03-12-040
16-228-1545	AMD	03-22-029	16-239-065	NEW-P	03-07-082	16-239-0906	NEW-P	03-07-082
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16-228-1547	AMD	03-22-029	16-239-071	NEW-P	03-07-082	16-239-0908	NEW-P	03-07-082

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-239-0908	NEW	03-12-040	16-250-170	NEW-P	03-19-128	16-302-110	AMD-P	03-15-145
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16-239-0910	NEW	03-12-040	16-252-010	NEW-P	03-19-126	16-302-150	AMD	03-18-072
16-239-0911	NEW-P	03-07-082	16-252-015	NEW-P	03-19-126	16-302-155	PREP	03-12-085
16-239-0911	NEW	03-12-040	16-252-025	NEW-P	03-19-126	16-302-155	AMD-P	03-15-145
16-239-0912	NEW-P	03-07-082	16-252-040	NEW-P	03-19-126	16-302-155	AMD	03-18-072
16-239-0912	NEW	03-12-040	16-252-042	NEW-P	03-19-126	16-302-255	PREP	03-12-085
16-239-100	NEW-P	03-07-082	16-252-051	NEW-P	03-19-126	16-302-255	AMD-P	03-15-145
16-239-100	NEW	03-12-040	16-252-061	NEW-P	03-19-126	16-302-255	AMD	03-18-072
16-239-1010	NEW-P	03-07-082	16-252-062	NEW-P	03-19-126	16-302-385	PREP	03-12-085
16-239-1010	NEW	03-12-040	16-252-065	NEW-P	03-19-126	16-302-385	AMD-P	03-15-145
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51-40-1203	REP-P	03-18-075	51-42-1126	REP-P	03-18-078	51-50-1109	NEW-P	03-18-075
51-40-1616	REP-P	03-18-075	51-42-1301	REP-P	03-18-078	51-50-1203	NEW-P	03-18-075
51-40-1702	REP-P	03-18-075	51-42-1311	REP-P	03-18-078	51-50-1204	NEW-P	03-18-075
51-40-1909	REP-P	03-18-075	51-42-1312	REP-P	03-18-078	51-50-1208	NEW-P	03-18-075
51-40-2406	REP-P	03-18-075	51-42-1401	REP-P	03-18-078	51-50-1702	NEW-P	03-18-075
51-40-2900	REP-P	03-18-075	51-44-001	REP-P	03-18-079	51-50-1709	NEW-P	03-18-075
51-40-2929	REP-P	03-18-075	51-44-002	REP-P	03-18-079	51-50-2114	NEW-P	03-18-075
51-40-3004	REP-P	03-18-075	51-44-003	REP-P	03-18-079	51-50-2900	NEW-P	03-18-075
51-40-3102	REP-P	03-18-075	51-44-007	REP-P	03-18-079	51-50-3001	NEW-P	03-18-075
51-40-31200	REP-P	03-18-075	51-44-008	REP-P	03-18-079	51-50-3002	NEW-P	03-18-075
51-40-3404	REP-P	03-18-075	51-44-0103	REP-P	03-18-079	51-50-3003	NEW-P	03-18-075
51-40-93115	REP-P	03-18-075	51-44-0105	REP-P	03-18-079	51-50-3004	NEW-P	03-18-075
51-40-93116	REP-P	03-18-075	51-44-0200	REP-P	03-18-079	51-50-3005	NEW-P	03-18-075
51-40-93117	REP-P	03-18-075	51-44-0900	REP-P	03-18-079	51-50-3006	NEW-P	03-18-075
51-40-93118	REP-P	03-18-075	51-44-1003	REP-P	03-18-079	51-50-31200	NEW-P	03-18-075
51-40-93119	REP-P	03-18-075	51-44-1007	REP-P	03-18-079	51-50-3408	NEW-P	03-18-075
51-40-93120	REP-P	03-18-075	51-44-10210	REP-P	03-18-079	51-50-3409	NEW-P	03-18-075
51-42-001	REP-P	03-18-078	51-44-1102	REP-P	03-18-079	51-51-001	NEW-P	03-18-077
51-42-002	REP-P	03-18-078	51-44-1109	REP-P	03-18-079	51-51-002	NEW-P	03-18-077
51-42-003	REP-P	03-18-078	51-44-2500	REP-P	03-18-079	51-51-003	NEW-P	03-18-077
51-42-004	REP-P	03-18-078	51-44-5200	REP-P	03-18-079	51-51-007	NEW-P	03-18-077
51-42-005	REP-P	03-18-078	51-44-6100	REP-P	03-18-079	51-51-008	NEW-P	03-18-077
51-42-007	REP-P	03-18-078	51-44-6300	REP-P	03-18-079	51-51-0101	NEW-P	03-18-077
51-42-008	REP-P	03-18-078	51-44-7404	REP-P	03-18-079	51-51-0102	NEW-P	03-18-077
51-42-0200	REP-P	03-18-078	51-44-7802	REP-P	03-18-079	51-51-0202	NEW-P	03-18-077
51-42-0223	REP-P	03-18-078	51-44-7900	REP-P	03-18-079	51-51-0303	NEW-P	03-18-077
51-42-0303	REP-P	03-18-078	51-44-8000	REP-P	03-18-079	51-51-0311	NEW-P	03-18-077
51-42-0405	REP-P	03-18-078	51-45-001	REP-P	03-18-079	51-51-0313	NEW-P	03-18-077
51-42-0504	REP-P	03-18-078	51-45-002	REP-P	03-18-079	51-51-0324	NEW-P	03-18-077
51-42-0600	REP-P	03-18-078	51-45-003	REP-P	03-18-079	51-51-0325	NEW-P	03-18-077
51-42-0601	REP-P	03-18-078	51-45-007	REP-P	03-18-079	51-51-1004	NEW-P	03-18-077
51-42-0605	REP-P	03-18-078	51-45-008	REP-P	03-18-079	51-51-2000	NEW-P	03-18-077
51-42-0901	REP-P	03-18-078	51-45-80400	REP-P	03-18-079	51-51-2401	NEW-P	03-18-077
51-42-1000	REP-P	03-18-078	51-50-001	NEW-P	03-18-075	51-51-2415	NEW-P	03-18-077
51-42-1002	REP-P	03-18-078	51-50-002	NEW-P	03-18-075	51-51-2439	NEW-P	03-18-077
51-42-1004	REP-P	03-18-078	51-50-003	NEW-P	03-18-075	51-51-2802	NEW-P	03-18-077
51-42-1005	REP-P	03-18-078	51-50-004	NEW-P	03-18-075	51-51-4300	NEW-P	03-18-077
51-42-1100	REP-P	03-18-078	51-50-005	NEW-P	03-18-075	51-52-001	NEW-P	03-18-078
51-42-1101	REP-P	03-18-078	51-50-007	NEW-P	03-18-075	51-52-002	NEW-P	03-18-078
51-42-1102	REP-P	03-18-078	51-50-008	NEW-P	03-18-075	51-52-003	NEW-P	03-18-078
51-42-1103	REP-P	03-18-078	51-50-009	NEW-P	03-18-075	51-52-004	NEW-P	03-18-078
51-42-1104	REP-P	03-18-078	51-50-0200	NEW-P	03-18-075	51-52-005	NEW-P	03-18-078
51-42-1105	REP-P	03-18-078	51-50-0302	NEW-P	03-18-075	51-52-007	NEW-P	03-18-078
51-42-1106	REP-P	03-18-078	51-50-0305	NEW-P	03-18-075	51-52-008	NEW-P	03-18-078
51-42-1107	REP-P	03-18-078	51-50-0308	NEW-P	03-18-075	51-52-0101	NEW-P	03-18-078
51-42-1108	REP-P	03-18-078	51-50-0310	NEW-P	03-18-075	51-52-0202	NEW-P	03-18-078
51-42-1109	REP-P	03-18-078	51-50-0313	NEW-P	03-18-075	51-52-0504	NEW-P	03-18-078
51-42-1110	REP-P	03-18-078	51-50-0419	NEW-P	03-18-075	51-52-0601	NEW-P	03-18-078
51-42-1111	REP-P	03-18-078	51-50-0707	NEW-P	03-18-075	51-52-1000	NEW-P	03-18-078
51-42-1112	REP-P	03-18-078	51-50-0902	NEW-P	03-18-075	51-52-21000	NEW-P	03-18-078
51-42-1113	REP-P	03-18-078	51-50-0903	NEW-P	03-18-075	51-52-21404	NEW-P	03-18-078
51-42-1114	REP-P	03-18-078	51-50-0909	NEW-P	03-18-075	51-52-22000	NEW-P	03-18-078
51-42-1115	REP-P	03-18-078	51-50-1008	NEW-P	03-18-075	51-52-22006	NEW-P	03-18-078
51-42-1116	REP-P	03-18-078	51-50-1009	NEW-P	03-18-075	51-54-001	NEW-P	03-18-079
51-42-1117	REP-P	03-18-078	51-50-1010	NEW-P	03-18-075	51-54-002	NEW-P	03-18-079
51-42-1118	REP-P	03-18-078	51-50-1024	NEW-P	03-18-075	51-54-003	NEW-P	03-18-079
51-42-1119	REP-P	03-18-078	51-50-1101	NEW-P	03-18-075	51-54-007	NEW-P	03-18-079
51-42-1120	REP-P	03-18-078	51-50-1103	NEW-P	03-18-075	51-54-008	NEW-P	03-18-079
51-42-1121	REP-P	03-18-078	51-50-1104	NEW-P	03-18-075	51-54-0100	NEW-P	03-18-079
51-42-1122	REP-P	03-18-078	51-50-1105	NEW-P	03-18-075	51-54-0200	NEW-P	03-18-079
51-42-1123	REP-P	03-18-078	51-50-1106	NEW-P	03-18-075	51-54-0300	NEW-P	03-18-079

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51- 54-0900	NEW-P	03-18-079	118- 66-030	NEW-P	03-04-108	132F- 01-010	AMD-P	03-06-067
51- 54-1000	NEW-P	03-18-079	118- 66-030	NEW	03-10-014	132F- 01-010	AMD	03-16-015
51- 54-3000	NEW-P	03-18-079	118- 66-040	NEW-P	03-04-108	132F- 01-020	REP-P	03-06-067
51- 54-3300	NEW-P	03-18-079	118- 66-040	NEW	03-10-014	132F- 01-020	REP	03-16-015
51- 54-3400	NEW-P	03-18-079	118- 66-042	NEW-P	03-04-108	132F-104	AMD-C	03-10-078
51- 56-003	AMD-P	03-18-080	118- 66-042	NEW	03-10-014	132F-104-010	AMD-P	03-06-067
51- 56-007	AMD-P	03-18-080	118- 66-045	NEW-P	03-04-108	132F-104-010	AMD	03-16-015
51- 56-008	AMD-P	03-18-080	118- 66-045	NEW	03-10-014	132F-104-020	AMD-P	03-06-067
51- 56-0100	AMD-P	03-18-080	118- 66-050	NEW-P	03-04-108	132F-104-020	AMD	03-16-015
51- 56-0200	AMD-P	03-18-080	118- 66-050	NEW	03-10-014	132F-104-030	REP-P	03-06-067
51- 56-0300	AMD-P	03-18-080	118- 66-080	NEW-P	03-04-108	132F-104-030	REP	03-16-015
51- 56-0400	AMD-P	03-18-080	118- 66-080	NEW	03-10-014	132F-104-801	REP-P	03-06-067
51- 56-0500	AMD-P	03-18-080	118- 66-081	NEW-P	03-04-108	132F-104-801	REP	03-16-015
51- 56-0600	AMD-P	03-18-080	118- 66-081	NEW	03-10-014	132F-104-810	AMD-P	03-06-067
51- 56-1100	NEW-P	03-18-080	118- 66-085	NEW-P	03-04-108	132F-104-810	AMD	03-16-015
51- 56-1300	AMD-P	03-18-080	118- 66-085	NEW	03-10-014	132F-104-811	REP-P	03-06-067
51- 56-1400	AMD-P	03-18-080	118- 66-090	NEW-P	03-04-108	132F-104-811	REP	03-16-015
51- 56-201300	REP-P	03-18-080	118- 66-090	NEW	03-10-014	132F-104-812	REP-P	03-06-067
51- 57-003	AMD-P	03-18-080	118- 67-010	NEW-P	03-21-041	132F-104-812	REP	03-16-015
51- 57-008	AMD-P	03-18-080	118- 67-020	NEW-P	03-21-041	132F-104-813	REP-P	03-06-067
51- 57-202000	NEW-P	03-18-080	118- 67-030	NEW-P	03-21-041	132F-104-813	REP	03-16-015
82- 04-010	NEW-X	03-16-039	118- 67-040	NEW-P	03-21-041	132F-104-814	REP-P	03-06-067
82- 04-010	NEW	03-21-024	118- 67-050	NEW-P	03-21-041	132F-104-814	REP	03-16-015
82- 04-020	NEW-X	03-16-039	118- 67-060	NEW-P	03-21-041	132F-104-815	REP-P	03-06-067
82- 04-020	NEW	03-21-024	118- 67-070	NEW-P	03-21-041	132F-104-815	REP	03-16-015
82- 04-030	NEW-X	03-16-039	118- 67-080	NEW-P	03-21-041	132F-104-816	REP-P	03-06-067
82- 04-030	NEW	03-21-024	118- 67-090	NEW-P	03-21-041	132F-104-816	REP	03-16-015
82- 04-040	NEW-X	03-16-039	118- 67-100	NEW-P	03-21-041	132F-104-817	REP-P	03-06-067
82- 04-040	NEW	03-21-024	118- 67-110	NEW-P	03-21-041	132F-104-817	REP	03-16-015
82- 04-050	NEW-X	03-16-039	118- 67-120	NEW-P	03-21-041	132F-104-818	REP-P	03-06-067
82- 04-050	NEW	03-21-024	118- 67-130	NEW-P	03-21-041	132F-104-818	REP	03-16-015
82- 04-060	NEW-X	03-16-039	131	PREP	03-09-043	132F-104-819	REP-P	03-06-067
82- 04-060	NEW	03-21-024	131	PREP	03-14-123	132F-104-819	REP	03-16-015
82- 04-070	NEW-X	03-16-039	131	PREP	03-14-124	132F-108	AMD-P	03-06-067
82- 04-070	NEW	03-21-024	131- 12-080	NEW-P	03-18-002	132F-108	AMD-C	03-10-078
82- 50-021	AMD-X	03-07-083	131- 12-080	NEW	03-22-026	132F-108	AMD	03-16-015
82- 50-021	AMD	03-11-073	131- 28-026	AMD-E	03-15-020	132F-108-020	AMD-P	03-06-067
98- 70-010	PREP	03-04-077	131- 28-026	AMD-P	03-15-021	132F-108-020	AMD	03-16-015
98- 70-010	AMD-P	03-08-009	131- 28-026	AMD	03-19-050	132F-108-050	AMD-P	03-06-067
98- 70-010	AMD	03-11-020	132A	PREP	03-04-091	132F-108-050	AMD	03-16-015
118- 65-010	REP-P	03-04-108	132A-116-011	AMD-P	03-08-056	132F-108-070	AMD-P	03-06-067
118- 65-010	REP	03-10-014	132A-116-011	AMD	03-13-133	132F-108-070	AMD	03-16-015
118- 65-020	REP-P	03-04-108	132A-150-010	AMD-P	03-08-056	132F-108-080	AMD-P	03-06-067
118- 65-020	REP	03-10-014	132A-150-010	AMD	03-13-133	132F-108-080	AMD	03-16-015
118- 65-030	REP-P	03-04-108	132A-320-010	AMD-P	03-08-056	132F-108-100	AMD-P	03-06-067
118- 65-030	REP	03-10-014	132A-320-010	AMD	03-13-133	132F-108-100	AMD	03-16-015
118- 65-040	REP-P	03-04-108	132B-120	PREP	03-15-140	132F-108-100	AMD-P	03-06-067
118- 65-040	REP	03-10-014	132B-120-010	AMD-P	03-19-063	132F-108-120	AMD	03-16-015
118- 65-050	REP-P	03-04-108	132B-120-030	AMD-P	03-19-063	132F-108-120	AMD	03-16-015
118- 65-050	REP	03-10-014	132B-120-040	AMD-P	03-19-063	132F-108-130	AMD-P	03-06-067
118- 65-060	REP-P	03-04-108	132B-120-065	AMD-P	03-19-063	132F-108-130	AMD	03-16-015
118- 65-060	REP	03-10-014	132B-120-080	AMD-P	03-19-063	132F-108-140	AMD-P	03-06-067
118- 65-070	REP-P	03-04-108	132B-120-085	AMD-P	03-19-063	132F-108-140	AMD	03-16-015
118- 65-070	REP	03-10-014	132B-120-120	AMD-P	03-19-063	132F-120	AMD-C	03-10-078
118- 65-081	REP-P	03-04-108	132B-120-130	AMD-P	03-19-063	132F-120-020	REP-P	03-06-067
118- 65-081	REP	03-10-014	132B-120-135	AMD-P	03-19-063	132F-120-020	REP	03-16-015
118- 65-090	REP-P	03-04-108	132B-120-170	AMD-P	03-19-063	132F-120-030	REP-P	03-06-067
118- 65-090	REP	03-10-014	132B-120-180	AMD-P	03-19-063	132F-120-030	REP	03-16-015
118- 66-010	NEW-P	03-04-108	132B-120-190	AMD-P	03-19-063	132F-120-040	REP-P	03-06-067
118- 66-010	NEW	03-10-014	132B-120-200	AMD-P	03-19-063	132F-120-040	REP	03-16-015
118- 66-020	NEW-P	03-04-108	132B-120-220	AMD-P	03-19-063	132F-120-041	REP-P	03-06-067
						132F-120-041	REP	03-16-015

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132F-120-042	REP	03-16-015	132F-121-120	NEW	03-16-015	132H-120-050	AMD	03-14-015
132F-120-043	REP-P	03-06-067	132F-121-130	NEW-P	03-06-067	132H-120-200	AMD-P	03-08-021
132F-120-043	REP	03-16-015	132F-121-130	NEW	03-16-015	132H-120-200	AMD	03-14-015
132F-120-050	REP-P	03-06-067	132F-121-140	NEW-P	03-06-067	132H-120-220	AMD-P	03-08-021
132F-120-050	REP	03-16-015	132F-121-140	NEW	03-16-015	132H-120-220	AMD	03-14-015
132F-120-060	REP-P	03-06-067	132F-121-150	NEW-P	03-06-067	132H-120-300	AMD-P	03-08-021
132F-120-060	REP	03-16-015	132F-121-150	NEW	03-16-015	132H-120-300	AMD	03-14-015
132F-120-061	REP-P	03-06-067	132F-121-160	NEW-P	03-06-067	132H-120-310	AMD-P	03-08-021
132F-120-061	REP	03-16-015	132F-121-160	NEW	03-16-015	132H-120-310	AMD	03-14-015
132F-120-070	REP-P	03-06-067	132F-121-170	NEW-P	03-06-067	132H-132-010	REP-P	03-08-019
132F-120-070	REP	03-16-015	132F-121-170	NEW	03-16-015	132H-132-010	REP	03-14-014
132F-120-080	REP-P	03-06-067	132F-121-180	NEW-P	03-06-067	132H-132-020	REP-P	03-08-019
132F-120-080	REP	03-16-015	132F-121-180	NEW	03-16-015	132H-132-020	REP	03-14-014
132F-120-090	REP-P	03-06-067	132F-121-190	NEW-P	03-06-067	132H-152-135	PREP	03-04-073
132F-120-090	REP	03-16-015	132F-121-190	NEW	03-16-015	132H-152-135	REP-P	03-08-020
132F-120-100	REP-P	03-06-067	132F-121-200	NEW-P	03-06-067	132H-152-135	REP	03-14-013
132F-120-100	REP	03-16-015	132F-121-200	NEW	03-16-015	132H-155-010	NEW-P	03-08-020
132F-120-110	REP-P	03-06-067	132F-121-210	NEW-P	03-06-067	132H-155-010	NEW	03-14-013
132F-120-110	REP	03-16-015	132F-121-210	NEW	03-16-015	132H-155-020	NEW-P	03-08-020
132F-120-120	REP-P	03-06-067	132F-121-220	NEW-P	03-06-067	132H-155-020	NEW	03-14-013
132F-120-120	REP	03-16-015	132F-121-220	NEW	03-16-015	132H-155-030	NEW-P	03-08-020
132F-120-130	REP-P	03-06-067	132F-121-230	NEW-P	03-06-067	132H-155-030	NEW	03-14-013
132F-120-130	REP	03-16-015	132F-121-230	NEW	03-16-015	132H-155-040	NEW-P	03-08-020
132F-120-140	REP-P	03-06-067	132F-121-240	NEW-P	03-06-067	132H-155-040	NEW	03-14-013
132F-120-140	REP	03-16-015	132F-121-240	NEW	03-16-015	132H-155-040	NEW	03-14-138
132F-120-150	REP-P	03-06-067	132F-121-250	NEW-P	03-06-067	132H-155-050	NEW-P	03-08-020
132F-120-150	REP	03-16-015	132F-121-250	NEW	03-16-015	132H-155-050	NEW	03-14-013
132F-120-160	REP-P	03-06-067	132F-121-260	NEW-P	03-06-067	132H-155-060	NEW-P	03-08-020
132F-120-160	REP	03-16-015	132F-121-260	NEW	03-16-015	132H-155-060	NEW	03-14-013
132F-120-170	REP-P	03-06-067	132H-116	PREP	03-04-074	132H-155-070	NEW-P	03-08-020
132F-120-170	REP	03-16-015	132H-116-300	AMD-P	03-19-089	132H-155-070	NEW	03-14-013
132F-120-180	REP-P	03-06-067	132H-116-310	AMD-P	03-19-089	132Q-01-006	AMD-X	03-21-084
132F-120-180	REP	03-16-015	132H-116-315	AMD-P	03-19-089	132Q-01-010	AMD-X	03-21-084
132F-120-190	REP-P	03-06-067	132H-116-320	AMD-P	03-19-089	132Q-01-020	AMD-X	03-21-084
132F-120-190	REP	03-16-015	132H-116-330	AMD-P	03-19-089	132Q-01-040	AMD-X	03-21-084
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132F-120-210	REP-P	03-06-067	132H-116-352	AMD-P	03-19-089	132Q-02-010	NEW-P	03-13-081
132F-120-210	REP	03-16-015	132H-116-354	AMD-P	03-19-089	132Q-02-010	NEW	03-18-021
132F-121-010	NEW-P	03-06-067	132H-116-356	AMD-P	03-19-089	132Q-02-020	NEW-P	03-13-081
132F-121-010	NEW	03-16-015	132H-116-360	AMD-P	03-19-089	132Q-02-020	NEW	03-18-021
132F-121-020	NEW-P	03-06-067	132H-116-405	AMD-P	03-19-089	132Q-02-030	NEW-P	03-13-081
132F-121-020	NEW	03-16-015	132H-116-410	AMD-P	03-19-089	132Q-02-030	NEW	03-18-021
132F-121-030	NEW-P	03-06-067	132H-116-415	AMD-P	03-19-089	132Q-02-040	NEW-P	03-13-081
132F-121-030	NEW	03-16-015	132H-116-430	AMD-P	03-19-089	132Q-02-040	NEW	03-18-021
132F-121-040	NEW-P	03-06-067	132H-116-431	AMD-P	03-19-089	132Q-02-050	NEW-P	03-13-081
132F-121-040	NEW	03-16-015	132H-116-470	AMD-P	03-19-089	132Q-02-050	NEW	03-18-021
132F-121-050	NEW-P	03-06-067	132H-116-590	AMD-P	03-19-089	132Q-02-060	NEW-P	03-13-081
132F-121-050	NEW	03-16-015	132H-116-615	AMD-P	03-19-089	132Q-02-060	NEW	03-18-021
132F-121-060	NEW-P	03-06-067	132H-116-620	AMD-P	03-19-089	132Q-02-070	NEW-P	03-13-081
132F-121-060	NEW	03-16-015	132H-116-630	AMD-P	03-19-089	132Q-02-070	NEW	03-18-021
132F-121-070	NEW-P	03-06-067	132H-116-655	AMD-P	03-19-089	132Q-02-080	NEW-P	03-13-081
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132F-121-080	NEW	03-16-015	132H-120	PREP	03-04-075	132Q-02-090	NEW	03-18-021
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132F-121-090	NEW	03-16-015	132H-120-020	AMD	03-14-015	132Q-02-100	NEW	03-18-021
132F-121-100	NEW-P	03-06-067	132H-120-030	AMD-P	03-08-021	132Q-02-110	NEW-P	03-13-081
132F-121-100	NEW	03-16-015	132H-120-030	AMD	03-14-015	132Q-02-110	NEW	03-18-021
132F-121-110	NEW-P	03-06-067	132H-120-040	AMD-P	03-08-021	132Q-02-120	NEW-P	03-13-081
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132Q-02-140	NEW-P	03-13-081	132Q-02-450	NEW-P	03-13-081	132Q-04-260	REP-P	03-13-082
132Q-02-140	NEW	03-18-021	132Q-02-450	NEW	03-18-021	132Q-04-260	REP	03-18-021
132Q-02-150	NEW-P	03-13-081	132Q-03	PREP	03-09-094	132Q-04-270	REP-P	03-13-082
132Q-02-150	NEW	03-18-021	132Q-03-005	REP-P	03-13-082	132Q-04-270	REP	03-18-021
132Q-02-160	NEW-P	03-13-081	132Q-03-005	REP	03-18-021	132Q-04-280	REP-P	03-13-082
132Q-02-160	NEW	03-18-021	132Q-03-010	REP-P	03-13-082	132Q-04-280	REP	03-18-021
132Q-02-170	NEW-P	03-13-081	132Q-03-010	REP	03-18-021	132Q-05	PREP	03-09-094
132Q-02-170	NEW	03-18-021	132Q-03-020	REP-P	03-13-082	132Q-05-010	REP-P	03-13-082
132Q-02-180	NEW-P	03-13-081	132Q-03-020	REP	03-18-021	132Q-05-010	REP	03-18-021
132Q-02-180	NEW	03-18-021	132Q-03-030	REP-P	03-13-082	132Q-05-020	REP-P	03-13-082
132Q-02-190	NEW-P	03-13-081	132Q-03-030	REP	03-18-021	132Q-05-020	REP	03-18-021
132Q-02-190	NEW	03-18-021	132Q-04	PREP	03-09-094	132Q-05-030	REP-P	03-13-082
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132Q-02-200	NEW	03-18-021	132Q-04-010	REP	03-18-021	132Q-05-033	REP-P	03-13-082
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132Q-02-210	NEW	03-18-021	132Q-04-020	REP	03-18-021	132Q-05-036	REP-P	03-13-082
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132Q-02-220	NEW	03-18-021	132Q-04-030	REP	03-18-021	132Q-05-040	REP-P	03-13-082
132Q-02-230	NEW-P	03-13-081	132Q-04-031	REP-P	03-13-082	132Q-05-040	REP	03-18-021
132Q-02-230	NEW	03-18-021	132Q-04-031	REP	03-18-021	132Q-05-050	REP-P	03-13-082
132Q-02-240	NEW-P	03-13-081	132Q-04-076	REP-P	03-13-082	132Q-05-050	REP	03-18-021
132Q-02-240	NEW	03-18-021	132Q-04-076	REP	03-18-021	132Q-05-060	REP-P	03-13-082
132Q-02-250	NEW-P	03-13-081	132Q-04-077	REP-P	03-13-082	132Q-05-060	REP	03-18-021
132Q-02-250	NEW	03-18-021	132Q-04-077	REP	03-18-021	132Q-05-070	REP-P	03-13-082
132Q-02-260	NEW-P	03-13-081	132Q-04-078	REP-P	03-13-082	132Q-05-070	REP	03-18-021
132Q-02-260	NEW	03-18-021	132Q-04-078	REP	03-18-021	132Q-05-080	REP-P	03-13-082
132Q-02-270	NEW-P	03-13-081	132Q-04-097	REP-P	03-13-082	132Q-05-080	REP	03-18-021
132Q-02-270	NEW	03-18-021	132Q-04-097	REP	03-18-021	132Q-05-090	REP-P	03-13-082
132Q-02-280	NEW-P	03-13-081	132Q-04-100	REP-P	03-13-082	132Q-05-090	REP	03-18-021
132Q-02-280	NEW	03-18-021	132Q-04-100	REP	03-18-021	132Q-05-100	REP-P	03-13-082
132Q-02-290	NEW-P	03-13-081	132Q-04-105	REP-P	03-13-082	132Q-05-100	REP	03-18-021
132Q-02-290	NEW	03-18-021	132Q-04-105	REP	03-18-021	132Q-05-110	REP-P	03-13-082
132Q-02-300	NEW-P	03-13-081	132Q-04-110	REP-P	03-13-082	132Q-05-110	REP	03-18-021
132Q-02-300	NEW	03-18-021	132Q-04-110	REP	03-18-021	132Q-05-120	REP-P	03-13-082
132Q-02-310	NEW-P	03-13-081	132Q-04-120	REP-P	03-13-082	132Q-05-120	REP	03-18-021
132Q-02-310	NEW	03-18-021	132Q-04-120	REP	03-18-021	132Q-06	PREP	03-09-094
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132Q-02-330	NEW-P	03-13-081	132Q-04-140	REP-P	03-13-082	132Q-06-015	REP-P	03-13-082
132Q-02-330	NEW	03-18-021	132Q-04-140	REP	03-18-021	132Q-06-015	REP	03-18-021
132Q-02-340	NEW-P	03-13-081	132Q-04-150	REP-P	03-13-082	132Q-06-016	REP-P	03-13-082
132Q-02-340	NEW	03-18-021	132Q-04-150	REP	03-18-021	132Q-06-016	REP	03-18-021
132Q-02-350	NEW-P	03-13-081	132Q-04-160	REP-P	03-13-082	132Q-06-020	REP-P	03-13-082
132Q-02-350	NEW	03-18-021	132Q-04-160	REP	03-18-021	132Q-06-020	REP	03-18-021
132Q-02-360	NEW-P	03-13-081	132Q-04-170	REP-P	03-13-082	132Q-06-025	REP-P	03-13-082
132Q-02-360	NEW	03-18-021	132Q-04-170	REP	03-18-021	132Q-06-025	REP	03-18-021
132Q-02-370	NEW-P	03-13-081	132Q-04-180	REP-P	03-13-082	132Q-06-030	REP-P	03-13-082
132Q-02-370	NEW	03-18-021	132Q-04-180	REP	03-18-021	132Q-06-030	REP	03-18-021
132Q-02-380	NEW-P	03-13-081	132Q-04-190	REP-P	03-13-082	132Q-06-035	REP-P	03-13-082
132Q-02-380	NEW	03-18-021	132Q-04-190	REP	03-18-021	132Q-06-035	REP	03-18-021
132Q-02-390	NEW-P	03-13-081	132Q-04-200	REP-P	03-13-082	132Q-06-040	REP-P	03-13-082
132Q-02-390	NEW	03-18-021	132Q-04-200	REP	03-18-021	132Q-06-040	REP	03-18-021
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132Q-02-400	NEW	03-18-021	132Q-04-210	REP	03-18-021	132Q-07-010	NEW-P	03-13-082
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132Q-02-410	NEW	03-18-021	132Q-04-220	REP	03-18-021	132Q-07-020	NEW-P	03-13-082
132Q-02-420	NEW-P	03-13-081	132Q-04-230	REP-P	03-13-082	132Q-07-020	NEW	03-18-021
132Q-02-420	NEW	03-18-021	132Q-04-230	REP	03-18-021	132Q-07-030	NEW-P	03-13-082
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132Q- 07-050	NEW	03-18-021	132Q- 94-030	AMD	03-18-021	132R- 04-063	NEW-P	03-11-006
132Q- 07-060	NEW-P	03-13-082	132Q- 94-130	AMD-P	03-13-082	132R- 04-063	NEW	03-15-063
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132Q- 20-005	NEW-P	03-13-082	132Q- 94-150	AMD	03-18-021	132R- 04-067	NEW-P	03-11-006
132Q- 20-005	NEW	03-18-021	132Q- 94-160	NEW-P	03-13-082	132R- 04-067	NEW	03-15-063
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132Q- 20-040	AMD-P	03-13-082	132Q-108-020	AMD-P	03-13-082	132R- 04-090	REP-P	03-11-006
132Q- 20-040	AMD	03-18-021	132Q-108-020	AMD	03-18-021	132R- 04-090	REP	03-15-063
132Q- 20-050	AMD-P	03-13-082	132Q-108-040	AMD-P	03-13-082	132R- 04-100	AMD-P	03-11-006
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132Q- 20-060	AMD-P	03-13-082	132Q-108-050	AMD-P	03-13-082	132R- 04-110	REP-P	03-11-006
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132Q- 20-180	AMD	03-18-021	132R- 04-015	NEW	03-15-063	132R- 04-170	AMD	03-15-063
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132Q- 20-220	AMD	03-18-021	132R- 04-030	REP	03-15-063	132R-116-070	AMD	03-15-063
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132Q- 20-230	AMD	03-18-021	132R- 04-035	REP	03-15-063	132R-116-090	AMD	03-15-063
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132Q- 20-240	AMD	03-18-021	132R- 04-040	AMD	03-15-063	132R-117	AMD	03-15-063
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132Q- 20-260	AMD	03-18-021	132R- 04-047	NEW	03-15-063	132R-117-020	NEW	03-15-063
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132R-136-010	AMD	03-15-063	132R-190-100	AMD	03-15-063	137- 68-010	AMD	03-21-088
132R-136-030	AMD-P	03-11-006	132R-190-110	AMD-P	03-11-006	137- 68-020	AMD-X	03-16-073
132R-136-030	AMD	03-15-063	132R-190-110	AMD	03-15-063	137- 68-020	AMD	03-21-088
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173-350-600	NEW	03-04-103	180-46	PREP	03-10-074	180-79A-127	AMD	03-15-121
173-350-700	NEW	03-03-043	180-46-005	REP-P	03-18-061	180-79A-140	PREP	03-09-019
173-350-710	NEW	03-03-043	180-46-010	REP-P	03-18-061	180-79A-140	AMD-E	03-12-038
173-350-715	NEW	03-03-043	180-46-015	REP-P	03-18-061	180-79A-150	PREP	03-04-109
173-350-900	NEW	03-03-043	180-46-020	REP-P	03-18-061	180-79A-155	AMD	03-04-022
173-350-990	NEW	03-03-043	180-46-025	REP-P	03-18-061	180-79A-223	PREP	03-12-036
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180- 79A-231	AMD-E	03-12-038	182- 08-020	REP	03-17-031	192-330-110	NEW	03-22-032
180- 79A-231	AMD	03-14-115	182- 08-095	AMD-P	03-13-138	192-330-150	NEW-P	03-16-111
180- 79A-308	PREP	03-09-021	182- 08-095	AMD	03-17-031	192-330-150	NEW	03-22-032
180- 79A-308	AMD-P	03-14-112	182- 08-120	AMD-P	03-13-138	192-330-155	NEW-P	03-16-111
180- 79A-308	AMD	03-19-019	182- 08-120	AMD	03-17-031	192-330-155	NEW	03-22-032
180- 81	PREP	03-10-076	182- 08-125	AMD-P	03-13-138	196- 09	AMD-P	03-16-112
180- 82	PREP	03-10-076	182- 08-125	AMD	03-17-031	196- 09-010	AMD-P	03-16-112
180- 82-105	AMD-E	03-14-121	182- 08-175	AMD-P	03-13-138	196- 09-050	NEW-P	03-16-112
180- 82-105	AMD-P	03-16-013	182- 08-175	AMD	03-17-031	196- 09-055	NEW-P	03-16-112
180- 82-105	PREP	03-18-050	182- 08-180	AMD-P	03-13-138	196- 09-060	NEW-P	03-16-112
180- 82-105	AMD-E	03-18-066	182- 08-180	AMD	03-17-031	196- 09-100	NEW-P	03-16-112
180- 82-105	AMD-C	03-18-067	182- 08-190	AMD-P	03-13-138	196- 09-110	NEW-P	03-16-112
180- 82-110	AMD	03-04-023	182- 08-190	AMD	03-17-031	196- 09-120	NEW-P	03-16-112
180- 82-115	PREP	03-09-084	182- 08-196	NEW-P	03-13-138	196- 12	PREP	03-09-032
180- 82-115	REP-P	03-18-062	182- 08-196	NEW	03-17-031	196- 12-005	NEW-P	03-16-113
180- 82-204	PREP	03-04-020	182- 08-210	AMD-P	03-13-138	196- 12-010	AMD-P	03-16-113
180- 82-204	AMD-E	03-04-027	182- 08-210	AMD	03-17-031	196- 12-020	AMD-P	03-16-113
180- 82-204	AMD-P	03-09-024	182- 08-220	AMD-P	03-13-138	196- 12-030	AMD-P	03-16-113
180- 82-204	AMD-E	03-09-025	182- 08-220	AMD	03-17-031	196- 12-045	AMD-P	03-16-113
180- 82-204	AMD	03-14-114	182- 12	AMD-C	03-16-033	196- 12-050	AMD-P	03-16-113
180- 82-205	PREP	03-09-022	182- 12-111	AMD-P	03-13-138	196- 12-055	NEW-P	03-16-113
180- 82A-204	PREP	03-04-020	182- 12-111	AMD	03-17-031	196- 12-065	NEW-P	03-16-113
180- 82A-204	AMD-E	03-04-028	182- 12-115	AMD-P	03-13-138	196- 16	PREP	03-09-032
180- 82A-204	AMD-P	03-09-024	182- 12-115	AMD	03-17-031	196- 16-006	NEW-P	03-16-113
180- 82A-204	AMD-E	03-09-025	182- 12-117	AMD-P	03-13-138	196- 16-007	AMD-P	03-16-113
180- 82A-204	AMD	03-14-114	182- 12-117	AMD	03-17-031	196- 16-010	AMD-P	03-16-113
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180- 82A-206	AMD-P	03-09-026	182- 12-119	AMD	03-17-031	196- 16-031	AMD-P	03-16-113
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180- 82A-215	PREP	03-04-021	182- 12-132	AMD	03-17-031	196- 21	PREP	03-09-032
180- 82A-215	AMD-P	03-09-026	182- 12-145	AMD-P	03-13-138	196- 21-005	NEW-P	03-16-113
180- 82A-215	AMD-E	03-09-027	182- 12-145	AMD	03-17-031	196- 21-010	AMD-P	03-16-113
180- 82A-215	AMD	03-14-122	182- 12-220	AMD-P	03-13-138	196- 21-020	AMD-P	03-16-113
180- 83	PREP	03-10-076	182- 12-220	AMD	03-17-031	196- 21-030	AMD-P	03-16-113
180- 85	PREP	03-10-076	182- 25-010	AMD-P	03-14-097	196- 23-070	PREP	03-13-012
180- 86	PREP	03-10-076	182- 25-010	AMD	03-18-039	196- 23-070	AMD-P	03-16-113
180- 86-100	PREP	03-09-082	182- 25-030	AMD-P	03-05-094	196- 24	PREP	03-09-032
180- 86-100	PREP	03-10-029	182- 25-030	AMD-W	03-18-086	196- 24-041	REP-P	03-16-113
180- 86-116	PREP	03-09-083	182- 25-031	REP-X	03-19-016	196- 24-080	REP-P	03-16-113
180- 86-116	PREP	03-10-028	182- 25-035	NEW-P	03-05-094	196- 24-085	REP-P	03-16-113
180- 87	PREP	03-10-076	182- 25-035	NEW-W	03-18-086	196- 24-100	REP-P	03-16-113
180- 90-105	AMD	03-04-053	182- 25-090	AMD-P	03-21-157	196- 24-105	REP-P	03-16-113
180- 90-110	REP	03-04-053	182- 50	PREP	03-14-096	196- 24-110	REP-P	03-16-113
180- 90-112	AMD	03-04-053	192- 16-033	REP	03-06-038	196- 25	PREP	03-09-032
180- 90-115	REP	03-04-053	192- 16-036	REP	03-06-038	196- 25-001	AMD-P	03-16-113
180- 90-119	REP	03-04-053	192- 16-040	REP	03-06-038	196- 25-002	AMD-P	03-16-113
180- 90-120	REP	03-04-053	192- 16-042	REP	03-06-038	196- 25-005	AMD-P	03-16-113
180- 90-123	REP	03-04-053	192- 16-045	REP	03-06-038	196- 25-010	AMD-P	03-16-113
180- 90-125	REP	03-04-053	192- 16-047	REP	03-06-038	196- 25-020	REP-P	03-16-113
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180- 90-137	REP	03-04-053	192-240-010	NEW	03-06-038	196- 25-100	REP-P	03-16-113
180- 90-141	AMD	03-04-053	192-240-015	NEW	03-06-038	196- 26A	PREP	03-09-032
180- 90-160	AMD	03-04-053	192-240-020	NEW	03-06-038	196- 27A	PREP	03-14-024
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197- 11-310	AMD-P	03-03-082	212- 12-390	NEW	03-06-063	220- 32-05100H	NEW-E	03-17-020
197- 11-310	AMD	03-16-067	212- 12-400	NEW	03-06-063	220- 32-05100H	REP-E	03-18-018
197- 11-800	AMD-P	03-03-082	212- 12-410	NEW	03-06-063	220- 32-05100I	NEW-E	03-18-018
197- 11-800	AMD	03-16-067	212- 12-420	NEW-W	03-06-071	220- 32-05100I	REP-E	03-18-018
197- 11-820	AMD-P	03-03-082	218- 10-005	NEW-P	03-19-099	220- 32-05100J	NEW-E	03-19-084
197- 11-820	AMD	03-16-067	218- 10-005	NEW	03-22-012	220- 32-05100J	REP-E	03-20-019
197- 11-835	AMD-P	03-03-082	218- 10-010	NEW-P	03-19-099	220- 32-05100K	NEW-E	03-20-019
197- 11-835	AMD	03-16-067	218- 10-010	NEW	03-22-012	220- 32-05100K	REP-E	03-20-098
197- 11-850	AMD-P	03-03-082	218- 10-015	NEW-P	03-19-099	220- 32-05100L	NEW-E	03-20-098
197- 11-850	AMD	03-16-067	218- 10-015	NEW	03-22-012	220- 32-05100L	REP-E	03-21-012
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197- 11-855	AMD	03-16-067	218- 10-020	NEW	03-22-012	220- 32-05100M	REP-E	03-21-050
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197- 11-902	AMD	03-16-067	218- 10-025	NEW	03-22-012	220- 32-05100N	REP-E	03-21-050
197- 11-904	AMD-P	03-03-082	218- 10-030	NEW-P	03-19-099	220- 32-05100Z	REP-E	03-07-044
197- 11-904	AMD	03-16-067	218- 10-030	NEW	03-22-012	220- 32-05500F	NEW-E	03-08-047
197- 11-908	AMD-P	03-03-082	220- 12-020	AMD	03-05-057	220- 32-05700S	NEW-E	03-13-017
197- 11-908	AMD	03-16-067	220- 12-020	AMD-P	03-21-174	220- 32-05700S	REP-E	03-13-017
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204- 82A-060	AMD	03-12-013	220- 16-270	AMD	03-16-097	220- 32-05700T	REP-E	03-15-043
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208-690-020	NEW-E	03-16-074	220- 16-290	NEW	03-05-061	220- 32-05700U	REP-E	03-15-094
208-690-030	NEW-E	03-16-074	220- 16-550	AMD-P	03-21-174	220- 32-05700V	NEW-E	03-21-058
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208-690-050	NEW-E	03-16-074	220- 16-810	NEW-P	03-21-174	220- 32-06000A	REP-E	03-10-003
208-690-060	NEW-E	03-16-074	220- 20-01000C	NEW-E	03-19-049	220- 33-01000A	NEW-E	03-05-036
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208-690-090	NEW-E	03-16-074	220- 20-080	AMD-X	03-19-109	220- 33-01000B	NEW-E	03-06-007
208-690-100	NEW-E	03-16-074	220- 20-08000C	NEW-E	03-16-031	220- 33-01000B	REP-E	03-06-007
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208-690-120	NEW-E	03-16-074	220- 20-08000D	NEW-E	03-17-090	220- 33-01000C	REP-E	03-08-004
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212- 12-210	NEW	03-06-063	220- 24-04000K	NEW-E	03-14-084	220- 33-01000H	NEW-E	03-18-019
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212- 12-230	NEW	03-06-063	220- 32-05100A	NEW-E	03-07-044	220- 33-01000H	REP-E	03-18-045
212- 12-240	NEW	03-06-063	220- 32-05100A	REP-E	03-07-044	220- 33-01000I	NEW-E	03-18-045
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212- 12-260	NEW	03-06-063	220- 32-05100B	REP-E	03-10-003	220- 33-01000I	REP-E	03-19-040
212- 12-270	NEW	03-06-063	220- 32-05100B	REP-E	03-12-002	220- 33-01000J	NEW-E	03-19-040
212- 12-280	NEW	03-06-063	220- 32-05100C	NEW-E	03-12-002	220- 33-01000J	REP-E	03-19-040
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212- 12-310	NEW	03-06-063	220- 32-05100D	REP-E	03-15-004	220- 33-01000K	REP-E	03-20-002
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212- 12-340	NEW	03-06-063	220- 32-05100E	REP-E	03-15-042	220- 33-01000M	NEW-E	03-20-018
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220-88B-030	AMD-P	03-13-030	222-16-010	AMD-E	03-22-042	230-40-550	AMD-P	03-05-087
220-88B-030	AMD	03-17-007	222-20-010	AMD-P	03-17-078	230-40-550	AMD	03-09-076
220-88B-050	REP-P	03-13-030	222-20-010	AMD-E	03-22-042	230-40-625	AMD-P	03-05-087

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230- 40-803	REP	03-17-044	232- 19-010	REP-P	03-06-080	232- 28-276	REP-P	03-06-106
230- 40-805	AMD-P	03-13-135	232- 19-010	REP	03-10-038	232- 28-276	REP	03-13-047
230- 40-805	AMD	03-20-009	232- 19-015	REP-P	03-06-080	232- 28-278	REP-P	03-06-113
230- 40-815	AMD-P	03-05-087	232- 19-015	REP	03-10-038	232- 28-278	REP	03-13-047
230- 40-815	AMD	03-09-076	232- 19-020	REP-P	03-06-080	232- 28-279	REP-P	03-06-114
230- 40-821	AMD-P	03-13-135	232- 19-020	REP	03-10-038	232- 28-279	REP	03-13-047
230- 40-821	AMD	03-20-009	232- 19-030	REP-P	03-06-080	232- 28-282	AMD	03-03-016
230- 40-823	AMD-P	03-20-008	232- 19-030	REP	03-10-038	232- 28-282	AMD-P	03-13-141
230- 40-825	AMD-P	03-05-087	232- 19-040	REP-P	03-06-080	232- 28-282	AMD	03-16-087
230- 40-825	AMD	03-09-076	232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-06-105
230- 40-825	AMD-P	03-13-137	232- 19-040	REP	03-10-038	232- 28-291	AMD-P	03-12-077
230- 40-825	AMD	03-17-044	232- 19-050	REP-P	03-06-080	232- 28-291	AMD	03-13-047
230- 40-833	AMD-P	03-13-137	232- 19-050	REP	03-10-038	232- 28-291	AMD	03-16-087
230- 40-860	AMD-P	03-05-087	232- 19-055	REP-P	03-06-080	232- 28-331	NEW-P	03-02-103
230- 40-860	AMD	03-09-076	232- 19-055	REP	03-10-038	232- 28-331	NEW	03-06-110
230- 40-875	AMD-P	03-05-087	232- 19-060	REP-P	03-06-080	232- 28-331	AMD-P	03-13-117
230- 40-875	AMD	03-09-076	232- 19-060	REP	03-10-038	232- 28-331	AMD	03-16-087
230- 40-895	AMD-P	03-05-087	232- 19-070	REP-P	03-06-080	232- 28-332	NEW-P	03-02-103
230- 40-895	AMD	03-09-076	232- 19-070	REP	03-10-038	232- 28-332	NEW	03-06-110
232- 12-016	AMD-P	03-21-173	232- 19-080	REP-P	03-06-080	232- 28-332	NEW	03-06-110
232- 12-019	AMD-P	03-21-174	232- 19-080	REP	03-10-038	232- 28-332	AMD-P	03-13-118
232- 12-045	NEW-P	03-06-104	232- 19-080	REP	03-10-038	232- 28-332	AMD	03-16-087
232- 12-045	NEW	03-13-047	232- 19-090	REP-P	03-06-080	232- 28-332	NEW-P	03-02-103
232- 12-051	AMD-P	03-06-104	232- 19-090	REP	03-10-038	232- 28-333	NEW-P	03-06-110
232- 12-051	AMD	03-13-047	232- 19-100	REP-P	03-06-080	232- 28-333	NEW	03-06-110
232- 12-054	AMD-P	03-06-104	232- 19-100	REP	03-10-038	232- 28-333	AMD-P	03-13-121
232- 12-054	AMD	03-13-047	232- 19-110	REP-P	03-06-080	232- 28-333	AMD	03-16-087
232- 12-055	AMD-P	03-13-141	232- 19-110	REP	03-10-038	232- 28-334	NEW-P	03-02-103
232- 12-055	NEW	03-16-087	232- 19-120	REP-P	03-06-080	232- 28-334	NEW	03-06-110
232- 12-068	AMD-P	03-06-106	232- 19-120	REP	03-10-038	232- 28-334	AMD-P	03-13-119
232- 12-068	AMD	03-13-047	232- 19-130	REP-P	03-06-080	232- 28-334	AMD	03-16-087
232- 12-068	AMD-P	03-13-088	232- 19-130	REP	03-10-038	232- 28-334	AMD	03-16-087
232- 12-068	AMD	03-16-030	232- 19-140	REP-P	03-06-080	232- 28-335	NEW-P	03-02-103
232- 12-086	AMD-P	03-18-001	232- 19-140	REP	03-10-038	232- 28-335	NEW	03-06-110
232- 12-086	AMD-P	03-21-145	232- 19-180	REP-P	03-06-080	232- 28-335	AMD-P	03-13-120
232- 12-086	AMD-W	03-21-165	232- 19-180	REP	03-10-038	232- 28-335	AMD	03-16-087
232- 12-106	AMD	03-03-016	232- 28-02201	REP-P	03-02-103	232- 28-336	NEW-P	03-02-103
232- 12-168	AMD-P	03-21-174	232- 28-02201	REP	03-06-110	232- 28-336	NEW	03-06-110
232- 12-181	AMD	03-03-016	232- 28-02202	REP-P	03-02-103	232- 28-337	NEW-P	03-06-112
232- 12-243	AMD-P	03-13-142	232- 28-02202	REP	03-06-110	232- 28-337	NEW	03-13-047
232- 12-243	AMD	03-17-037	232- 28-02202	REP	03-06-110	232- 28-341	NEW-P	03-06-106
232- 12-24300A	NEW-E	03-20-045	232- 28-02203	REP-P	03-02-103	232- 28-341	NEW	03-13-047
232- 12-287	AMD-P	03-12-078	232- 28-02203	REP	03-06-110	232- 28-341	AMD-P	03-13-116
232- 12-287	AMD	03-16-087	232- 28-02203	REP	03-06-110	232- 28-341	AMD	03-16-087
232- 12-289	NEW-P	03-02-103	232- 28-02204	REP-P	03-02-103	232- 28-341	AMD-P	03-13-116
232- 12-289	NEW	03-06-110	232- 28-02204	REP	03-06-110	232- 28-351	NEW-P	03-06-113
232- 12-31500J	NEW-E	03-08-075	232- 28-02205	REP-P	03-02-103	232- 28-351	NEW	03-13-047
232- 12-619	AMD-W	03-10-095	232- 28-02206	REP	03-06-110	232- 28-35100A	NEW-E	03-17-038
232- 12-61900S	NEW-E	03-10-039	232- 28-02206	REP	03-06-110	232- 28-35100A	REP-E	03-17-038
232- 12-61900S	REP-E	03-10-039	232- 28-02220	REP-P	03-06-112	232- 28-352	NEW-P	03-06-114
232- 12-61900S	REP-E	03-16-043	232- 28-02220	REP	03-13-047	232- 28-352	NEW	03-13-047
232- 12-61900T	NEW-E	03-16-043	232- 28-02240	REP	03-13-047	232- 28-35200A	NEW-E	03-17-039
232- 12-61900T	REP-E	03-16-043	232- 28-02240	REP	03-13-047	232- 28-35200A	REP-E	03-18-016
232- 12-828	AMD-P	03-06-079	232- 28-02280	REP-P	03-02-103	232- 28-35200B	NEW-E	03-18-016
232- 12-828	AMD	03-10-040	232- 28-02280	REP	03-06-110	232- 28-426	REP-P	03-13-115
232- 16-600	AMD-P	03-13-115	232- 28-248	AMD-P	03-06-108	232- 28-426	REP	03-16-087
232- 16-600	AMD	03-16-087	232- 28-248	AMD	03-13-047	232- 28-42600C	NEW-E	03-03-102
232- 16-660	AMD-P	03-13-115	232- 28-266	AMD-P	03-06-066	232- 28-42600C	REP-E	03-03-102
232- 16-660	AMD	03-16-087	232- 28-266	AMD	03-10-009	232- 28-427	NEW-P	03-13-115
232- 16-660	AMD	03-16-087	232- 28-271	AMD	03-03-016	232- 28-427	NEW	03-16-087
232- 28-272	AMD-P	03-06-108	232- 28-271	AMD-P	03-21-134	232- 28-515	AMD-P	03-06-107
232- 28-272	AMD	03-13-047	232- 28-272	AMD-P	03-06-108	232- 28-515	AMD	03-13-047
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232- 28-61900A	NEW-E	03-10-053	232- 28-61900N	REP-E	03-14-093	232- 28-621	AMD	03-05-057
232- 28-61900A	REP-E	03-10-053	232- 28-61900P	NEW-E	03-07-075	232- 28-621	AMD-X	03-12-095
232- 28-61900A	NEW-E	03-20-099	232- 28-61900P	REP-E	03-07-075	232- 28-621	AMD	03-16-109
232- 28-61900A	REP-E	03-20-099	232- 28-61900P	REP-E	03-13-069	232- 28-62100K	NEW-E	03-10-039
232- 28-61900B	REP-E	03-04-047	232- 28-61900P	NEW-E	03-14-073	232- 28-62100K	REP-E	03-10-039
232- 28-61900B	NEW-E	03-11-001	232- 28-61900P	REP-E	03-20-004	232- 28-62100K	REP-E	03-16-043
232- 28-61900B	REP-E	03-11-001	232- 28-61900Q	REP-E	03-05-003	232- 28-62100L	NEW-E	03-16-043
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232- 28-61900B	NEW-E	03-21-002	232- 28-61900Q	REP-E	03-07-064	232- 28-62100M	NEW-E	03-18-082
232- 28-61900B	REP-E	03-21-002	232- 28-61900Q	NEW-E	03-14-093	232- 28-62100M	REP-E	03-18-082
232- 28-61900B	REP-E	03-21-026	232- 28-61900Q	REP-E	03-15-092	236- 12-435	NEW-P	03-20-112
232- 28-61900C	NEW-E	03-03-004	232- 28-61900R	NEW-E	03-07-068	236- 12-480	NEW-E	03-08-006
232- 28-61900C	REP-E	03-03-004	232- 28-61900R	REP-E	03-07-068	236- 12-480	REP-E	03-09-030
232- 28-61900C	NEW-E	03-11-037	232- 28-61900R	NEW-E	03-15-092	242- 02-010	AMD-X	03-10-069
232- 28-61900C	REP-E	03-11-082	232- 28-61900R	REP-E	03-20-099	242- 02-010	AMD	03-15-047
232- 28-61900C	NEW-E	03-21-026	232- 28-61900S	NEW-E	03-08-054	242- 02-052	AMD-X	03-10-069
232- 28-61900D	NEW-E	03-03-098	232- 28-61900S	REP-E	03-08-054	242- 02-052	AMD	03-15-047
232- 28-61900D	REP-E	03-03-098	232- 28-61900S	NEW-E	03-16-012	242- 02-070	AMD-X	03-10-069
232- 28-61900D	NEW-E	03-11-051	232- 28-61900S	REP-E	03-21-082	242- 02-070	AMD	03-15-047
232- 28-61900D	REP-E	03-11-051	232- 28-61900T	NEW-E	03-09-001	242- 02-072	AMD-X	03-10-069
232- 28-61900E	NEW-E	03-04-047	232- 28-61900T	REP-E	03-09-001	242- 02-072	AMD	03-15-047
232- 28-61900E	REP-E	03-04-047	232- 28-61900T	REP-E	03-10-033	242- 02-076	NEW-X	03-10-069
232- 28-61900E	NEW-E	03-11-082	232- 28-61900T	NEW-E	03-16-057	242- 02-076	NEW	03-15-047
232- 28-61900E	REP-E	03-12-022	232- 28-61900T	REP-E	03-16-057	242- 02-834	AMD-X	03-10-069
232- 28-61900F	NEW-E	03-05-003	232- 28-61900U	NEW-E	03-09-016	242- 02-834	AMD	03-15-047
232- 28-61900F	REP-E	03-05-003	232- 28-61900U	REP-E	03-09-016	242- 04-050	AMD-X	03-10-069
232- 28-61900F	NEW-E	03-12-022	232- 28-61900U	NEW-E	03-18-041	242- 04-050	AMD	03-15-047
232- 28-61900F	REP-E	03-13-068	232- 28-61900V	NEW-E	03-10-001	246- 01-001	AMD-X	03-04-105
232- 28-61900G	NEW-E	03-05-038	232- 28-61900V	REP-E	03-10-001	246- 01-001	AMD	03-11-032
232- 28-61900G	REP-E	03-05-038	232- 28-61900V	REP-E	03-12-041	246- 01-040	REP-X	03-04-105
232- 28-61900G	NEW-E	03-12-041	232- 28-61900V	NEW-E	03-18-081	246- 01-040	REP	03-11-032
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232- 28-61900H	NEW-E	03-05-037	232- 28-61900W	NEW-E	03-10-015	246- 01-070	REP	03-11-032
232- 28-61900H	REP-E	03-05-037	232- 28-61900W	REP-E	03-11-037	246- 01-080	AMD-X	03-04-105
232- 28-61900H	REP-E	03-09-001	232- 28-61900W	NEW-E	03-19-023	246- 01-080	AMD	03-11-032
232- 28-61900H	NEW-E	03-13-003	232- 28-61900W	REP-E	03-19-023	246- 01-090	AMD-X	03-04-105
232- 28-61900H	REP-E	03-13-003	232- 28-61900W	REP-E	03-19-039	246- 01-090	AMD	03-11-032
232- 28-61900I	NEW-E	03-06-009	232- 28-61900X	NEW-E	03-10-032	246- 01-100	REP-X	03-04-105
232- 28-61900I	REP-E	03-06-009	232- 28-61900X	REP-E	03-10-032	246- 01-100	REP	03-11-032
232- 28-61900I	NEW-E	03-13-013	232- 28-61900X	REP-E	03-11-037	246- 08-400	AMD-P	03-10-098
232- 28-61900I	REP-E	03-13-013	232- 28-61900X	NEW-E	03-19-036	246- 08-400	AMD	03-14-036
232- 28-61900J	NEW-E	03-06-008	232- 28-61900X	REP-E	03-19-036	246- 12-040	AMD-P	03-15-105
232- 28-61900J	REP-E	03-06-008	232- 28-61900Y	NEW-E	03-10-039	246- 12-040	AMD	03-19-136
232- 28-61900J	NEW-E	03-13-001	232- 28-61900Y	REP-E	03-10-039	246-100	AMD-W	03-06-051
232- 28-61900J	REP-E	03-13-001	232- 28-61900Y	REP-E	03-10-053	246-100	PREP	03-20-043
232- 28-61900K	NEW-E	03-06-028	232- 28-61900Y	NEW-E	03-19-039	246-100-011	AMD	03-06-003
232- 28-61900K	REP-E	03-06-028	232- 28-61900Y	REP-E	03-19-039	246-100-036	AMD	03-05-048
232- 28-61900K	NEW-E	03-13-069	232- 28-61900Z	NEW-E	03-10-033	246-100-036	AMD-X	03-09-066
232- 28-61900K	REP-E	03-14-028	232- 28-61900Z	REP-E	03-10-033	246-100-036	AMD	03-17-022
232- 28-61900L	NEW-E	03-07-001	232- 28-61900Z	NEW-E	03-20-004	246-100-040	NEW	03-05-048
232- 28-61900L	REP-E	03-07-001	232- 28-61900Z	REP-E	03-20-004	246-100-045	NEW	03-05-048
232- 28-61900L	REP-E	03-11-037	232- 28-61900Z	REP-E	03-21-002	246-100-050	NEW	03-05-048
232- 28-61900L	NEW-E	03-13-068	232- 28-620	AMD-X	03-12-095	246-100-055	NEW	03-05-048
232- 28-61900L	REP-E	03-14-073	232- 28-620	AMD	03-16-109	246-100-060	NEW	03-05-048
232- 28-61900M	NEW-E	03-07-016	232- 28-62000K	NEW-E	03-10-039	246-100-065	NEW	03-05-048
232- 28-61900M	REP-E	03-07-016	232- 28-62000K	REP-E	03-10-039	246-100-070	NEW	03-05-048
232- 28-61900M	REP-E	03-11-037	232- 28-62000K	REP-E	03-15-095	246-100-166	PREP	03-09-126
232- 28-61900M	NEW-E	03-13-094	232- 28-62000L	NEW-E	03-15-095	246-101	PREP	03-20-043
232- 28-61900M	REP-E	03-13-094	232- 28-62000L	REP-E	03-18-011	246-101-505	AMD	03-06-003
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246-243-150	AMD	03-12-062	246-272B-11501	NEW-P	03-12-089	246-290-100	AMD	03-08-037
246-244-020	AMD-P	03-07-094	246-272B-11501	NEW-S	03-18-091	246-290-105	AMD-P	03-03-079
246-244-020	AMD	03-12-062	246-272B-11501	NEW	03-22-098	246-290-105	AMD	03-08-037
246-244-030	AMD-P	03-07-094	246-272B-12501	NEW-P	03-12-089	246-290-125	AMD-P	03-03-079
246-244-030	AMD	03-12-062	246-272B-12501	NEW-S	03-18-091	246-290-125	AMD	03-08-037
246-244-080	AMD-P	03-07-094	246-272B-12501	NEW	03-22-098	246-290-220	AMD-P	03-03-079
246-244-080	AMD	03-12-062	246-272B-13501	NEW-P	03-12-089	246-290-220	AMD	03-08-037
246-244-110	AMD-P	03-07-094	246-272B-13501	NEW-S	03-18-091	246-290-300	AMD-P	03-03-079
246-244-110	AMD	03-12-062	246-272B-13501	NEW	03-22-098	246-290-300	AMD	03-08-037
246-244-115	NEW-P	03-07-094	246-272B-15501	NEW-P	03-12-089	246-290-310	AMD-P	03-03-079
246-244-115	NEW	03-12-062	246-272B-15501	NEW-S	03-18-091	246-290-310	AMD	03-08-037
246-244-160	AMD-P	03-07-094	246-272B-15501	NEW	03-22-098	246-290-320	AMD-P	03-03-079
246-244-160	AMD	03-12-062	246-272B-16501	NEW-P	03-12-089	246-290-320	AMD	03-08-037
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246-244-240	AMD	03-12-062	246-272B-16501	NEW	03-22-098	246-290-416	AMD	03-08-037
246-247-075	AMD-P	03-15-104	246-272B-17501	NEW-P	03-12-089	246-290-451	AMD-P	03-03-079
246-247-110	PREP	03-10-016	246-272B-17501	NEW-S	03-18-091	246-290-451	AMD	03-08-037
246-247-110	AMD-P	03-15-104	246-272B-17501	NEW	03-22-098	246-290-480	AMD-P	03-03-079
246-247-120	PREP	03-10-016	246-272B-18501	NEW-P	03-12-089	246-290-480	AMD	03-08-037
246-247-120	AMD-P	03-15-104	246-272B-18501	NEW-S	03-18-091	246-290-480	AMD	03-08-037
246-247-130	PREP	03-10-016	246-272B-18501	NEW	03-22-098	246-290-490	AMD-P	03-03-079
246-247-130	AMD-P	03-15-104	246-272B-18501	NEW-S	03-18-091	246-290-490	AMD	03-08-037
246-254-053	AMD-P	03-08-034	246-272B-19501	NEW-P	03-12-089	246-290-495	REP-P	03-03-079
246-254-053	AMD	03-13-122	246-272B-19501	NEW-S	03-18-091	246-290-495	REP	03-08-037
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296-19A-050	PREP	03-17-070	296-20-2025	NEW-P	03-21-070	296-24-23501	REP-P	03-14-075
296-19A-050	PREP-W	03-22-068	296-20-2030	NEW-P	03-21-070	296-24-23503	REP-P	03-14-075
296-19A-060	AMD	03-11-009	296-20-210	REP-P	03-21-070	296-24-23505	REP-P	03-14-075
296-19A-065	NEW	03-11-009	296-20-303	DECOD-X	03-14-127	296-24-23507	REP-P	03-14-075
296-19A-065	PREP	03-17-070	296-20-303	DECOD	03-21-069	296-24-23509	REP-P	03-14-075
296-19A-065	PREP-W	03-22-068	296-23-220	AMD-P	03-09-107	296-24-23511	REP-P	03-14-075
296-19A-070	AMD	03-11-009	296-23-220	AMD	03-14-043	296-24-23513	REP-P	03-14-075
296-19A-080	AMD-X	03-17-072	296-23-230	AMD-P	03-09-107	296-24-23515	REP-P	03-14-075
296-19A-080	AMD	03-22-030	296-23-230	AMD	03-14-043	296-24-23517	REP-P	03-14-075
296-19A-090	AMD	03-11-009	296-23-240	AMD-X	03-14-127	296-24-23519	REP-P	03-14-075
296-19A-090	PREP	03-17-070	296-23-240	AMD	03-21-069	296-24-23521	REP-P	03-14-075
296-19A-090	PREP-W	03-22-068	296-23-246	RECOD-X	03-14-127	296-24-23523	REP-P	03-14-075
296-19A-100	AMD	03-11-009	296-23-246	RECOD	03-21-069	296-24-23525	REP-P	03-14-075
296-19A-110	AMD	03-11-009	296-23-255	REP-P	03-21-070	296-24-23527	REP-P	03-14-075
296-19A-110	PREP	03-17-070	296-23-260	REP-P	03-21-070	296-24-23529	REP-P	03-14-075

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296-24-240	REP-P	03-14-075	296-27-01117	REP-X	03-19-105	296-46A-30011	REP	03-09-111
296-24-24001	REP-P	03-14-075	296-27-01119	AMD-X	03-19-105	296-46A-324	REP-P	03-05-074
296-24-24003	REP-P	03-14-075	296-27-061	NEW-X	03-19-105	296-46A-324	REP	03-09-111
296-24-24005	REP-P	03-14-075	296-30-190	PREP	03-11-057	296-46A-348	REP-P	03-05-074
296-24-24007	REP-P	03-14-075	296-30-200	PREP	03-11-058	296-46A-348	REP	03-09-111
296-24-24009	REP-P	03-14-075	296-37	PREP	03-04-097	296-46A-365	REP-P	03-05-074
296-24-24011	REP-P	03-14-075	296-400A	PREP	03-04-098	296-46A-365	REP	03-09-111
296-24-24013	REP-P	03-14-075	296-401B	PREP	03-04-098	296-46A-370	REP-P	03-05-074
296-24-24015	REP-P	03-14-075	296-402A	PREP	03-04-098	296-46A-370	REP	03-09-111
296-24-24017	REP-P	03-14-075	296-45	PREP	03-07-072	296-46A-41004	REP-P	03-05-074
296-24-24019	REP-P	03-14-075	296-45	PREP	03-10-064	296-46A-41004	REP	03-09-111
296-24-245	REP-P	03-14-075	296-45	PREP	03-21-126	296-46A-41030	REP-P	03-05-074
296-24-24501	REP-P	03-14-075	296-45-045	AMD-P	03-10-067	296-46A-41030	REP	03-09-111
296-24-24503	REP-P	03-14-075	296-45-045	AMD	03-17-071	296-46A-422	REP-P	03-05-074
296-24-24505	REP-P	03-14-075	296-45-255	AMD-P	03-10-067	296-46A-422	REP	03-09-111
296-24-24507	REP-P	03-14-075	296-45-255	AMD	03-17-071	296-46A-450	REP-P	03-05-074
296-24-24509	REP-P	03-14-075	296-45-325	AMD-P	03-10-067	296-46A-450	REP	03-09-111
296-24-24511	REP-P	03-14-075	296-45-325	AMD	03-17-071	296-46A-500	REP-P	03-05-074
296-24-24513	REP-P	03-14-075	296-45-48535	AMD-X	03-12-072	296-46A-500	REP	03-09-111
296-24-24515	REP-P	03-14-075	296-45-48535	AMD	03-18-090	296-46A-514	REP-P	03-05-074
296-24-24517	REP-P	03-14-075	296-46A	PREP	03-04-098	296-46A-514	REP	03-09-111
296-24-24519	REP-P	03-14-075	296-46A-090	REP-P	03-05-074	296-46A-517	REP-P	03-05-074
296-24-650	REP	03-09-009	296-46A-090	REP	03-09-111	296-46A-517	REP	03-09-111
296-24-65003	REP	03-09-009	296-46A-092	REP-P	03-05-074	296-46A-550	REP-P	03-05-074
296-24-65005	REP	03-09-009	296-46A-092	REP	03-09-111	296-46A-550	REP	03-09-111
296-24-65007	REP	03-09-009	296-46A-095	REP-P	03-05-074	296-46A-553	REP-P	03-05-074
296-24-655	REP	03-09-009	296-46A-095	REP	03-09-111	296-46A-553	REP	03-09-111
296-24-65501	REP	03-09-009	296-46A-100	REP-P	03-05-074	296-46A-600	REP-P	03-05-074
296-24-657	REP	03-09-009	296-46A-100	REP	03-09-111	296-46A-600	REP	03-09-111
296-24-65701	REP	03-09-009	296-46A-102	REP-P	03-05-074	296-46A-680	REP-P	03-05-074
296-24-65703	REP	03-09-009	296-46A-102	REP	03-09-111	296-46A-680	REP	03-09-111
296-24-660	REP	03-09-009	296-46A-104	REP-P	03-05-074	296-46A-700	REP-P	03-05-074
296-24-66001	REP	03-09-009	296-46A-104	REP	03-09-111	296-46A-700	REP	03-09-111
296-24-66003	REP	03-09-009	296-46A-110	REP-P	03-05-074	296-46A-702	REP-P	03-05-074
296-24-66005	REP	03-09-009	296-46A-110	REP	03-09-111	296-46A-702	REP	03-09-111
296-24-66007	REP	03-09-009	296-46A-130	REP-P	03-05-074	296-46A-900	REP-P	03-05-074
296-24-66009	REP	03-09-009	296-46A-130	REP	03-09-111	296-46A-900	REP	03-09-111
296-24-66011	REP	03-09-009	296-46A-140	REP-P	03-05-074	296-46A-910	REP-P	03-05-074
296-24-663	REP	03-09-009	296-46A-140	REP	03-09-111	296-46A-910	REP	03-09-111
296-24-66301	REP	03-09-009	296-46A-155	REP-P	03-05-074	296-46A-915	REP-P	03-05-074
296-24-66303	REP	03-09-009	296-46A-155	REP	03-09-111	296-46A-915	REP	03-09-111
296-24-66305	REP	03-09-009	296-46A-21052	REP-P	03-05-074	296-46A-920	REP-P	03-05-074
296-24-66307	REP	03-09-009	296-46A-21052	REP	03-09-111	296-46A-920	REP	03-09-111
296-24-66309	REP	03-09-009	296-46A-215	REP-P	03-05-074	296-46A-930	REP-P	03-05-074
296-24-66311	REP	03-09-009	296-46A-215	REP	03-09-111	296-46A-930	REP	03-09-111
296-24-66313	REP	03-09-009	296-46A-220	REP-P	03-05-074	296-46A-931	REP-P	03-05-074
296-24-66315	REP	03-09-009	296-46A-220	REP	03-09-111	296-46A-931	REP	03-09-111
296-24-66317	REP	03-09-009	296-46A-22530	REP-P	03-05-074	296-46A-932	REP-P	03-05-074
296-24-66319	REP	03-09-009	296-46A-22530	REP	03-09-111	296-46A-932	REP	03-09-111
296-24-66321	REP	03-09-009	296-46A-23001	REP-P	03-05-074	296-46A-933	REP-P	03-05-074
296-24-665	REP	03-09-009	296-46A-23001	REP	03-09-111	296-46A-933	REP	03-09-111
296-24-66501	REP	03-09-009	296-46A-23028	REP-P	03-05-074	296-46A-934	REP-P	03-05-074
296-24-66503	REP	03-09-009	296-46A-23028	REP	03-09-111	296-46A-934	REP	03-09-111
296-24-66505	REP	03-09-009	296-46A-23040	REP-P	03-05-074	296-46A-935	REP-P	03-05-074
296-24-66507	REP	03-09-009	296-46A-23040	REP	03-09-111	296-46A-935	REP	03-09-111
296-24-66509	REP	03-09-009	296-46A-23062	REP-P	03-05-074	296-46A-940	REP-P	03-05-074
296-24-670	REP	03-09-009	296-46A-23062	REP	03-09-111	296-46A-940	REP	03-09-111
296-24-67001	REP	03-09-009	296-46A-250	REP-P	03-05-074	296-46A-950	REP-P	03-05-074
296-24-67003	REP	03-09-009	296-46A-250	REP	03-09-111	296-46A-950	REP	03-09-111
296-24-67005	REP	03-09-009	296-46A-300	REP-P	03-05-074	296-46A-960	REP-P	03-05-074
296-27-01109	AMD	03-09-110	296-46A-300	REP	03-09-111	296-46A-960	REP	03-09-111

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296-46B	PREP	03-10-065	296-46B-680	NEW-P	03-05-074	296-52-60020	AMD	03-06-073
296-46B	PREP	03-15-116	296-46B-680	NEW	03-09-111	296-52-60130	AMD	03-06-073
296-46B-005	NEW-P	03-05-074	296-46B-700	NEW-P	03-05-074	296-52-61040	AMD-X	03-05-073
296-46B-005	NEW	03-09-111	296-46B-700	NEW	03-09-111	296-52-61040	AMD	03-10-037
296-46B-010	NEW-P	03-05-074	296-46B-800	NEW-P	03-05-074	296-52-62005	AMD-X	03-05-073
296-46B-010	NEW	03-09-111	296-46B-800	NEW	03-09-111	296-52-62005	AMD	03-10-037
296-46B-020	NEW-P	03-05-074	296-46B-900	NEW-P	03-05-074	296-52-63005	AMD-X	03-05-073
296-46B-020	NEW	03-09-111	296-46B-900	NEW	03-09-111	296-52-63005	AMD	03-10-037
296-46B-030	NEW-P	03-05-074	296-46B-905	NEW-P	03-05-074	296-52-65005	AMD-X	03-05-073
296-46B-030	NEW	03-09-111	296-46B-905	NEW	03-09-111	296-52-65005	AMD	03-10-037
296-46B-040	NEW-P	03-05-074	296-46B-905	AMD-X	03-13-100	296-52-66005	AMD-X	03-05-073
296-46B-040	NEW	03-09-111	296-46B-905	AMD	03-18-089	296-52-66005	AMD	03-10-037
296-46B-110	NEW-P	03-05-074	296-46B-910	NEW-P	03-05-074	296-52-67065	AMD	03-06-073
296-46B-110	NEW	03-09-111	296-46B-910	NEW	03-09-111	296-52-67160	AMD	03-06-073
296-46B-210	NEW-P	03-05-074	296-46B-911	NEW-P	03-05-074	296-52-68060	AMD	03-06-073
296-46B-210	NEW	03-09-111	296-46B-911	NEW	03-09-111	296-52-69010	AMD	03-06-073
296-46B-215	NEW-P	03-05-074	296-46B-915	NEW-P	03-05-074	296-52-69015	AMD	03-06-073
296-46B-215	NEW	03-09-111	296-46B-915	NEW	03-09-111	296-52-69095	AMD	03-06-073
296-46B-220	NEW-P	03-05-074	296-46B-920	NEW-P	03-05-074	296-52-69125	AMD	03-06-073
296-46B-220	NEW	03-09-111	296-46B-920	NEW	03-09-111	296-52-69130	NEW	03-06-073
296-46B-225	NEW-P	03-05-074	296-46B-925	NEW-P	03-05-074	296-52-70010	AMD	03-06-073
296-46B-225	NEW	03-09-111	296-46B-925	NEW	03-09-111	296-52-710	AMD	03-06-073
296-46B-230	NEW-P	03-05-074	296-46B-930	NEW-P	03-05-074	296-52-71020	AMD	03-06-073
296-46B-230	NEW	03-09-111	296-46B-930	NEW	03-09-111	296-52-71040	AMD	03-06-073
296-46B-250	NEW-P	03-05-074	296-46B-930	AMD-X	03-13-100	296-52-71045	AMD	03-06-073
296-46B-250	NEW	03-09-111	296-46B-930	AMD	03-18-089	296-54	PREP	03-10-064
296-46B-300	NEW-P	03-05-074	296-46B-935	NEW-P	03-05-074	296-54	PREP	03-10-066
296-46B-300	NEW	03-09-111	296-46B-935	NEW	03-09-111	296-54-51130	AMD	03-11-060
296-46B-314	NEW-P	03-05-074	296-46B-940	NEW-P	03-05-074	296-56	PREP	03-03-110
296-46B-314	NEW	03-09-111	296-46B-940	NEW	03-09-111	296-56	PREP	03-10-066
296-46B-334	NEW-P	03-05-074	296-46B-945	NEW-P	03-05-074	296-56	PREP	03-20-080
296-46B-334	NEW	03-09-111	296-46B-945	NEW	03-09-111	296-56-60001	AMD	03-11-060
296-46B-358	NEW-P	03-05-074	296-46B-950	NEW-P	03-05-074	296-59	PREP	03-03-110
296-46B-358	NEW	03-09-111	296-46B-950	NEW	03-09-111	296-59	PREP	03-10-064
296-46B-394	NEW-P	03-05-074	296-46B-950	AMD-X	03-13-100	296-59	PREP	03-20-080
296-46B-394	NEW	03-09-111	296-46B-950	AMD	03-18-089	296-59-090	AMD	03-11-060
296-46B-410	NEW-P	03-05-074	296-46B-951	NEW-P	03-05-074	296-62	PREP	03-04-097
296-46B-410	NEW	03-09-111	296-46B-951	NEW	03-09-111	296-62	PREP	03-08-073
296-46B-422	NEW-P	03-05-074	296-46B-955	NEW-P	03-05-074	296-62-054	REP-X	03-04-100
296-46B-422	NEW	03-09-111	296-46B-955	NEW	03-09-111	296-62-054	REP	03-10-068
296-46B-430	NEW-P	03-05-074	296-46B-960	NEW-P	03-05-074	296-62-05402	REP-X	03-04-100
296-46B-430	NEW	03-09-111	296-46B-960	NEW	03-09-111	296-62-05402	REP	03-10-068
296-46B-450	NEW-P	03-05-074	296-46B-965	NEW-P	03-05-074	296-62-05404	REP-X	03-04-100
296-46B-450	NEW	03-09-111	296-46B-965	NEW	03-09-111	296-62-05404	REP	03-10-068
296-46B-501	NEW-P	03-05-074	296-46B-970	NEW-P	03-05-074	296-62-05406	REP-X	03-04-100
296-46B-501	NEW	03-09-111	296-46B-970	NEW	03-09-111	296-62-05406	REP	03-10-068
296-46B-514	NEW-P	03-05-074	296-46B-971	NEW-P	03-05-074	296-62-05408	REP-X	03-04-100
296-46B-514	NEW	03-09-111	296-46B-971	NEW	03-09-111	296-62-05408	REP	03-10-068
296-46B-517	NEW-P	03-05-074	296-46B-975	NEW-P	03-05-074	296-62-05410	REP-X	03-04-100
296-46B-517	NEW	03-09-111	296-46B-975	NEW	03-09-111	296-62-05410	REP	03-10-068
296-46B-520	NEW-P	03-05-074	296-46B-980	NEW-P	03-05-074	296-62-05412	REP-X	03-04-100
296-46B-520	NEW	03-09-111	296-46B-980	NEW	03-09-111	296-62-05412	REP	03-10-068
296-46B-527	NEW-P	03-05-074	296-46B-985	NEW-P	03-05-074	296-62-070	REP-X	03-04-100
296-46B-527	NEW	03-09-111	296-46B-985	NEW	03-09-111	296-62-070	REP	03-10-068
296-46B-550	NEW-P	03-05-074	296-46B-990	NEW-P	03-05-074	296-62-07001	REP-X	03-04-100
296-46B-550	NEW	03-09-111	296-46B-990	NEW	03-09-111	296-62-07001	REP	03-10-068
296-46B-553	NEW-P	03-05-074	296-46B-995	NEW-P	03-05-074	296-62-07003	REP-X	03-04-100
296-46B-553	NEW	03-09-111	296-46B-995	NEW	03-09-111	296-62-07003	REP	03-10-068
296-46B-555	NEW-P	03-05-074	296-46B-998	NEW-P	03-05-074	296-62-07005	REP-X	03-04-100
296-46B-555	NEW	03-09-111	296-46B-998	NEW	03-09-111	296-62-07005	REP	03-10-068
296-46B-600	NEW-P	03-05-074	296-46B-999	NEW-P	03-05-074	296-62-071	AMD-P	03-08-044
296-46B-600	NEW	03-09-111	296-46B-999	NEW	03-09-111	296-62-071	AMD	03-20-114

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296-62-07308	AMD-X	03-12-072	296-104-055	REP-P	03-20-120	296-150M-0322	NEW-P	03-09-109
296-62-07308	AMD	03-18-090	296-104-060	AMD-P	03-20-120	296-150M-0322	NEW	03-12-044
296-62-07336	AMD-X	03-12-072	296-104-065	AMD-P	03-20-120	296-150M-0360	AMD-P	03-09-109
296-62-07336	AMD	03-18-090	296-104-100	AMD-P	03-20-120	296-150M-0360	AMD	03-12-044
296-62-07342	AMD-X	03-12-072	296-104-256	AMD-P	03-20-120	296-150M-0705	NEW-P	03-09-109
296-62-07342	AMD	03-18-090	296-104-265	AMD-P	03-20-120	296-150M-0705	NEW	03-12-044
296-62-07347	AMD-X	03-12-072	296-104-300	AMD-P	03-20-120	296-150M-0715	NEW-P	03-09-109
296-62-07347	AMD	03-18-090	296-104-307	AMD-P	03-20-120	296-150M-0715	NEW	03-12-044
296-62-07419	AMD-X	03-12-072	296-104-316	AMD-P	03-20-120	296-150M-0725	NEW-P	03-09-109
296-62-07419	AMD	03-18-090	296-104-320	AMD-P	03-20-120	296-150M-0725	NEW	03-12-044
296-62-07460	AMD-X	03-12-072	296-104-325	AMD-P	03-20-120	296-150M-0800	NEW-P	03-09-109
296-62-07460	AMD	03-18-090	296-104-405	AMD-P	03-20-120	296-150M-0800	NEW	03-12-044
296-62-075	AMD-P	03-11-059	296-104-510	AMD-P	03-20-120	296-150M-0805	NEW-P	03-09-109
296-62-075	AMD	03-20-115	296-104-515	AMD-P	03-20-120	296-150M-0805	NEW	03-12-044
296-62-07521	AMD-X	03-12-072	296-104-520	AMD-P	03-20-120	296-150M-0810	NEW-P	03-09-109
296-62-07521	AMD	03-18-090	296-104-530	REP-P	03-20-120	296-150M-0810	NEW	03-12-044
296-62-07719	AMD-X	03-12-072	296-104-700	AMD-P	03-08-076	296-150M-0815	NEW-P	03-09-109
296-62-07719	AMD	03-18-090	296-104-700	AMD	03-12-051	296-150M-0815	NEW	03-12-044
296-62-080	REP-X	03-04-100	296-104-700	AMD-P	03-20-120	296-150M-0820	NEW-P	03-09-109
296-62-080	REP	03-10-068	296-115-050	AMD-X	03-12-072	296-150M-0820	NEW	03-12-044
296-62-08001	AMD	03-09-110	296-115-050	AMD	03-18-090	296-150M-0830	NEW-P	03-09-109
296-62-09015	AMD	03-11-060	296-126-025	PREP	03-20-095	296-150M-0830	NEW	03-12-044
296-62-11021	REP-X	03-04-100	296-127-018	PREP	03-20-096	296-150M-0835	NEW-P	03-09-109
296-62-11021	REP	03-10-068	296-128-500	AMD	03-03-109	296-150M-0835	NEW	03-12-044
296-62-130	REP-X	03-04-100	296-128-532	NEW	03-03-109	296-150M-0840	NEW-P	03-09-109
296-62-130	REP	03-10-068	296-128-533	NEW	03-03-109	296-150M-0840	NEW	03-12-044
296-62-141	AMD-P	03-19-106	296-130-010	AMD	03-03-010	296-150M-0845	NEW-P	03-09-109
296-62-20015	AMD-X	03-12-072	296-130-020	AMD	03-03-010	296-150M-0845	NEW	03-12-044
296-62-20015	AMD	03-18-090	296-130-030	AMD	03-03-010	296-150M-0855	NEW-P	03-09-109
296-62-300	AMD-P	03-14-074	296-130-035	AMD	03-03-010	296-150M-0855	NEW	03-12-044
296-62-31020	AMD-X	03-12-072	296-130-040	AMD	03-03-010	296-150M-0860	NEW-P	03-09-109
296-62-31020	AMD	03-18-090	296-130-050	AMD	03-03-010	296-150M-0860	NEW	03-12-044
296-62-31335	AMD-X	03-12-072	296-130-060	AMD	03-03-010	296-150M-0865	NEW-P	03-09-109
296-62-31335	AMD	03-18-090	296-130-065	AMD	03-03-010	296-150M-0865	NEW	03-12-044
296-78	PREP	03-10-064	296-130-070	AMD	03-03-010	296-150M-3000	AMD-P	03-09-109
296-78	PREP	03-10-066	296-130-080	AMD	03-03-010	296-150M-3000	AMD	03-12-044
296-78	PREP	03-20-080	296-130-100	NEW	03-03-010	296-150P	PREP	03-10-065
296-78	PREP	03-21-126	296-130-500	REP	03-03-010	296-150P	PREP	03-15-115
296-78-56505	AMD	03-06-076	296-150C	PREP	03-10-065	296-150P-0020	AMD-P	03-09-109
296-78-71001	AMD	03-06-076	296-150C	PREP	03-15-115	296-150P-0020	AMD	03-12-044
296-78-71011	AMD	03-06-076	296-150C-0150	NEW-P	03-09-109	296-150P-3000	AMD-P	03-09-108
296-78-835	AMD	03-06-076	296-150C-0150	NEW	03-12-044	296-150P-3000	AMD	03-12-045
296-79	PREP	03-03-110	296-150C-3000	AMD-P	03-09-108	296-150R	PREP	03-10-065
296-79	PREP	03-10-064	296-150C-3000	AMD	03-12-045	296-150R	PREP	03-15-115
296-79	PREP	03-10-066	296-150F	PREP	03-10-065	296-150R-0020	AMD-P	03-09-109
296-79	PREP	03-20-080	296-150F	PREP	03-15-115	296-150R-0020	AMD	03-12-044
296-96	PREP	03-04-098	296-150F-3000	AMD-P	03-09-109	296-150R-3000	AMD-P	03-09-108
296-96	PREP	03-10-065	296-150F-3000	AMD	03-12-044	296-150R-3000	AMD	03-12-045
296-96-01005	AMD-P	03-09-108	296-150M	PREP	03-10-065	296-150T	PREP	03-10-065
296-96-01005	AMD	03-12-045	296-150M	PREP	03-15-115	296-150T	PREP	03-15-115
296-96-01030	AMD-P	03-09-108	296-150M-0020	AMD-P	03-09-109	296-150T-3000	AMD-P	03-09-108
296-96-01030	AMD	03-12-045	296-150M-0020	AMD	03-12-044	296-150T-3000	AMD	03-12-045
296-96-01050	AMD-P	03-09-108	296-150M-0049	AMD-P	03-09-109	296-150V	PREP	03-10-065
296-96-01050	AMD	03-12-045	296-150M-0049	AMD	03-12-044	296-150V	PREP	03-15-115
296-96-01055	AMD-P	03-09-108	296-150M-0050	AMD-P	03-09-109	296-150V-0020	AMD-P	03-09-109
296-96-01055	AMD	03-12-045	296-150M-0050	AMD	03-12-044	296-150V-0020	AMD	03-12-044
296-104	PREP	03-03-129	296-150M-0051	NEW-P	03-09-109	296-150V-0800	AMD-P	03-09-109
296-104	PREP	03-12-081	296-150M-0051	NEW	03-12-044	296-150V-0800	AMD	03-12-044
296-104-010	AMD-P	03-20-120	296-150M-0302	AMD-P	03-09-109	296-150V-1090	AMD-P	03-09-109
296-104-050	AMD-P	03-20-120	296-150M-0302	AMD	03-12-044	296-150V-1090	AMD	03-12-044
296-104-055	AMD-P	03-08-076	296-150M-0320	AMD-P	03-09-109	296-150V-1220	REP-P	03-09-109
296-104-055	AMD	03-12-051	296-150M-0320	AMD	03-12-044	296-150V-1220	REP	03-12-044

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296-150V-1530	AMD	03-12-044	296-200A-400	AMD	03-20-097	296-307-14815	NEW-S	03-20-113
296-150V-1600	NEW-P	03-09-109	296-200A-405	AMD-P	03-15-117	296-307-14820	NEW-P	03-15-032
296-150V-1600	NEW	03-12-044	296-200A-405	AMD	03-20-097	296-307-14820	NEW-S	03-20-113
296-150V-3000	AMD-P	03-09-108	296-200A-500	REP-P	03-15-117	296-307-14825	NEW-P	03-15-032
296-150V-3000	AMD	03-12-045	296-200A-500	REP	03-20-097	296-307-14825	NEW-S	03-20-113
296-155	PREP	03-04-097	296-200A-510	REP-P	03-15-117	296-307-14830	NEW-P	03-15-032
296-155	PREP	03-10-064	296-200A-510	REP	03-20-097	296-307-14830	NEW-S	03-20-113
296-155	PREP	03-10-066	296-200A-900	AMD-P	03-15-117	296-307-14835	NEW-P	03-15-032
296-155	PREP	03-20-080	296-200A-900	AMD	03-20-097	296-307-14835	NEW-S	03-20-113
296-155	PREP	03-21-126	296-304-01001	AMD	03-04-099	296-307-14840	NEW-P	03-15-032
296-155-145	AMD	03-11-060	296-304-01003	AMD	03-04-099	296-307-14840	NEW-S	03-20-113
296-155-210	AMD	03-11-060	296-304-02007	AMD	03-04-099	296-307-14845	NEW-P	03-15-032
296-155-300	AMD	03-06-075	296-304-02009	AMD	03-04-099	296-307-14845	NEW-S	03-20-113
296-155-305	AMD	03-06-075	296-304-03007	AMD	03-04-099	296-307-40013	AMD-X	03-04-100
296-155-310	AMD	03-06-075	296-304-04001	AMD	03-04-099	296-307-40013	AMD	03-10-068
296-155-315	AMD	03-06-075	296-304-05001	AMD	03-04-099	296-307-40015	AMD-X	03-04-100
296-200A	PREP	03-10-065	296-304-05003	AMD	03-04-099	296-307-40015	AMD	03-10-068
296-200A-015	AMD-P	03-15-117	296-304-05005	AMD	03-04-099	296-307-40027	AMD-X	03-04-100
296-200A-015	AMD	03-20-097	296-304-05009	AMD	03-04-099	296-307-40027	AMD	03-10-068
296-200A-025	AMD-P	03-15-117	296-304-05013	AMD	03-04-099	296-307-445	NEW-X	03-04-100
296-200A-025	AMD	03-20-097	296-304-06003	AMD	03-04-099	296-307-445	NEW	03-10-068
296-200A-030	NEW-P	03-15-117	296-304-07009	AMD	03-04-099	296-307-450	AMD-X	03-04-100
296-200A-030	NEW	03-20-097	296-304-07011	AMD	03-04-099	296-307-450	AMD	03-10-068
296-200A-035	AMD-P	03-15-117	296-304-07013	AMD	03-04-099	296-307-45001	REP-X	03-04-100
296-200A-035	AMD	03-20-097	296-304-08001	AMD	03-04-099	296-307-45001	REP	03-10-068
296-200A-040	AMD-P	03-15-117	296-304-08009	AMD	03-11-060	296-307-45003	REP-X	03-04-100
296-200A-040	AMD	03-20-097	296-304-09009	AMD	03-11-060	296-307-45003	REP	03-10-068
296-200A-060	AMD-P	03-15-117	296-304-09017	AMD	03-04-099	296-307-45005	AMD-X	03-04-100
296-200A-060	AMD	03-20-097	296-304-09021	AMD	03-04-099	296-307-45005	AMD	03-10-068
296-200A-065	NEW-P	03-15-117	296-304-09023	AMD	03-04-099	296-307-45007	REP-X	03-04-100
296-200A-065	NEW	03-20-097	296-304-10003	AMD	03-04-099	296-307-45007	REP	03-10-068
296-200A-070	AMD-P	03-15-117	296-304-10007	AMD	03-04-099	296-307-45009	REP-X	03-04-100
296-200A-070	AMD	03-20-097	296-305	PREP	03-04-097	296-307-45009	REP	03-10-068
296-200A-080	AMD-P	03-15-117	296-305	PREP	03-10-066	296-307-45010	NEW-X	03-04-100
296-200A-080	AMD	03-20-097	296-305	PREP	03-21-126	296-307-45010	NEW	03-10-068
296-200A-090	AMD-P	03-15-117	296-305-01515	AMD	03-09-110	296-307-45011	REP-X	03-04-100
296-200A-090	AMD	03-20-097	296-305-02005	AMD	03-11-060	296-307-45011	REP	03-10-068
296-200A-111	AMD-P	03-15-117	296-305-02501	AMD	03-09-110	296-307-45013	REP-X	03-04-100
296-200A-111	AMD	03-20-097	296-305-05503	AMD	03-11-060	296-307-45013	REP	03-10-068
296-200A-112	AMD-P	03-15-117	296-307	PREP	03-10-064	296-307-45015	AMD-X	03-04-100
296-200A-112	AMD	03-20-097	296-307	PREP	03-10-066	296-307-45015	AMD	03-10-068
296-200A-300	AMD-P	03-15-117	296-307	AMD-S	03-18-046	296-307-45017	REP-X	03-04-100
296-200A-300	AMD	03-20-097	296-307	PREP	03-21-126	296-307-45017	REP	03-10-068
296-200A-305	AMD-P	03-15-117	296-307-009	AMD-X	03-04-100	296-307-45019	REP-X	03-04-100
296-200A-305	AMD	03-20-097	296-307-009	AMD	03-10-068	296-307-45019	REP	03-10-068
296-200A-310	AMD-P	03-15-117	296-307-018	AMD-X	03-04-100	296-307-45020	NEW-X	03-04-100
296-200A-310	AMD	03-20-097	296-307-018	AMD	03-10-068	296-307-45020	NEW	03-10-068
296-200A-320	AMD-P	03-15-117	296-307-03930	NEW-X	03-04-100	296-307-45021	REP-X	03-04-100
296-200A-320	AMD	03-20-097	296-307-03930	NEW	03-10-068	296-307-45021	REP	03-10-068
296-200A-330	AMD-P	03-15-117	296-307-03935	NEW-X	03-04-100	296-307-45023	REP-X	03-04-100
296-200A-330	AMD	03-20-097	296-307-03935	NEW	03-10-068	296-307-45023	REP	03-10-068
296-200A-340	AMD-P	03-15-117	296-307-03940	NEW-X	03-04-100	296-307-45025	AMD-X	03-04-100
296-200A-340	AMD	03-20-097	296-307-03940	NEW	03-10-068	296-307-45025	AMD	03-10-068
296-200A-360	AMD-P	03-15-117	296-307-03945	NEW-X	03-04-100	296-307-45027	REP-X	03-04-100
296-200A-360	AMD	03-20-097	296-307-03945	NEW	03-10-068	296-307-45027	REP	03-10-068
296-200A-370	AMD-P	03-15-117	296-307-148	NEW-P	03-15-032	296-307-45029	REP-X	03-04-100
296-200A-370	AMD	03-20-097	296-307-148	NEW-S	03-20-113	296-307-45029	REP	03-10-068
296-200A-380	AMD-P	03-15-117	296-307-14805	NEW-P	03-15-032	296-307-45030	NEW-X	03-04-100
296-200A-380	AMD	03-20-097	296-307-14805	NEW-S	03-20-113	296-307-45030	NEW	03-10-068
296-200A-390	AMD-P	03-15-117	296-307-14810	NEW-P	03-15-032	296-307-45035	NEW-X	03-04-100
296-200A-390	AMD	03-20-097	296-307-14810	NEW-S	03-20-113	296-307-45035	NEW	03-10-068

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296-307-45045	NEW-X	03-04-100	296-307-56050	NEW-X	03-04-100	296-401B-476	REP-P	03-05-074
296-307-45045	NEW	03-10-068	296-307-56050	NEW	03-10-068	296-401B-476	REP	03-09-111
296-307-45050	NEW-X	03-04-100	296-400A	PREP	03-10-065	296-401B-500	REP-P	03-05-074
296-307-45050	NEW	03-10-068	296-400A	PREP	03-15-114	296-401B-500	REP	03-09-111
296-307-455	NEW-X	03-04-100	296-400A-045	AMD-P	03-09-108	296-401B-510	REP-P	03-05-074
296-307-455	NEW	03-10-068	296-400A-045	AMD	03-12-045	296-401B-510	REP	03-09-111
296-307-45505	NEW-X	03-04-100	296-401B-092	REP-P	03-05-074	296-401B-520	REP-P	03-05-074
296-307-45505	NEW	03-10-068	296-401B-092	REP	03-09-111	296-401B-520	REP	03-09-111
296-307-45510	NEW-X	03-04-100	296-401B-100	REP-P	03-05-074	296-401B-600	REP-P	03-05-074
296-307-45510	NEW	03-10-068	296-401B-100	REP	03-09-111	296-401B-600	REP	03-09-111
296-307-45515	NEW-X	03-04-100	296-401B-110	REP-P	03-05-074	296-401B-610	REP-P	03-05-074
296-307-45515	NEW	03-10-068	296-401B-110	REP	03-09-111	296-401B-610	REP	03-09-111
296-307-45520	NEW-X	03-04-100	296-401B-120	REP-P	03-05-074	296-401B-620	REP-P	03-05-074
296-307-45520	NEW	03-10-068	296-401B-120	REP	03-09-111	296-401B-620	REP	03-09-111
296-307-45525	NEW-X	03-04-100	296-401B-130	REP-P	03-05-074	296-401B-630	REP-P	03-05-074
296-307-45525	NEW	03-10-068	296-401B-130	REP	03-09-111	296-401B-630	REP	03-09-111
296-307-45535	NEW-X	03-04-100	296-401B-140	REP-P	03-05-074	296-401B-640	REP-P	03-05-074
296-307-45535	NEW	03-10-068	296-401B-140	REP	03-09-111	296-401B-640	REP	03-09-111
296-307-45540	NEW-X	03-04-100	296-401B-180	REP-P	03-05-074	296-401B-700	REP-P	03-05-074
296-307-45540	NEW	03-10-068	296-401B-180	REP	03-09-111	296-401B-700	REP	03-09-111
296-307-45545	NEW-X	03-04-100	296-401B-200	REP-P	03-05-074	296-401B-800	REP-P	03-05-074
296-307-45545	NEW	03-10-068	296-401B-200	REP	03-09-111	296-401B-800	REP	03-09-111
296-307-45550	NEW-X	03-04-100	296-401B-250	REP-P	03-05-074	296-401B-850	REP-P	03-05-074
296-307-45550	NEW	03-10-068	296-401B-250	REP	03-09-111	296-401B-850	REP	03-09-111
296-307-45555	NEW-X	03-04-100	296-401B-260	REP-P	03-05-074	296-401B-860	REP-P	03-05-074
296-307-45555	NEW	03-10-068	296-401B-260	REP	03-09-111	296-401B-860	REP	03-09-111
296-307-45560	NEW-X	03-04-100	296-401B-270	REP-P	03-05-074	296-401B-870	REP-P	03-05-074
296-307-45560	NEW	03-10-068	296-401B-270	REP	03-09-111	296-401B-870	REP	03-09-111
296-307-45565	NEW-X	03-04-100	296-401B-300	REP-P	03-05-074	296-401B-900	REP-P	03-05-074
296-307-45565	NEW	03-10-068	296-401B-300	REP	03-09-111	296-401B-900	REP	03-09-111
296-307-460	NEW-X	03-04-100	296-401B-310	REP-P	03-05-074	296-401B-910	REP-P	03-05-074
296-307-460	NEW	03-10-068	296-401B-310	REP	03-09-111	296-401B-910	REP	03-09-111
296-307-46005	NEW-X	03-04-100	296-401B-320	REP-P	03-05-074	296-401B-920	REP-P	03-05-074
296-307-46005	NEW	03-10-068	296-401B-320	REP	03-09-111	296-401B-920	REP	03-09-111
296-307-46025	NEW-X	03-04-100	296-401B-330	REP-P	03-05-074	296-401B-950	REP-P	03-05-074
296-307-46025	NEW	03-10-068	296-401B-330	REP	03-09-111	296-401B-950	REP	03-09-111
296-307-46030	NEW-X	03-04-100	296-401B-335	REP-P	03-05-074	296-401B-960	REP-P	03-05-074
296-307-46030	NEW	03-10-068	296-401B-335	REP	03-09-111	296-401B-960	REP	03-09-111
296-307-465	NEW-X	03-04-100	296-401B-340	REP-P	03-05-074	296-401B-970	REP-P	03-05-074
296-307-465	NEW	03-10-068	296-401B-340	REP	03-09-111	296-401B-970	REP	03-09-111
296-307-55030	AMD-X	03-04-100	296-401B-350	REP-P	03-05-074	296-401B-980	REP-P	03-05-074
296-307-55030	AMD	03-10-068	296-401B-350	REP	03-09-111	296-401B-980	REP	03-09-111
296-307-560	NEW-X	03-04-100	296-401B-410	REP-P	03-05-074	296-401B-990	REP-P	03-05-074
296-307-560	NEW	03-10-068	296-401B-410	REP	03-09-111	296-401B-990	REP	03-09-111
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296-307-56005	NEW	03-10-068	296-401B-420	REP	03-09-111	296-402A-010	REP	03-09-111
296-307-56010	NEW-X	03-04-100	296-401B-430	REP-P	03-05-074	296-402A-020	REP-P	03-05-074
296-307-56010	NEW	03-10-068	296-401B-430	REP	03-09-111	296-402A-020	REP	03-09-111
296-307-56015	NEW-X	03-04-100	296-401B-440	REP-P	03-05-074	296-402A-030	REP-P	03-05-074
296-307-56015	NEW	03-10-068	296-401B-440	REP	03-09-111	296-402A-030	REP	03-09-111
296-307-56020	NEW-X	03-04-100	296-401B-445	REP-P	03-05-074	296-402A-040	REP-P	03-05-074
296-307-56020	NEW	03-10-068	296-401B-445	REP	03-09-111	296-402A-040	REP	03-09-111
296-307-56025	NEW-X	03-04-100	296-401B-450	REP-P	03-05-074	296-402A-050	REP-P	03-05-074
296-307-56025	NEW	03-10-068	296-401B-450	REP	03-09-111	296-402A-050	REP	03-09-111
296-307-56030	NEW-X	03-04-100	296-401B-455	REP-P	03-05-074	296-402A-060	REP-P	03-05-074
296-307-56030	NEW	03-10-068	296-401B-455	REP	03-09-111	296-402A-060	REP	03-09-111
296-307-56035	NEW-X	03-04-100	296-401B-460	REP-P	03-05-074	296-402A-070	REP-P	03-05-074
296-307-56035	NEW	03-10-068	296-401B-460	REP	03-09-111	296-402A-070	REP	03-09-111
296-307-56040	NEW-X	03-04-100	296-401B-470	REP-P	03-05-074	296-402A-080	REP-P	03-05-074
296-307-56040	NEW	03-10-068	296-401B-470	REP	03-09-111	296-402A-080	REP	03-09-111
296-307-56045	NEW-X	03-04-100	296-401B-475	REP-P	03-05-074	296-402A-090	REP-P	03-05-074
296-307-56045	NEW	03-10-068	296-401B-475	REP	03-09-111	296-402A-090	REP	03-09-111

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-100	REP-P	03-05-074	296-402A-440	REP-P	03-05-074	296-800-170	AMD	03-18-090
296-402A-100	REP	03-09-111	296-402A-440	REP	03-09-111	296-800-17005	AMD-X	03-12-072
296-402A-110	REP-P	03-05-074	296-402A-450	REP-P	03-05-074	296-800-17005	AMD	03-18-090
296-402A-110	REP	03-09-111	296-402A-450	REP	03-09-111	296-800-17007	NEW-X	03-12-072
296-402A-130	REP-P	03-05-074	296-402A-460	REP-P	03-05-074	296-800-17007	NEW	03-18-090
296-402A-130	REP	03-09-111	296-402A-460	REP	03-09-111	296-800-17015	AMD-X	03-12-072
296-402A-140	REP-P	03-05-074	296-402A-470	REP-P	03-05-074	296-800-17015	AMD	03-18-090
296-402A-140	REP	03-09-111	296-402A-470	REP	03-09-111	296-800-17020	AMD-X	03-12-072
296-402A-150	REP-P	03-05-074	296-402A-480	REP-P	03-05-074	296-800-17020	AMD	03-18-090
296-402A-150	REP	03-09-111	296-402A-480	REP	03-09-111	296-800-230	AMD-X	03-12-072
296-402A-160	REP-P	03-05-074	296-402A-490	REP-P	03-05-074	296-800-230	AMD	03-18-090
296-402A-160	REP	03-09-111	296-402A-490	REP	03-09-111	296-800-23005	AMD-X	03-12-072
296-402A-170	REP-P	03-05-074	296-402A-500	REP-P	03-05-074	296-800-23005	AMD	03-18-090
296-402A-170	REP	03-09-111	296-402A-500	REP	03-09-111	296-800-23010	AMD-X	03-12-072
296-402A-180	REP-P	03-05-074	296-402A-510	REP-P	03-05-074	296-800-23010	AMD	03-18-090
296-402A-180	REP	03-09-111	296-402A-510	REP	03-09-111	296-800-23020	AMD-X	03-12-072
296-402A-190	REP-P	03-05-074	296-402A-520	REP-P	03-05-074	296-800-23020	AMD	03-18-090
296-402A-190	REP	03-09-111	296-402A-520	REP	03-09-111	296-800-23025	AMD-X	03-12-072
296-402A-200	REP-P	03-05-074	296-402A-530	REP-P	03-05-074	296-800-23025	AMD	03-18-090
296-402A-200	REP	03-09-111	296-402A-530	REP	03-09-111	296-800-23030	REP-X	03-12-072
296-402A-210	REP-P	03-05-074	296-402A-540	REP-P	03-05-074	296-800-23030	REP	03-18-090
296-402A-210	REP	03-09-111	296-402A-540	REP	03-09-111	296-800-23035	REP-X	03-12-072
296-402A-220	REP-P	03-05-074	296-402A-550	REP-P	03-05-074	296-800-23035	REP	03-18-090
296-402A-220	REP	03-09-111	296-402A-550	REP	03-09-111	296-800-23040	NEW-X	03-12-072
296-402A-230	REP-P	03-05-074	296-402A-560	REP-P	03-05-074	296-800-23040	NEW	03-18-090
296-402A-230	REP	03-09-111	296-402A-560	REP	03-09-111	296-800-23045	NEW-X	03-12-072
296-402A-240	REP-P	03-05-074	296-402A-570	REP-P	03-05-074	296-800-23045	NEW	03-18-090
296-402A-240	REP	03-09-111	296-402A-570	REP	03-09-111	296-800-23050	NEW-X	03-12-072
296-402A-250	REP-P	03-05-074	296-402A-580	REP-P	03-05-074	296-800-23050	NEW	03-18-090
296-402A-250	REP	03-09-111	296-402A-580	REP	03-09-111	296-800-23055	NEW-X	03-12-072
296-402A-260	REP-P	03-05-074	296-402A-590	REP-P	03-05-074	296-800-23055	NEW	03-18-090
296-402A-260	REP	03-09-111	296-402A-590	REP	03-09-111	296-800-23060	NEW-X	03-12-072
296-402A-270	REP-P	03-05-074	296-402A-600	REP-P	03-05-074	296-800-23060	NEW	03-18-090
296-402A-270	REP	03-09-111	296-402A-600	REP	03-09-111	296-800-23065	NEW-X	03-12-072
296-402A-290	REP-P	03-05-074	296-402A-610	REP-P	03-05-074	296-800-23065	NEW	03-18-090
296-402A-290	REP	03-09-111	296-402A-610	REP	03-09-111	296-800-23070	NEW-X	03-12-072
296-402A-300	REP-P	03-05-074	296-402A-620	REP-P	03-05-074	296-800-23070	NEW	03-18-090
296-402A-300	REP	03-09-111	296-402A-620	REP	03-09-111	296-800-23075	NEW-X	03-12-072
296-402A-310	REP-P	03-05-074	296-402A-630	REP-P	03-05-074	296-800-23075	NEW	03-18-090
296-402A-310	REP	03-09-111	296-402A-630	REP	03-09-111	296-800-310	AMD-X	03-22-069
296-402A-320	REP-P	03-05-074	296-402A-640	REP-P	03-05-074	296-800-31010	AMD-X	03-22-069
296-402A-320	REP	03-09-111	296-402A-640	REP	03-09-111	296-800-31020	AMD-X	03-22-069
296-402A-330	REP-P	03-05-074	296-402A-650	REP-P	03-05-074	296-800-31050	AMD-X	03-12-072
296-402A-330	REP	03-09-111	296-402A-650	REP	03-09-111	296-800-31050	AMD	03-18-090
296-402A-340	REP-P	03-05-074	296-402A-660	REP-P	03-05-074	296-800-31070	AMD-X	03-22-069
296-402A-340	REP	03-09-111	296-402A-660	REP	03-09-111	296-800-350	AMD-X	03-12-072
296-402A-350	REP-P	03-05-074	296-402A-670	REP-P	03-05-074	296-800-350	AMD	03-18-090
296-402A-350	REP	03-09-111	296-402A-670	REP	03-09-111	296-800-35038	AMD-X	03-12-072
296-402A-360	REP-P	03-05-074	296-402A-675	REP-P	03-05-074	296-800-35038	AMD	03-18-090
296-402A-360	REP	03-09-111	296-402A-675	REP	03-09-111	296-800-35040	AMD-X	03-12-072
296-402A-370	REP-P	03-05-074	296-402A-680	REP-P	03-05-074	296-800-35040	AMD	03-18-090
296-402A-370	REP	03-09-111	296-402A-680	REP	03-09-111	296-800-35062	AMD-X	03-12-072
296-402A-380	REP-P	03-05-074	296-402A-690	REP-P	03-05-074	296-800-35062	AMD	03-18-090
296-402A-380	REP	03-09-111	296-402A-690	REP	03-09-111	296-800-35064	AMD-X	03-12-072
296-402A-390	REP-P	03-05-074	296-800	PREP	03-04-097	296-800-35064	AMD	03-18-090
296-402A-390	REP	03-09-111	296-800	PREP	03-21-126	296-800-370	AMD-X	03-12-072
296-402A-400	REP-P	03-05-074	296-800-110	AMD-X	03-12-072	296-800-370	AMD	03-18-090
296-402A-400	REP	03-09-111	296-800-110	AMD	03-18-090	296-800-370	AMD-X	03-22-069
296-402A-410	REP-P	03-05-074	296-800-11030	AMD-X	03-12-072	296-807-100	NEW	03-09-009
296-402A-410	REP	03-09-111	296-800-11030	AMD	03-18-090	296-807-110	NEW	03-09-009
296-402A-430	REP-P	03-05-074	296-800-15005	AMD	03-09-110	296-807-11005	NEW	03-09-009
296-402A-430	REP	03-09-111	296-800-170	AMD-X	03-12-072	296-807-120	NEW	03-09-009

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-807-12005	NEW	03-09-009	296-809-30002	NEW-P	03-19-106	296-817-20040	NEW	03-11-060
296-807-130	NEW	03-09-009	296-809-30004	NEW-P	03-19-106	296-817-300	NEW	03-11-060
296-807-13005	NEW	03-09-009	296-809-400	NEW-P	03-19-106	296-817-30005	NEW	03-11-060
296-807-140	NEW	03-09-009	296-809-40002	NEW-P	03-19-106	296-817-30010	NEW	03-11-060
296-807-14005	NEW	03-09-009	296-809-40004	NEW-P	03-19-106	296-817-30015	NEW	03-11-060
296-807-14010	NEW	03-09-009	296-809-500	NEW-P	03-19-106	296-817-400	NEW	03-11-060
296-807-14015	NEW	03-09-009	296-809-50002	NEW-P	03-19-106	296-817-40005	NEW	03-11-060
296-807-14020	NEW	03-09-009	296-809-50004	NEW-P	03-19-106	296-817-40010	NEW	03-11-060
296-807-14025	NEW	03-09-009	296-809-50006	NEW-P	03-19-106	296-817-40015	NEW	03-11-060
296-807-14030	NEW	03-09-009	296-809-50008	NEW-P	03-19-106	296-817-40020	NEW	03-11-060
296-807-14035	NEW	03-09-009	296-809-50010	NEW-P	03-19-106	296-817-40025	NEW	03-11-060
296-807-14040	NEW	03-09-009	296-809-50012	NEW-P	03-19-106	296-817-40030	NEW	03-11-060
296-807-150	NEW	03-09-009	296-809-50014	NEW-P	03-19-106	296-817-40035	NEW	03-11-060
296-807-15005	NEW	03-09-009	296-809-50016	NEW-P	03-19-106	296-817-500	NEW	03-11-060
296-807-15010	NEW	03-09-009	296-809-50018	NEW-P	03-19-106	296-817-50005	NEW	03-11-060
296-807-15015	NEW	03-09-009	296-809-50020	NEW-P	03-19-106	296-817-50010	NEW	03-11-060
296-807-15020	NEW	03-09-009	296-809-50022	NEW-P	03-19-106	296-817-50015	NEW	03-11-060
296-807-15025	NEW	03-09-009	296-809-50024	NEW-P	03-19-106	296-817-50020	NEW	03-11-060
296-807-15030	NEW	03-09-009	296-809-600	NEW-P	03-19-106	296-817-50025	NEW	03-11-060
296-807-15035	NEW	03-09-009	296-809-60002	NEW-P	03-19-106	296-817-600	NEW	03-11-060
296-807-15040	NEW	03-09-009	296-809-60004	NEW-P	03-19-106	296-823-100	NEW	03-09-110
296-807-15045	NEW	03-09-009	296-809-700	NEW-P	03-19-106	296-823-110	NEW	03-09-110
296-807-15050	NEW	03-09-009	296-809-70002	NEW-P	03-19-106	296-823-11005	NEW	03-09-110
296-807-15055	NEW	03-09-009	296-809-70004	NEW-P	03-19-106	296-823-11010	NEW	03-09-110
296-807-160	NEW	03-09-009	296-809-800	NEW-P	03-19-106	296-823-120	NEW	03-09-110
296-807-16005	NEW	03-09-009	296-817-010	NEW-W	03-13-096	296-823-12005	NEW	03-09-110
296-807-16010	NEW	03-09-009	296-817-01005	NEW-W	03-13-096	296-823-12010	NEW	03-09-110
296-807-16015	NEW	03-09-009	296-817-01010	NEW-W	03-13-096	296-823-12015	NEW	03-09-110
296-807-16020	NEW	03-09-009	296-817-01015	NEW-W	03-13-096	296-823-130	NEW	03-09-110
296-807-16025	NEW	03-09-009	296-817-01020	NEW-W	03-13-096	296-823-13005	NEW	03-09-110
296-807-16030	NEW	03-09-009	296-817-01025	NEW-W	03-13-096	296-823-13010	NEW	03-09-110
296-807-16035	NEW	03-09-009	296-817-01030	NEW-W	03-13-096	296-823-13015	NEW-W	03-14-136
296-807-170	NEW	03-09-009	296-817-01035	NEW-W	03-13-096	296-823-13020	NEW-W	03-14-136
296-807-17005	NEW	03-09-009	296-817-01040	NEW-W	03-13-096	296-823-13025	NEW-W	03-14-136
296-807-17010	NEW	03-09-009	296-817-020	NEW-W	03-13-096	296-823-13030	NEW-W	03-14-136
296-807-17015	NEW	03-09-009	296-817-02005	NEW-W	03-13-096	296-823-140	NEW	03-09-110
296-807-17020	NEW	03-09-009	296-817-02010	NEW-W	03-13-096	296-823-14005	NEW	03-09-110
296-807-180	NEW	03-09-009	296-817-02015	NEW-W	03-13-096	296-823-14010	NEW	03-09-110
296-807-18005	NEW	03-09-009	296-817-030	NEW-W	03-13-096	296-823-14015	NEW	03-09-110
296-807-18010	NEW	03-09-009	296-817-03005	NEW-W	03-13-096	296-823-14020	NEW	03-09-110
296-807-18015	NEW	03-09-009	296-817-03010	NEW-W	03-13-096	296-823-14025	NEW	03-09-110
296-807-18020	NEW	03-09-009	296-817-03015	NEW-W	03-13-096	296-823-14030	NEW	03-09-110
296-807-18025	NEW	03-09-009	296-817-03020	NEW-W	03-13-096	296-823-14035	NEW	03-09-110
296-807-18030	NEW	03-09-009	296-817-03025	NEW-W	03-13-096	296-823-14040	NEW	03-09-110
296-807-18035	NEW	03-09-009	296-817-03030	NEW-W	03-13-096	296-823-14045	NEW	03-09-110
296-807-18040	NEW	03-09-009	296-817-03035	NEW-W	03-13-096	296-823-14050	NEW	03-09-110
296-807-18045	NEW	03-09-009	296-817-040	NEW-W	03-13-096	296-823-14055	NEW	03-09-110
296-807-18050	NEW	03-09-009	296-817-04005	NEW-W	03-13-096	296-823-14060	NEW	03-09-110
296-807-18055	NEW	03-09-009	296-817-04010	NEW-W	03-13-096	296-823-14065	NEW	03-09-110
296-807-18060	NEW	03-09-009	296-817-04015	NEW-W	03-13-096	296-823-150	NEW	03-09-110
296-807-18065	NEW	03-09-009	296-817-04020	NEW-W	03-13-096	296-823-15005	NEW	03-09-110
296-807-18070	NEW	03-09-009	296-817-04025	NEW-W	03-13-096	296-823-15010	NEW	03-09-110
296-807-18075	NEW	03-09-009	296-817-050	NEW-W	03-13-096	296-823-15015	NEW	03-09-110
296-807-18080	NEW	03-09-009	296-817-100	NEW	03-11-060	296-823-15020	NEW	03-09-110
296-807-18085	NEW	03-09-009	296-817-200	NEW	03-11-060	296-823-15025	NEW	03-09-110
296-807-190	NEW	03-09-009	296-817-20005	NEW	03-11-060	296-823-15030	NEW	03-09-110
296-809-100	NEW-P	03-19-106	296-817-20010	NEW	03-11-060	296-823-160	NEW	03-09-110
296-809-200	NEW-P	03-19-106	296-817-20015	NEW	03-11-060	296-823-16005	NEW	03-09-110
296-809-20002	NEW-P	03-19-106	296-817-20020	NEW	03-11-060	296-823-16010	NEW	03-09-110
296-809-20004	NEW-P	03-19-106	296-817-20025	NEW	03-11-060	296-823-16015	NEW	03-09-110
296-809-20006	NEW-P	03-19-106	296-817-20030	NEW	03-11-060	296-823-16020	NEW	03-09-110
296-809-300	NEW-P	03-19-106	296-817-20035	NEW	03-11-060	296-823-16025	NEW	03-09-110

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-823-16030	NEW	03-09-110	296-831-23005	NEW-P	03-14-075	296-831-42005	NEW-P	03-14-075
296-823-16035	NEW-W	03-14-136	296-831-23010	NEW-P	03-14-075	296-831-42010	NEW-P	03-14-075
296-823-16040	NEW-W	03-14-136	296-831-23015	NEW-P	03-14-075	296-831-42015	NEW-P	03-14-075
296-823-16045	NEW-W	03-14-136	296-831-23025	NEW-P	03-14-075	296-831-42020	NEW-P	03-14-075
296-823-170	NEW	03-09-110	296-831-23030	NEW-P	03-14-075	296-831-430	NEW-P	03-14-075
296-823-17005	NEW	03-09-110	296-831-23035	NEW-P	03-14-075	296-831-43005	NEW-P	03-14-075
296-823-17010	NEW	03-09-110	296-831-23040	NEW-P	03-14-075	296-831-43010	NEW-P	03-14-075
296-823-17015	NEW-W	03-14-136	296-831-23045	NEW-P	03-14-075	296-831-43015	NEW-P	03-14-075
296-823-17020	NEW-W	03-14-136	296-831-23050	NEW-P	03-14-075	296-831-43020	NEW-P	03-14-075
296-823-17025	NEW-W	03-14-136	296-831-23055	NEW-P	03-14-075	296-831-43025	NEW-P	03-14-075
296-823-17030	NEW-W	03-14-136	296-831-23060	NEW-P	03-14-075	296-831-43030	NEW-P	03-14-075
296-823-180	NEW	03-09-110	296-831-240	NEW-P	03-14-075	296-831-43035	NEW-P	03-14-075
296-823-18005	NEW	03-09-110	296-831-24005	NEW-P	03-14-075	296-831-43040	NEW-P	03-14-075
296-823-18010	NEW	03-09-110	296-831-24010	NEW-P	03-14-075	296-831-43045	NEW-P	03-14-075
296-823-18015	NEW	03-09-110	296-831-24020	NEW-P	03-14-075	296-831-43050	NEW-P	03-14-075
296-823-18020	NEW	03-09-110	296-831-24025	NEW-P	03-14-075	296-831-43055	NEW-P	03-14-075
296-823-18025	NEW	03-09-110	296-831-300	NEW-P	03-14-075	296-831-43060	NEW-P	03-14-075
296-823-18030	NEW	03-09-110	296-831-310	NEW-P	03-14-075	296-831-440	NEW-P	03-14-075
296-823-18035	NEW	03-09-110	296-831-31005	NEW-P	03-14-075	296-831-44005	NEW-P	03-14-075
296-823-18040	NEW	03-09-110	296-831-31010	NEW-P	03-14-075	296-831-44010	NEW-P	03-14-075
296-823-18045	NEW	03-09-110	296-831-31015	NEW-P	03-14-075	296-831-44015	NEW-P	03-14-075
296-823-18050	NEW	03-09-110	296-831-31020	NEW-P	03-14-075	296-831-500	NEW-P	03-14-075
296-823-18055	NEW	03-09-110	296-831-31025	NEW-P	03-14-075	296-831-510	NEW-P	03-14-075
296-823-190	NEW-W	03-14-136	296-831-31030	NEW-P	03-14-075	296-831-51005	NEW-P	03-14-075
296-823-19005	NEW-W	03-14-136	296-831-320	NEW-P	03-14-075	296-831-51010	NEW-P	03-14-075
296-823-19010	NEW-W	03-14-136	296-831-32005	NEW-P	03-14-075	296-831-51015	NEW-P	03-14-075
296-823-19015	NEW-W	03-14-136	296-831-32010	NEW-P	03-14-075	296-831-51020	NEW-P	03-14-075
296-823-19020	NEW-W	03-14-136	296-831-32015	NEW-P	03-14-075	296-831-51025	NEW-P	03-14-075
296-823-19025	NEW-W	03-14-136	296-831-32020	NEW-P	03-14-075	296-831-51030	NEW-P	03-14-075
296-823-19030	NEW-W	03-14-136	296-831-330	NEW-P	03-14-075	296-831-520	NEW-P	03-14-075
296-823-19035	NEW-W	03-14-136	296-831-33005	NEW-P	03-14-075	296-831-52005	NEW-P	03-14-075
296-823-19040	NEW-W	03-14-136	296-831-33010	NEW-P	03-14-075	296-831-52010	NEW-P	03-14-075
296-823-19045	NEW-W	03-14-136	296-831-33015	NEW-P	03-14-075	296-831-52015	NEW-P	03-14-075
296-823-19050	NEW-W	03-14-136	296-831-33020	NEW-P	03-14-075	296-831-52020	NEW-P	03-14-075
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296-831-100	NEW-P	03-14-075	296-831-33045	NEW-P	03-14-075	296-831-53020	NEW-P	03-14-075
296-831-200	NEW-P	03-14-075	296-831-33050	NEW-P	03-14-075	296-831-53025	NEW-P	03-14-075
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296-842-16005	NEW	03-20-114	296-843-180	NEW-P	03-14-074	308- 20-530	REP-P	03-10-085
296-842-170	NEW-P	03-08-044	296-843-18005	NEW-P	03-14-074	308- 20-530	REP	03-14-046
296-842-170	NEW	03-20-114	296-843-18010	NEW-P	03-14-074	308- 20-550	AMD-P	03-10-085
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388-71-0202	AMD-P	03-22-055	388-71-0460	AMD-P	03-09-042	388-71-05780	RECOD-P	03-22-091
388-71-0203	AMD-E	03-05-044	388-71-0460	AMD-W	03-11-025	388-71-05785	RECOD-P	03-22-091
388-71-0203	AMD-E	03-05-098	388-71-0460	AMD-P	03-11-066	388-71-05790	RECOD-P	03-22-091
388-71-0203	AMD-P	03-09-042	388-71-0460	AMD	03-15-010	388-71-05795	RECOD-P	03-22-091
388-71-0203	AMD-E	03-13-007	388-71-0465	AMD-E	03-05-044	388-71-05799	RECOD-P	03-22-091
388-71-0203	AMD	03-13-052	388-71-0465	AMD-E	03-05-098	388-71-0580	PREP	03-17-065
388-71-0203	PREP	03-21-148	388-71-0465	AMD-P	03-09-042	388-71-0580	DECOD-P	03-22-091
388-71-0205	PREP	03-21-148	388-71-0465	AMD-E	03-13-007	388-71-05805	NEW-P	03-22-091
388-71-0405	AMD-E	03-05-044	388-71-0465	AMD	03-13-052	388-71-05810	NEW-P	03-22-091
388-71-0405	AMD-E	03-05-098	388-71-0465	PREP	03-16-019	388-71-05815	NEW-P	03-22-091
388-71-0405	AMD-P	03-09-042	388-71-0465	AMD-P	03-20-104	388-71-05820	NEW-P	03-22-091
388-71-0405	AMD-E	03-13-007	388-71-0470	AMD-E	03-05-044	388-71-05825	NEW-P	03-22-091
388-71-0405	AMD	03-13-052	388-71-0470	AMD-E	03-05-098	388-71-05830	NEW-P	03-22-091
388-71-0405	PREP	03-14-099	388-71-0470	AMD-P	03-09-042	388-71-05835	RECOD-P	03-22-091
388-71-0410	AMD-E	03-05-044	388-71-0470	AMD-E	03-13-007	388-71-05840	RECOD-P	03-22-091
388-71-0410	AMD-E	03-05-098	388-71-0470	AMD	03-13-052	388-71-05845	RECOD-P	03-22-091
388-71-0410	AMD-P	03-09-042	388-71-0475	REP-P	03-06-093	388-71-05850	RECOD-P	03-22-091
388-71-0410	AMD-E	03-13-007	388-71-0475	REP	03-09-092	388-71-05855	RECOD-P	03-22-091
388-71-0410	AMD	03-13-052	388-71-0480	AMD-E	03-05-044	388-71-05860	RECOD-P	03-22-091

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-05865	RECOD-P	03-22-091	388-71-05931	PREP	03-17-065	388-71-05952	PREP	03-17-065
388-71-05870	RECOD-P	03-22-091	388-71-05931	DECOD-P	03-22-091	388-71-05952	PREP	03-19-117
388-71-05875	RECOD-P	03-22-091	388-71-05932	PREP	03-17-065	388-71-05952	AMD-P	03-22-091
388-71-05880	RECOD-P	03-22-091	388-71-05932	DECOD-P	03-22-091	388-71-05952	DECOD-P	03-22-091
388-71-05885	RECOD-P	03-22-091	388-71-05933	PREP	03-17-065	388-71-05953	NEW-E	03-20-105
388-71-05890	RECOD-P	03-22-091	388-71-05933	DECOD-P	03-22-091	388-71-05954	NEW-E	03-20-105
388-71-05895	NEW-P	03-22-091	388-71-05934	PREP	03-17-065	388-71-05955	NEW-E	03-20-105
388-71-05899	RECOD-P	03-22-091	388-71-05934	DECOD-P	03-22-091	388-71-05956	NEW-E	03-20-105
388-71-05905	RECOD-P	03-22-091	388-71-05935	PREP	03-17-065	388-71-05957	NEW-E	03-20-105
388-71-05909	RECOD-P	03-22-091	388-71-05935	DECOD-P	03-22-091	388-71-05958	NEW-E	03-20-105
388-71-05910	PREP	03-17-065	388-71-05936	PREP	03-17-065	388-71-0600	AMD-E	03-05-044
388-71-05910	AMD-P	03-22-091	388-71-05936	DECOD-P	03-22-091	388-71-0600	AMD-E	03-05-098
388-71-05910	DECOD-P	03-22-091	388-71-05937	PREP	03-17-065	388-71-0600	AMD-P	03-09-042
388-71-05911	PREP	03-17-065	388-71-05937	DECOD-P	03-22-091	388-71-0600	AMD-E	03-13-007
388-71-05911	DECOD-P	03-22-091	388-71-05938	PREP	03-17-065	388-71-0600	AMD	03-13-052
388-71-05912	PREP	03-17-065	388-71-05938	PREP	03-19-117	388-71-0605	AMD-E	03-05-044
388-71-05912	DECOD-P	03-22-091	388-71-05938	DECOD-P	03-22-091	388-71-0605	AMD-E	03-05-098
388-71-05913	PREP	03-17-065	388-71-05939	PREP	03-17-065	388-71-0605	AMD-P	03-09-042
388-71-05913	DECOD-P	03-22-091	388-71-05939	PREP	03-19-117	388-71-0605	AMD-E	03-13-007
388-71-05914	PREP	03-17-065	388-71-05939	DECOD-P	03-22-091	388-71-0605	AMD	03-13-052
388-71-05914	DECOD-P	03-22-091	388-71-05940	PREP	03-17-065	388-71-0610	AMD-E	03-05-044
388-71-05915	PREP	03-17-065	388-71-05940	PREP	03-19-117	388-71-0610	AMD-E	03-05-098
388-71-05915	DECOD-P	03-22-091	388-71-05940	DECOD-P	03-22-091	388-71-0610	AMD-P	03-09-042
388-71-05916	PREP	03-17-065	388-71-05941	PREP	03-17-065	388-71-0610	AMD-E	03-13-007
388-71-05916	DECOD-P	03-22-091	388-71-05941	PREP	03-19-117	388-71-0610	AMD	03-13-052
388-71-05917	PREP	03-17-065	388-71-05941	AMD-P	03-22-091	388-71-0702	NEW	03-06-024
388-71-05917	DECOD-P	03-22-091	388-71-05941	DECOD-P	03-22-091	388-71-0704	NEW	03-06-024
388-71-05918	PREP	03-17-065	388-71-05942	PREP	03-17-065	388-71-0706	NEW	03-06-024
388-71-05918	AMD-P	03-22-091	388-71-05942	PREP	03-19-117	388-71-0708	NEW	03-06-024
388-71-05918	DECOD-P	03-22-091	388-71-05942	DECOD-P	03-22-091	388-71-0710	NEW	03-06-024
388-71-05919	PREP	03-17-065	388-71-05943	PREP	03-17-065	388-71-0712	NEW	03-06-024
388-71-05919	AMD-P	03-22-091	388-71-05943	PREP	03-19-117	388-71-0714	NEW	03-06-024
388-71-05919	DECOD-P	03-22-091	388-71-05943	AMD-P	03-22-091	388-71-0716	NEW	03-06-024
388-71-05920	PREP	03-17-065	388-71-05943	DECOD-P	03-22-091	388-71-0718	NEW	03-06-024
388-71-05920	AMD-P	03-22-091	388-71-05944	PREP	03-17-065	388-71-0720	NEW	03-06-024
388-71-05920	DECOD-P	03-22-091	388-71-05944	PREP	03-19-117	388-71-0722	NEW	03-06-024
388-71-05921	PREP	03-17-065	388-71-05944	DECOD-P	03-22-091	388-71-0724	NEW	03-06-024
388-71-05921	DECOD-P	03-22-091	388-71-05945	PREP	03-17-065	388-71-0726	NEW	03-06-024
388-71-05922	PREP	03-17-065	388-71-05945	PREP	03-19-117	388-71-0728	NEW	03-06-024
388-71-05922	DECOD-P	03-22-091	388-71-05945	DECOD-P	03-22-091	388-71-0730	NEW	03-06-024
388-71-05923	PREP	03-09-089	388-71-05946	PREP	03-17-065	388-71-0732	NEW	03-06-024
388-71-05923	AMD-P	03-15-126	388-71-05946	PREP	03-19-117	388-71-0734	NEW	03-06-024
388-71-05923	PREP	03-17-065	388-71-05946	AMD-P	03-22-091	388-71-0736	NEW	03-06-024
388-71-05923	AMD	03-19-076	388-71-05946	DECOD-P	03-22-091	388-71-0738	NEW	03-06-024
388-71-05923	DECOD-P	03-22-091	388-71-05947	PREP	03-17-065	388-71-0740	NEW	03-06-024
388-71-05924	PREP	03-17-065	388-71-05947	PREP	03-19-117	388-71-0742	NEW	03-06-024
388-71-05924	AMD-P	03-22-091	388-71-05947	AMD-P	03-22-091	388-71-0744	NEW	03-06-024
388-71-05924	DECOD-P	03-22-091	388-71-05947	DECOD-P	03-22-091	388-71-0746	NEW	03-06-024
388-71-05925	PREP	03-17-065	388-71-05948	PREP	03-17-065	388-71-0748	NEW	03-06-024
388-71-05925	AMD-P	03-22-091	388-71-05948	PREP	03-19-117	388-71-0750	NEW	03-06-024
388-71-05925	DECOD-P	03-22-091	388-71-05948	DECOD-P	03-22-091	388-71-0752	NEW	03-06-024
388-71-05926	PREP	03-17-065	388-71-05949	PREP	03-17-065	388-71-0754	NEW	03-06-024
388-71-05926	AMD-P	03-22-091	388-71-05949	PREP	03-19-117	388-71-0756	NEW	03-06-024
388-71-05926	DECOD-P	03-22-091	388-71-05949	AMD-P	03-22-091	388-71-0758	NEW	03-06-024
388-71-05927	PREP	03-17-065	388-71-05949	DECOD-P	03-22-091	388-71-0760	NEW	03-06-024
388-71-05927	DECOD-P	03-22-091	388-71-05950	PREP	03-17-065	388-71-0762	NEW	03-06-024
388-71-05928	PREP	03-17-065	388-71-05950	PREP	03-19-117	388-71-0764	NEW	03-06-024
388-71-05928	DECOD-P	03-22-091	388-71-05950	DECOD-P	03-22-091	388-71-0766	NEW	03-06-024
388-71-05929	PREP	03-17-065	388-71-05951	PREP	03-17-065	388-71-0768	NEW	03-06-024
388-71-05929	DECOD-P	03-22-091	388-71-05951	PREP	03-19-117	388-71-0770	NEW	03-06-024
388-71-05930	PREP	03-17-065	388-71-05951	AMD-P	03-22-091	388-71-0772	NEW	03-06-024
388-71-05930	DECOD-P	03-22-091	388-71-05951	DECOD-P	03-22-091	388-71-0774	NEW	03-06-024

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388- 71-0776	NEW	03-06-024	388- 78A-0050	NEW	03-16-047	388- 78A-0330	NEW	03-16-047
388- 71-0800	AMD-P	03-09-091	388- 78A-0060	NEW-P	03-03-018	388- 78A-0340	NEW-P	03-03-018
388- 71-0800	AMD	03-13-091	388- 78A-0060	NEW	03-16-047	388- 78A-0340	NEW	03-16-047
388- 71-0805	AMD-P	03-09-091	388- 78A-0070	NEW-P	03-03-018	388- 78A-0350	NEW-P	03-03-018
388- 71-0805	AMD	03-13-091	388- 78A-0070	NEW	03-16-047	388- 78A-0350	NEW	03-16-047
388- 71-0810	AMD-P	03-09-091	388- 78A-0080	NEW-P	03-03-018	388- 78A-0360	NEW-P	03-03-018
388- 71-0810	AMD	03-13-091	388- 78A-0080	NEW	03-16-047	388- 78A-0360	NEW	03-16-047
388- 71-0815	AMD-P	03-09-091	388- 78A-0090	NEW-P	03-03-018	388- 78A-0370	NEW-P	03-03-018
388- 71-0815	AMD	03-13-091	388- 78A-0090	NEW	03-16-047	388- 78A-0370	NEW	03-16-047
388- 71-0820	AMD-P	03-09-091	388- 78A-010	REP-P	03-03-018	388- 78A-0380	NEW-P	03-03-018
388- 71-0820	AMD	03-13-091	388- 78A-010	REP	03-16-047	388- 78A-0380	NEW	03-16-047
388- 71-0825	AMD-P	03-09-091	388- 78A-0100	NEW-P	03-03-018	388- 78A-0390	NEW-P	03-03-018
388- 71-0825	AMD	03-13-091	388- 78A-0100	NEW	03-16-047	388- 78A-0390	NEW	03-16-047
388- 71-0835	AMD-P	03-09-091	388- 78A-0110	NEW-P	03-03-018	388- 78A-040	REP-P	03-03-018
388- 71-0835	AMD	03-13-091	388- 78A-0110	NEW	03-16-047	388- 78A-040	REP	03-16-047
388- 71-0840	AMD-P	03-09-091	388- 78A-0120	NEW-P	03-03-018	388- 78A-0400	NEW-P	03-03-018
388- 71-0840	AMD	03-13-091	388- 78A-0120	NEW	03-16-047	388- 78A-0400	NEW	03-16-047
388- 71-0845	AMD-P	03-09-091	388- 78A-0130	NEW-P	03-03-018	388- 78A-0410	NEW-P	03-03-018
388- 71-0845	AMD	03-13-091	388- 78A-0130	NEW	03-16-047	388- 78A-0410	NEW	03-16-047
388- 72A	PREP	03-21-148	388- 78A-0140	NEW-P	03-03-018	388- 78A-0420	NEW-P	03-03-018
388- 72A-0005	NEW	03-05-097	388- 78A-0140	NEW	03-16-047	388- 78A-0420	NEW	03-16-047
388- 72A-0010	NEW	03-05-097	388- 78A-0150	NEW-P	03-03-018	388- 78A-0430	NEW-P	03-03-018
388- 72A-0015	NEW	03-05-097	388- 78A-0150	NEW	03-16-047	388- 78A-0430	NEW	03-16-047
388- 72A-0020	NEW	03-05-097	388- 78A-0160	NEW-P	03-03-018	388- 78A-0440	NEW-P	03-03-018
388- 72A-0025	NEW	03-05-097	388- 78A-0160	NEW	03-16-047	388- 78A-0440	NEW	03-16-047
388- 72A-0030	NEW	03-05-097	388- 78A-0170	NEW-P	03-03-018	388- 78A-045	REP-P	03-03-018
388- 72A-0035	NEW	03-05-097	388- 78A-0170	NEW	03-16-047	388- 78A-045	REP	03-16-047
388- 72A-0040	NEW	03-05-097	388- 78A-0180	NEW-P	03-03-018	388- 78A-0450	NEW-P	03-03-018
388- 72A-0045	NEW	03-05-097	388- 78A-0180	NEW	03-16-047	388- 78A-0450	NEW	03-16-047
388- 72A-0050	NEW	03-05-097	388- 78A-0190	NEW-P	03-03-018	388- 78A-0460	NEW-P	03-03-018
388- 72A-0055	NEW	03-05-097	388- 78A-0190	NEW	03-16-047	388- 78A-0460	NEW	03-16-047
388- 72A-0060	NEW	03-05-097	388- 78A-020	REP-P	03-03-018	388- 78A-0470	NEW-P	03-03-018
388- 72A-0060	PREP	03-14-099	388- 78A-020	REP	03-16-047	388- 78A-0470	NEW	03-16-047
388- 72A-0060	AMD-E	03-15-133	388- 78A-0200	NEW-P	03-03-018	388- 78A-0480	NEW-P	03-03-018
388- 72A-0060	AMD-P	03-19-073	388- 78A-0200	NEW	03-16-047	388- 78A-0480	NEW	03-16-047
388- 72A-0065	NEW	03-05-097	388- 78A-0210	NEW-P	03-03-018	388- 78A-0490	NEW-P	03-03-018
388- 72A-0070	NEW	03-05-097	388- 78A-0210	NEW	03-16-047	388- 78A-0490	NEW	03-16-047
388- 72A-0075	NEW	03-05-097	388- 78A-0220	NEW-P	03-03-018	388- 78A-050	REP-P	03-03-018
388- 72A-0080	NEW	03-05-097	388- 78A-0220	NEW	03-16-047	388- 78A-050	REP	03-16-047
388- 72A-0085	NEW	03-05-097	388- 78A-0230	NEW-P	03-03-018	388- 78A-0500	NEW-P	03-03-018
388- 72A-0090	NEW	03-05-097	388- 78A-0230	NEW	03-16-047	388- 78A-0500	NEW	03-16-047
388- 72A-0095	NEW	03-05-097	388- 78A-0240	NEW-P	03-03-018	388- 78A-0510	NEW-P	03-03-018
388- 72A-0095	PREP	03-17-065	388- 78A-0240	NEW	03-16-047	388- 78A-0510	NEW	03-16-047
388- 72A-0100	NEW	03-05-097	388- 78A-0250	NEW-P	03-03-018	388- 78A-0520	NEW-P	03-03-018
388- 72A-0105	NEW	03-05-097	388- 78A-0250	NEW	03-16-047	388- 78A-0520	NEW	03-16-047
388- 72A-0110	NEW	03-05-097	388- 78A-0260	NEW-P	03-03-018	388- 78A-0530	NEW-P	03-03-018
388- 76-655	AMD-P	03-10-090	388- 78A-0260	NEW	03-16-047	388- 78A-0530	NEW	03-16-047
388- 76-655	AMD	03-14-018	388- 78A-0270	NEW-P	03-03-018	388- 78A-0540	NEW-P	03-03-018
388- 76-675	PREP	03-12-055	388- 78A-0270	NEW	03-16-047	388- 78A-0540	NEW	03-16-047
388- 76-675	AMD-P	03-21-123	388- 78A-0280	NEW-P	03-03-018	388- 78A-055	REP-P	03-03-018
388- 78A	AMD-P	03-03-018	388- 78A-0280	NEW	03-16-047	388- 78A-055	REP	03-16-047
388- 78A	AMD-C	03-07-088	388- 78A-0290	NEW-P	03-03-018	388- 78A-0550	NEW-P	03-03-018
388- 78A	AMD	03-16-047	388- 78A-0290	NEW	03-16-047	388- 78A-0550	NEW	03-16-047
388- 78A-0010	NEW-P	03-03-018	388- 78A-030	REP-P	03-03-018	388- 78A-0560	NEW-P	03-03-018
388- 78A-0010	NEW	03-16-047	388- 78A-030	REP	03-16-047	388- 78A-0560	NEW	03-16-047
388- 78A-0020	NEW-P	03-03-018	388- 78A-0300	NEW-P	03-03-018	388- 78A-0570	NEW-P	03-03-018
388- 78A-0020	NEW	03-16-047	388- 78A-0300	NEW	03-16-047	388- 78A-0570	NEW	03-16-047
388- 78A-0030	NEW-P	03-03-018	388- 78A-0310	NEW-P	03-03-018	388- 78A-0580	NEW-P	03-03-018
388- 78A-0030	NEW	03-16-047	388- 78A-0310	NEW	03-16-047	388- 78A-0580	NEW	03-16-047
388- 78A-0040	NEW-P	03-03-018	388- 78A-0320	NEW-P	03-03-018	388- 78A-0590	NEW-P	03-03-018
388- 78A-0040	NEW	03-16-047	388- 78A-0320	NEW	03-16-047	388- 78A-0590	NEW	03-16-047
388- 78A-0050	NEW-P	03-03-018	388- 78A-0330	NEW-P	03-03-018	388- 78A-060	REP-P	03-03-018

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388- 78A-320	REP	03-16-047	388-140-0055	NEW-E	03-04-035	388-140-0155	NEW-E	03-19-074
388- 78A-330	REP-P	03-03-018	388-140-0055	NEW-E	03-12-004	388-140-0160	NEW-E	03-04-035
388- 78A-330	REP	03-16-047	388-140-0055	NEW-E	03-19-074	388-140-0160	NEW-E	03-12-004
388- 78A-335	REP-P	03-03-018	388-140-0060	NEW-E	03-04-035	388-140-0160	NEW-E	03-19-074
388- 78A-335	REP	03-16-047	388-140-0060	NEW-E	03-12-004	388-140-0165	NEW-E	03-04-035
388- 78A-340	REP-P	03-03-018	388-140-0060	NEW-E	03-19-074	388-140-0165	NEW-E	03-12-004
388- 78A-340	REP	03-16-047	388-140-0065	NEW-E	03-04-035	388-140-0165	NEW-E	03-19-074
388- 78A-990	REP-P	03-03-018	388-140-0065	NEW-E	03-12-004	388-140-0170	NEW-E	03-04-035
388- 78A-990	REP	03-16-047	388-140-0065	NEW-E	03-19-074	388-140-0170	NEW-E	03-12-004
388- 79-010	AMD-P	03-06-094	388-140-0070	NEW-E	03-04-035	388-140-0170	NEW-E	03-19-074
388- 79-010	AMD	03-16-022	388-140-0070	NEW-E	03-12-004	388-140-0175	NEW-E	03-04-035
388- 79-020	AMD-P	03-06-094	388-140-0070	NEW-E	03-19-074	388-140-0175	NEW-E	03-12-004
388- 79-020	AMD	03-16-022	388-140-0075	NEW-E	03-04-035	388-140-0175	NEW-E	03-19-074
388- 79-030	AMD-P	03-06-094	388-140-0075	NEW-E	03-12-004	388-140-0180	NEW-E	03-04-035
388- 79-030	AMD	03-16-022	388-140-0075	NEW-E	03-19-074	388-140-0180	NEW-E	03-12-004
388- 79-040	AMD-P	03-06-094	388-140-0080	NEW-E	03-04-035	388-140-0180	NEW-E	03-19-074
388- 79-040	AMD	03-16-022	388-140-0080	NEW-E	03-12-004	388-140-0185	NEW-E	03-04-035
388- 79-050	NEW-P	03-06-094	388-140-0080	NEW-E	03-19-074	388-140-0185	NEW-E	03-12-004
388- 79-050	NEW	03-16-022	388-140-0085	NEW-E	03-04-035	388-140-0185	NEW-E	03-19-074
388- 96	PREP	03-07-031	388-140-0085	NEW-E	03-12-004	388-140-0190	NEW-E	03-04-035
388- 97-027	PREP-W	03-16-018	388-140-0085	NEW-E	03-19-074	388-140-0190	NEW-E	03-12-004
388- 97-076	PREP	03-12-056	388-140-0090	NEW-E	03-04-035	388-140-0190	NEW-E	03-19-074
388- 97-076	AMD-P	03-20-040	388-140-0090	NEW-E	03-12-004	388-140-0195	NEW-E	03-04-035
388-105	PREP	03-15-050	388-140-0090	NEW-E	03-19-074	388-140-0195	NEW-E	03-12-004
388-105-0005	AMD-E	03-15-011	388-140-0095	NEW-E	03-04-035	388-140-0195	NEW-E	03-19-074
388-105-0005	AMD-E	03-22-052	388-140-0095	NEW-E	03-12-004	388-140-0200	NEW-E	03-04-035
388-105-0030	AMD-E	03-15-011	388-140-0095	NEW-E	03-19-074	388-140-0200	NEW-E	03-12-004
388-105-0030	AMD-E	03-22-052	388-140-0100	NEW-E	03-04-035	388-140-0200	NEW-E	03-19-074
388-105-0040	AMD-E	03-15-011	388-140-0100	NEW-E	03-12-004	388-140-0205	NEW-E	03-04-035
388-105-0040	AMD-E	03-22-052	388-140-0100	NEW-E	03-19-074	388-140-0205	NEW-E	03-12-004
388-105-0045	NEW-E	03-15-011	388-140-0105	NEW-E	03-04-035	388-140-0205	NEW-E	03-19-074
388-105-0045	NEW-E	03-22-052	388-140-0105	NEW-E	03-12-004	388-140-0210	NEW-E	03-04-035
388-140-0005	NEW-E	03-04-035	388-140-0105	NEW-E	03-19-074	388-140-0210	NEW-E	03-12-004
388-140-0005	NEW-E	03-12-004	388-140-0110	NEW-E	03-04-035	388-140-0210	NEW-E	03-19-074
388-140-0005	NEW-E	03-19-074	388-140-0110	NEW-E	03-12-004	388-140-0215	NEW-E	03-04-035
388-140-0010	NEW-E	03-04-035	388-140-0110	NEW-E	03-19-074	388-140-0215	NEW-E	03-12-004
388-140-0010	NEW-E	03-12-004	388-140-0115	NEW-E	03-04-035	388-140-0215	NEW-E	03-19-074
388-140-0010	NEW-E	03-19-074	388-140-0115	NEW-E	03-12-004	388-140-0220	NEW-E	03-04-035
388-140-0015	NEW-E	03-04-035	388-140-0115	NEW-E	03-19-074	388-140-0220	NEW-E	03-12-004
388-140-0015	NEW-E	03-12-004	388-140-0120	NEW-E	03-04-035	388-140-0220	NEW-E	03-19-074
388-140-0015	NEW-E	03-19-074	388-140-0120	NEW-E	03-12-004	388-140-0225	NEW-E	03-04-035
388-140-0020	NEW-E	03-04-035	388-140-0120	NEW-E	03-19-074	388-140-0225	NEW-E	03-12-004
388-140-0020	NEW-E	03-12-004	388-140-0125	NEW-E	03-04-035	388-140-0225	NEW-E	03-19-074
388-140-0020	NEW-E	03-19-074	388-140-0125	NEW-E	03-12-004	388-140-0230	NEW-E	03-04-035
388-140-0025	NEW-E	03-04-035	388-140-0125	NEW-E	03-19-074	388-140-0230	NEW-E	03-12-004
388-140-0025	NEW-E	03-12-004	388-140-0130	NEW-E	03-04-035	388-140-0230	NEW-E	03-19-074
388-140-0025	NEW-E	03-19-074	388-140-0130	NEW-E	03-12-004	388-140-0235	NEW-E	03-04-035
388-140-0030	NEW-E	03-04-035	388-140-0130	NEW-E	03-19-074	388-140-0235	NEW-E	03-12-004
388-140-0030	NEW-E	03-12-004	388-140-0135	NEW-E	03-04-035	388-140-0235	NEW-E	03-19-074
388-140-0030	NEW-E	03-19-074	388-140-0135	NEW-E	03-12-004	388-140-0240	NEW-E	03-04-035
388-140-0035	NEW-E	03-04-035	388-140-0135	NEW-E	03-19-074	388-140-0240	NEW-E	03-12-004
388-140-0035	NEW-E	03-12-004	388-140-0140	NEW-E	03-04-035	388-140-0240	NEW-E	03-19-074
388-140-0035	NEW-E	03-19-074	388-140-0140	NEW-E	03-12-004	388-140-0245	NEW-E	03-04-035
388-140-0040	NEW-E	03-04-035	388-140-0140	NEW-E	03-19-074	388-140-0245	NEW-E	03-12-004
388-140-0040	NEW-E	03-12-004	388-140-0145	NEW-E	03-04-035	388-140-0245	NEW-E	03-19-074
388-140-0040	NEW-E	03-19-074	388-140-0145	NEW-E	03-12-004	388-140-0250	NEW-E	03-04-035
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388-140-0045	NEW-E	03-12-004	388-140-0150	NEW-E	03-04-035	388-140-0250	NEW-E	03-19-074
388-140-0045	NEW-E	03-19-074	388-140-0150	NEW-E	03-12-004	388-140-0255	NEW-E	03-04-035
388-140-0050	NEW-E	03-04-035	388-140-0150	NEW-E	03-19-074	388-140-0255	NEW-E	03-12-004
388-140-0050	NEW-E	03-12-004	388-140-0155	NEW-E	03-04-035	388-140-0255	NEW-E	03-19-074
388-140-0050	NEW-E	03-19-074	388-140-0155	NEW-E	03-12-004	388-140-0260	NEW-E	03-04-035

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388-148-0125	AMD-E	03-21-074	388-148-0725	AMD-E	03-21-074	388-148-1205	NEW-E	03-06-091
388-148-0140	AMD-E	03-05-099	388-148-0785	AMD-E	03-05-099	388-148-1210	NEW-E	03-06-091
388-148-0140	AMD-E	03-14-012	388-148-0785	AMD-E	03-14-012	388-148-1215	NEW-E	03-06-091
388-148-0140	AMD-E	03-21-074	388-148-0785	AMD-E	03-21-074	388-148-1220	NEW-E	03-06-091
388-148-0170	AMD-E	03-14-012	388-148-0880	AMD-E	03-05-099	388-148-1225	NEW-E	03-06-091
388-148-0170	AMD-E	03-21-074	388-148-0880	AMD-E	03-14-012	388-148-1230	NEW-E	03-06-091
388-148-0220	AMD-E	03-05-099	388-148-0880	AMD-E	03-21-074	388-148-1235	NEW-E	03-06-091
388-148-0220	AMD-E	03-14-012	388-148-0892	NEW-E	03-05-099	388-148-1240	NEW-E	03-06-091
388-148-0220	AMD-E	03-21-074	388-148-0892	NEW-E	03-14-012	388-148-1245	NEW-E	03-06-091
388-148-0260	AMD-E	03-05-099	388-148-0892	NEW-E	03-21-074	388-148-1250	NEW-E	03-06-091
388-148-0260	AMD-E	03-14-012	388-148-0915	AMD-E	03-05-099	388-148-1255	NEW-E	03-06-091
388-148-0260	AMD-E	03-21-074	388-148-0915	AMD-E	03-14-012	388-148-1260	NEW-E	03-06-091
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388-148-0270	AMD-E	03-21-074	388-148-0995	AMD-E	03-14-012	388-148-1275	NEW-E	03-06-091
388-148-0335	AMD-E	03-05-099	388-148-0995	AMD-E	03-21-074	388-148-1280	NEW-E	03-06-091
388-148-0335	AMD-E	03-14-012	388-148-1060	AMD-E	03-05-099	388-148-1285	NEW-E	03-06-091
388-148-0335	AMD-E	03-21-074	388-148-1060	AMD-E	03-14-012	388-148-1290	NEW-E	03-06-091
388-148-0345	AMD-E	03-05-099	388-148-1060	AMD-E	03-21-074	388-148-1295	NEW-E	03-06-091
388-148-0345	AMD-E	03-14-012	388-148-1070	AMD-E	03-05-099	388-148-1300	NEW-E	03-06-091
388-148-0345	AMD-E	03-21-074	388-148-1070	AMD-E	03-14-012	388-150-005	REP-P	03-09-005
388-148-0350	AMD-E	03-05-099	388-148-1070	AMD-E	03-21-074	388-150-005	REP	03-14-110
388-148-0350	AMD-E	03-14-012	388-148-1076	NEW-E	03-05-099	388-150-010	REP-P	03-09-005
388-148-0350	AMD-E	03-21-074	388-148-1076	NEW-E	03-14-012	388-150-010	REP	03-14-110
388-148-0395	AMD-E	03-05-099	388-148-1076	NEW-E	03-21-074	388-150-020	REP-P	03-09-005
388-148-0395	AMD-E	03-14-012	388-148-1076	NEW-E	03-05-099	388-150-020	REP	03-14-110
388-148-0395	AMD-E	03-21-074	388-148-1077	NEW-E	03-14-012	388-150-040	REP-P	03-09-005
388-148-0427	NEW-E	03-05-099	388-148-1077	NEW-E	03-21-074	388-150-040	REP	03-14-110
388-148-0427	NEW-E	03-14-012	388-148-1078	NEW-E	03-05-099	388-150-050	REP-P	03-09-005
388-148-0427	NEW-E	03-21-074	388-148-1078	NEW-E	03-14-012	388-150-050	REP	03-14-110
388-148-0460	AMD-E	03-05-099	388-148-1078	NEW-E	03-21-074	388-150-060	REP-P	03-09-005
388-148-0460	AMD-E	03-14-012	388-148-1079	NEW-E	03-05-099	388-150-060	REP	03-14-110
388-148-0460	AMD-E	03-21-074	388-148-1079	NEW-E	03-14-012	388-150-070	REP-P	03-09-005
388-148-0462	NEW-E	03-05-099	388-148-1079	NEW-E	03-21-074	388-150-070	REP	03-14-110
388-148-0462	NEW-E	03-14-012	388-148-1115	AMD-E	03-05-099	388-150-080	REP-P	03-09-005
388-148-0462	NEW-E	03-21-074	388-148-1115	AMD-E	03-14-012	388-150-080	REP	03-14-110
388-148-0520	AMD-E	03-05-099	388-148-1115	AMD-E	03-21-074	388-150-085	REP-P	03-09-005
388-148-0520	AMD-E	03-14-012	388-148-1120	AMD-E	03-05-099	388-150-085	REP	03-14-110
388-148-0520	AMD-E	03-21-074	388-148-1120	AMD-E	03-14-012	388-150-090	REP-P	03-09-005
388-148-0542	NEW-E	03-05-099	388-148-1120	AMD-E	03-21-074	388-150-090	REP	03-14-110
388-148-0542	NEW-E	03-14-012	388-148-1140	NEW-E	03-05-099	388-150-092	REP-P	03-09-005
388-148-0542	NEW-E	03-21-074	388-148-1140	NEW-E	03-14-012	388-150-092	REP	03-14-110
388-148-0560	AMD-E	03-05-099	388-148-1145	NEW-E	03-05-099	388-150-093	REP-P	03-09-005
388-148-0560	AMD-E	03-14-012	388-148-1145	NEW-E	03-14-012	388-150-093	REP	03-14-110
388-148-0560	AMD-E	03-21-074	388-148-1150	NEW-E	03-05-099	388-150-094	REP-P	03-09-005
388-148-0585	AMD-E	03-05-099	388-148-1150	NEW-E	03-14-012	388-150-094	REP	03-14-110
388-148-0585	AMD-E	03-14-012	388-148-1155	NEW-E	03-05-099	388-150-095	REP-P	03-09-005
388-148-0585	AMD-E	03-21-074	388-148-1155	NEW-E	03-14-012	388-150-095	REP	03-14-110
388-148-0630	AMD-E	03-05-099	388-148-1160	NEW-E	03-05-099	388-150-096	REP-P	03-09-005
388-148-0630	AMD-E	03-14-012	388-148-1160	NEW-E	03-14-012	388-150-096	REP	03-14-110
388-148-0630	AMD-E	03-21-074	388-148-1165	NEW-E	03-05-099	388-150-097	REP-P	03-09-005
388-148-0700	AMD-E	03-05-099	388-148-1165	NEW-E	03-14-012	388-150-097	REP	03-14-110
388-148-0700	AMD-E	03-14-012	388-148-1170	NEW-E	03-05-099	388-150-098	REP-P	03-09-005
388-148-0700	AMD-E	03-21-074	388-148-1170	NEW-E	03-14-012	388-150-098	REP	03-14-110
388-148-0720	AMD-E	03-05-099	388-148-1175	NEW-E	03-05-099	388-150-100	REP-P	03-09-005
388-148-0720	AMD-E	03-14-012	388-148-1175	NEW-E	03-14-012	388-150-100	REP	03-14-110
388-148-0720	AMD-E	03-21-074	388-148-1180	NEW-E	03-05-099	388-150-110	REP-P	03-09-005
388-148-0722	NEW-E	03-05-099	388-148-1180	NEW-E	03-14-012	388-150-110	REP	03-14-110
388-148-0722	NEW-E	03-14-012	388-148-1185	NEW-E	03-05-099	388-150-120	REP-P	03-09-005
388-148-0722	NEW-E	03-21-074	388-148-1185	NEW-E	03-14-012	388-150-120	REP	03-14-110
388-148-0725	AMD-E	03-05-099	388-148-1190	NEW-E	03-05-099	388-150-130	REP-P	03-09-005

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388-150-130	REP	03-14-110	388-150-430	REP	03-14-110	388-290-0190	AMD-E	03-14-061
388-150-140	REP-P	03-09-005	388-150-440	REP-P	03-09-005	388-290-0190	AMD-E	03-22-005
388-150-140	REP	03-14-110	388-150-440	REP	03-14-110	388-290-0210	REP-E	03-06-045
388-150-150	REP-P	03-09-005	388-150-450	REP-P	03-09-005	388-290-0210	REP-E	03-14-061
388-150-150	REP	03-14-110	388-150-450	REP	03-14-110	388-290-0210	REP-E	03-22-005
388-150-160	REP-P	03-09-005	388-150-460	REP-P	03-09-005	388-292-0001	NEW-P	03-09-033
388-150-160	REP	03-14-110	388-150-460	REP	03-14-110	388-292-0001	NEW	03-14-109
388-150-165	REP-P	03-09-005	388-150-470	REP-P	03-09-005	388-292-0003	NEW-P	03-09-033
388-150-165	REP	03-14-110	388-150-470	REP	03-14-110	388-292-0003	NEW	03-14-109
388-150-170	REP-P	03-09-005	388-150-480	REP-P	03-09-005	388-292-0005	NEW-P	03-09-033
388-150-170	REP	03-14-110	388-150-480	REP	03-14-110	388-292-0005	NEW	03-14-109
388-150-180	REP-P	03-09-005	388-150-490	REP-P	03-09-005	388-292-0010	NEW-P	03-09-033
388-150-180	REP	03-14-110	388-150-490	REP	03-14-110	388-292-0010	NEW	03-14-109
388-150-190	REP-P	03-09-005	388-150-500	REP-P	03-09-005	388-292-0015	NEW-P	03-09-033
388-150-190	REP	03-14-110	388-150-500	REP	03-14-110	388-292-0015	NEW	03-14-109
388-150-200	REP-P	03-09-005	388-150-990	REP-P	03-09-005	388-292-0020	NEW-P	03-09-033
388-150-200	REP	03-14-110	388-150-990	REP	03-14-110	388-292-0020	NEW	03-14-109
388-150-210	REP-P	03-09-005	388-150-991	REP-P	03-09-005	388-292-0025	NEW-P	03-09-033
388-150-210	REP	03-14-110	388-150-991	REP	03-14-110	388-292-0025	NEW	03-14-109
388-150-220	REP-P	03-09-005	388-150-992	REP-P	03-09-005	388-292-0030	NEW-P	03-09-033
388-150-220	REP	03-14-110	388-150-992	REP	03-14-110	388-292-0030	NEW	03-14-109
388-150-230	REP-P	03-09-005	388-150-993	REP-P	03-09-005	388-292-0035	NEW-P	03-09-033
388-150-230	REP	03-14-110	388-150-993	REP	03-14-110	388-292-0035	NEW	03-14-109
388-150-240	REP-P	03-09-005	388-151	PREP	03-20-025	388-292-0040	NEW-P	03-09-033
388-150-240	REP	03-14-110	388-155-070	AMD-P	03-06-092	388-292-0040	NEW	03-14-109
388-150-250	REP-P	03-09-005	388-155-070	AMD	03-09-074	388-292-0045	NEW-P	03-09-033
388-150-250	REP	03-14-110	388-155-090	AMD-P	03-06-092	388-292-0045	NEW	03-14-109
388-150-260	REP-P	03-09-005	388-155-090	AMD	03-09-074	388-292-0050	NEW-P	03-09-033
388-150-260	REP	03-14-110	388-165-130	REP-P	03-09-033	388-292-0050	NEW	03-14-109
388-150-270	REP-P	03-09-005	388-165-130	REP	03-14-109	388-292-0055	NEW-P	03-09-033
388-150-270	REP	03-14-110	388-180-0100	NEW	03-04-013	388-292-0055	NEW	03-14-109
388-150-280	REP-P	03-09-005	388-180-0110	NEW	03-04-013	388-292-0060	NEW-P	03-09-033
388-150-280	REP	03-14-110	388-180-0120	NEW	03-04-013	388-292-0060	NEW	03-14-109
388-150-290	REP-P	03-09-005	388-180-0130	NEW	03-04-013	388-292-0065	NEW-P	03-09-033
388-150-290	REP	03-14-110	388-180-0140	NEW	03-04-013	388-292-0065	NEW	03-14-109
388-150-295	REP-P	03-09-005	388-180-0150	NEW	03-04-013	388-292-0070	NEW-P	03-09-033
388-150-295	REP	03-14-110	388-180-0160	NEW	03-04-013	388-292-0070	NEW	03-14-109
388-150-310	REP-P	03-09-005	388-180-0170	NEW	03-04-013	388-292-0075	NEW-P	03-09-033
388-150-310	REP	03-14-110	388-180-0180	NEW	03-04-013	388-292-0075	NEW	03-14-109
388-150-320	REP-P	03-09-005	388-180-0190	NEW	03-04-013	388-292-0080	NEW-P	03-09-033
388-150-320	REP	03-14-110	388-180-0200	NEW	03-04-013	388-292-0080	NEW	03-14-109
388-150-330	REP-P	03-09-005	388-180-0210	NEW	03-04-013	388-292-0085	NEW-P	03-09-033
388-150-330	REP	03-14-110	388-180-0220	NEW	03-04-013	388-292-0085	NEW	03-14-109
388-150-340	REP-P	03-09-005	388-180-0230	NEW	03-04-013	388-292-0090	NEW-P	03-09-033
388-150-340	REP	03-14-110	388-273-0025	AMD-E	03-12-057	388-292-0090	NEW	03-14-109
388-150-350	REP-P	03-09-005	388-273-0025	PREP	03-13-044	388-292-0095	NEW-P	03-09-033
388-150-350	REP	03-14-110	388-273-0025	AMD-E	03-20-051	388-292-0095	NEW	03-14-109
388-150-360	REP-P	03-09-005	388-273-0030	AMD-E	03-12-057	388-292-0100	NEW-P	03-09-033
388-150-360	REP	03-14-110	388-273-0030	PREP	03-13-044	388-292-0100	NEW	03-14-109
388-150-370	REP-P	03-09-005	388-273-0030	AMD-E	03-20-051	388-292-0102	NEW-P	03-09-033
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388-150-380	REP-P	03-09-005	388-273-0035	PREP	03-13-044	388-292-0105	NEW-P	03-09-033
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388-295-5150	NEW	03-14-110	388-406-0035	PREP	03-15-024	388-418-0005	AMD-P	03-17-087
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388-295-6030	NEW	03-14-110	388-406-0060	AMD-P	03-19-112	388-418-0025	AMD-P	03-19-068
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388-820-550	AMD-P	03-21-033	388-825-515	NEW-E	03-10-027	388-827-0140	NEW-P	03-22-056
388-820-555	NEW-P	03-21-033	388-825-520	NEW-E	03-03-115	388-827-0145	NEW-E	03-18-027
388-820-560	AMD-P	03-21-033	388-825-520	NEW-E	03-10-027	388-827-0145	NEW-P	03-22-056
388-820-600	AMD-P	03-21-033	388-825-525	NEW-E	03-03-115	388-827-0146	NEW-E	03-18-027
388-820-650	AMD-P	03-21-033	388-825-525	NEW-E	03-10-027	388-827-0146	NEW-P	03-22-056
388-820-690	AMD-P	03-21-033	388-825-530	NEW-E	03-03-115	388-827-0150	NEW-E	03-18-027
388-825	PREP	03-18-028	388-825-530	NEW-E	03-10-027	388-827-0150	NEW-P	03-22-056
388-825	PREP	03-20-103	388-825-535	NEW-E	03-03-115	388-827-0155	NEW-E	03-18-027
388-825-020	AMD-E	03-03-115	388-825-535	NEW-E	03-10-027	388-827-0155	NEW-P	03-22-056
388-825-020	AMD-E	03-10-027	388-825-540	NEW-E	03-03-115	388-827-0160	NEW-E	03-18-027
388-825-020	AMD-E	03-18-029	388-825-540	NEW-E	03-10-027	388-827-0160	NEW-P	03-22-056
388-825-020	AMD-P	03-21-156	388-825-545	NEW-E	03-03-115	388-827-0170	NEW-E	03-18-027
388-825-055	AMD-E	03-03-115	388-825-545	NEW-E	03-10-027	388-827-0170	NEW-P	03-22-056
388-825-055	AMD-E	03-10-027	388-825-546	NEW-E	03-03-115	388-827-0175	NEW-E	03-18-027
388-825-055	AMD-E	03-18-029	388-825-546	NEW-E	03-10-027	388-827-0175	NEW-P	03-22-056
388-825-055	AMD-P	03-21-156	388-825-550	NEW-E	03-03-115	388-827-0180	NEW-E	03-18-027
388-825-060	NEW-E	03-18-029	388-825-550	NEW-E	03-10-027	388-827-0180	NEW-P	03-22-056
388-825-060	NEW-P	03-21-156	388-825-555	NEW-E	03-03-115	388-827-0185	NEW-E	03-18-027
388-825-064	NEW-E	03-18-029	388-825-555	NEW-E	03-10-027	388-827-0185	NEW-P	03-22-056
388-825-064	NEW-P	03-21-156	388-825-560	NEW-E	03-03-115	388-827-0200	NEW-E	03-18-027
388-825-070	NEW-E	03-18-029	388-825-560	NEW-E	03-10-027	388-827-0200	NEW-P	03-22-056
388-825-070	NEW-P	03-21-156	388-825-565	NEW-E	03-03-115	388-827-0210	NEW-E	03-18-027
388-825-075	NEW-E	03-18-029	388-825-570	NEW-E	03-03-115	388-827-0210	NEW-P	03-22-056
388-825-075	NEW-P	03-21-156	388-825-570	NEW-E	03-10-027	388-827-0215	NEW-E	03-18-027
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388-825-077	NEW-P	03-21-156	388-825-571	NEW-E	03-10-027	388-827-0300	NEW-E	03-18-027
388-825-078	NEW-P	03-21-156	388-825-575	NEW-E	03-03-115	388-827-0300	NEW-P	03-22-056
388-825-079	NEW-P	03-21-156	388-825-575	NEW-E	03-10-027	388-827-0400	NEW-E	03-18-027
388-825-081	NEW-P	03-21-156	388-825-576	NEW-E	03-03-115	388-827-0400	NEW-P	03-22-056
388-825-082	NEW-P	03-21-156	388-825-576	NEW-E	03-10-027	388-827-0410	NEW-E	03-18-027
388-825-090	NEW-P	03-21-156	388-825-580	NEW-E	03-03-115	388-827-0410	NEW-P	03-22-056
388-825-095	NEW-P	03-21-156	388-825-580	NEW-E	03-10-027	388-827-0420	NEW-E	03-18-027
388-825-100	AMD-E	03-03-115	388-825-585	NEW-E	03-03-115	388-827-0420	NEW-P	03-22-056
388-825-100	AMD-E	03-10-027	388-825-585	NEW-E	03-10-027	388-850-035	AMD-E	03-03-115
388-825-100	AMD-E	03-18-029	388-825-590	NEW-E	03-03-115	388-850-035	AMD-E	03-10-027
388-825-100	AMD-P	03-21-156	388-825-590	NEW-E	03-10-027	388-850-035	AMD-E	03-18-029
388-825-120	AMD-E	03-03-115	388-825-591	NEW-E	03-03-115	388-850-035	AMD-P	03-21-156
388-825-120	AMD-E	03-10-027	388-825-591	NEW-E	03-10-027	388-850-045	AMD-E	03-03-115
388-825-120	AMD-E	03-18-029	388-825-592	NEW-E	03-03-115	388-850-045	AMD-E	03-10-027
388-825-120	AMD-P	03-21-156	388-825-592	NEW-E	03-10-027	388-850-045	AMD-E	03-18-029
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388-825-180	AMD-E	03-18-029	388-827	PREP	03-18-026	388-865-0105	PREP	03-08-077
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388-825-205	AMD-E	03-18-029	388-827-0105	NEW-E	03-18-027	388-865-0120	PREP	03-08-077
388-825-205	AMD-P	03-21-156	388-827-0105	NEW-P	03-22-056	388-865-0150	PREP	03-08-077
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388-865-0203	PREP	03-08-077	388-865-0465	NEW-P	03-22-090	388-880	AMD-E	03-12-003
388-865-0205	PREP	03-08-077	388-865-0466	PREP	03-08-077	388-880	AMD-P	03-18-106
388-865-0210	PREP	03-08-077	388-865-0468	PREP	03-08-077	388-880	AMD-E	03-19-119
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388-865-0217	NEW-P	03-19-096	388-865-0476	PREP	03-08-077	388-880-007	AMD-E	03-12-003
388-865-0220	PREP	03-08-077	388-865-0478	PREP	03-08-077	388-880-007	AMD-P	03-18-106
388-865-0221	PREP	03-08-077	388-865-0480	PREP	03-08-077	388-880-007	AMD-E	03-19-119
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388-865-0229	PREP	03-08-077	388-865-0500	PREP	03-07-041	388-880-010	AMD-E	03-19-119
388-865-0230	PREP	03-08-077	388-865-0500	AMD-P	03-18-103	388-880-020	AMD-E	03-12-003
388-865-0235	PREP	03-08-077	388-865-0501	PREP	03-07-041	388-880-020	AMD-P	03-18-106
388-865-0240	PREP	03-08-077	388-865-0501	REP-P	03-18-103	388-880-020	AMD-E	03-19-119
388-865-0245	PREP	03-08-077	388-865-0502	PREP	03-07-041	388-880-030	AMD-E	03-12-003
388-865-0250	PREP	03-08-077	388-865-0502	REP-P	03-18-103	388-880-030	AMD-P	03-18-106
388-865-0255	PREP	03-08-077	388-865-0504	PREP	03-07-041	388-880-030	AMD-E	03-19-119
388-865-0260	PREP	03-08-077	388-865-0504	REP-P	03-18-103	388-880-031	AMD-E	03-12-003
388-865-0265	PREP	03-08-077	388-865-0505	PREP	03-07-041	388-880-031	AMD-P	03-18-106
388-865-0270	PREP	03-08-077	388-865-0505	REP-P	03-18-103	388-880-031	AMD-E	03-19-119
388-865-0275	PREP	03-08-077	388-865-0510	PREP	03-07-041	388-880-032	REP-E	03-12-003
388-865-0280	PREP	03-08-077	388-865-0510	REP-P	03-18-103	388-880-032	REP-P	03-18-106
388-865-0282	PREP	03-08-077	388-865-0511	NEW-P	03-18-103	388-880-032	REP-E	03-19-119
388-865-0284	PREP	03-08-077	388-865-0515	PREP	03-07-041	388-880-033	NEW-E	03-12-003
388-865-0286	PREP	03-08-077	388-865-0515	REP-P	03-18-103	388-880-033	NEW-P	03-18-106
388-865-0288	PREP	03-08-077	388-865-0516	NEW-P	03-18-103	388-880-033	NEW-E	03-19-119
388-865-0300	PREP	03-08-077	388-865-0520	NEW-P	03-18-103	388-880-034	NEW-E	03-12-003
388-865-0305	PREP	03-08-077	388-865-0525	PREP	03-07-041	388-880-034	NEW-P	03-18-106
388-865-0310	PREP	03-08-077	388-865-0526	NEW-P	03-18-103	388-880-034	NEW-E	03-19-119
388-865-0315	PREP	03-08-077	388-865-0530	PREP	03-07-041	388-880-035	NEW-E	03-12-003
388-865-0320	PREP	03-08-077	388-865-0530	REP-P	03-18-103	388-880-035	NEW-P	03-18-106
388-865-0325	PREP	03-08-077	388-865-0531	NEW-P	03-18-103	388-880-035	NEW-E	03-19-119
388-865-0330	PREP	03-08-077	388-865-0535	PREP	03-07-041	388-880-036	NEW-E	03-12-003
388-865-0335	PREP	03-08-077	388-865-0535	REP-P	03-18-103	388-880-036	NEW-P	03-18-106
388-865-0340	PREP	03-08-077	388-865-0536	NEW-P	03-18-103	388-880-036	NEW-E	03-19-119
388-865-0345	PREP	03-08-077	388-865-0540	PREP	03-07-041	388-880-040	AMD-P	03-18-106
388-865-0350	PREP	03-08-077	388-865-0540	REP-P	03-18-103	388-880-042	AMD-P	03-18-106
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388-865-0360	PREP	03-08-077	388-865-0545	PREP	03-07-041	388-880-044	AMD-P	03-18-106
388-865-0363	PREP	03-08-077	388-865-0545	REP-P	03-18-103	388-880-044	AMD-E	03-19-119
388-865-0365	PREP	03-08-077	388-865-0546	PREP	03-07-041	388-880-045	AMD-E	03-12-003
388-865-0400	PREP	03-08-077	388-865-0546	REP-P	03-18-103	388-880-045	AMD-P	03-18-106
388-865-0400	PREP	03-17-062	388-865-0547	NEW-P	03-18-103	388-880-045	AMD-E	03-19-119
388-865-0405	PREP	03-08-077	388-865-0550	PREP	03-07-041	388-880-050	AMD-P	03-18-106
388-865-0410	PREP	03-08-077	388-865-0550	REP-P	03-18-103	388-880-055	NEW-E	03-12-003
388-865-0415	PREP	03-08-077	388-865-0551	NEW-P	03-18-103	388-880-055	NEW-P	03-18-106
388-865-0420	PREP	03-08-077	388-865-0555	PREP	03-07-041	388-880-055	NEW-E	03-19-119
388-865-0425	PREP	03-08-077	388-865-0555	REP-P	03-18-103	388-880-060	AMD-P	03-18-106
388-865-0430	PREP	03-08-077	388-865-0557	PREP	03-07-041	388-891	PREP-W	03-14-057
388-865-0435	PREP	03-08-077	388-865-0557	REP-P	03-18-103	388-892-0100	NEW-P	03-15-035
388-865-0436	PREP	03-08-077	388-865-0560	PREP	03-07-041	388-892-0100	NEW	03-19-075
388-865-0440	PREP	03-08-077	388-865-0560	REP-P	03-18-103	388-892-0110	NEW-P	03-15-035
388-865-0445	PREP	03-08-077	388-865-0561	NEW-P	03-18-103	388-892-0110	NEW	03-19-075
388-865-0450	PREP	03-08-077	388-865-0565	PREP	03-07-041	388-892-0120	NEW-P	03-15-035
388-865-0452	PREP	03-08-077	388-865-0565	REP-P	03-18-103	388-892-0120	NEW	03-19-075
388-865-0454	PREP	03-08-077	388-865-0566	NEW-P	03-18-103	388-892-0130	NEW-P	03-15-035
388-865-0456	PREP	03-08-077	388-865-0570	NEW-P	03-18-103	388-892-0130	NEW	03-19-075
388-865-0458	PREP	03-08-077	388-865-0575	NEW-P	03-18-103	388-892-0140	NEW-P	03-15-035
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388-892-0210	NEW-P	03-15-035	390-37-063	AMD-X	03-13-105	391-25-210	AMD	03-11-029
388-892-0210	NEW	03-19-075	390-37-063	AMD	03-18-003	391-25-216	NEW	03-03-064
388-892-0300	NEW-P	03-15-035	390-37-070	AMD-P	03-19-053	391-25-216	PREP	03-03-066
388-892-0300	NEW	03-19-075	390-37-070	AMD	03-22-065	391-25-216	REP-P	03-07-093
388-892-0310	NEW-P	03-15-035	390-37-090	AMD-P	03-19-053	391-25-216	REP	03-11-029
388-892-0310	NEW	03-19-075	390-37-090	AMD	03-22-065	391-25-217	NEW	03-03-064
388-892-0320	NEW-P	03-15-035	390-37-100	AMD-P	03-19-053	391-25-396	NEW	03-03-064
388-892-0320	NEW	03-19-075	390-37-100	AMD	03-22-065	391-25-416	NEW	03-03-064
388-892-0400	NEW-P	03-15-035	390-37-103	NEW-P	03-19-053	391-25-426	NEW-E	03-03-065
388-892-0400	NEW	03-19-075	390-37-103	NEW	03-22-065	391-25-426	PREP	03-03-066
388-892-0410	NEW-P	03-15-035	390-37-105	AMD-P	03-19-053	391-25-426	NEW-P	03-07-093
388-892-0410	NEW	03-19-075	390-37-105	AMD	03-22-065	391-25-426	NEW-E	03-11-028
388-892-0420	NEW-P	03-15-035	390-37-120	AMD-P	03-19-053	391-25-426	NEW	03-11-029
388-892-0420	NEW	03-19-075	390-37-120	AMD	03-22-065	391-25-427	NEW	03-03-064
388-892-0430	NEW-P	03-15-035	390-37-130	AMD-P	03-19-053	391-25-476	NEW	03-03-064
388-892-0430	NEW	03-19-075	390-37-130	AMD	03-22-065	391-25-496	NEW	03-03-064
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388-892-0440	NEW	03-19-075	390-37-132	AMD	03-22-065	391-35-002	AMD	03-03-064
388-892-0450	NEW-P	03-15-035	390-37-134	AMD-X	03-13-105	391-35-026	NEW	03-03-064
388-892-0450	NEW	03-19-075	390-37-134	AMD	03-18-003	391-35-326	NEW	03-03-064
388-892-0500	NEW-P	03-15-035	390-37-136	AMD-P	03-19-053	391-35-327	NEW	03-03-064
388-892-0500	NEW	03-19-075	390-37-136	AMD	03-22-065	391-35-346	NEW	03-03-064
388-892-0510	NEW-P	03-15-035	390-37-140	AMD-P	03-19-053	391-35-347	NEW	03-03-064
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390-17-100	AMD	03-08-052	390-37-170	NEW	03-22-065	392-121-571	NEW-P	03-21-141
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458- 20-211	PREP	03-16-044	468- 70-080	REP	03-20-082	468- 95-170	NEW-P	03-03-029
458- 20-231	REP-X	03-04-030	468- 95-010	AMD-E	03-03-028	468- 95-170	NEW	03-06-053
458- 20-231	REP	03-09-062	468- 95-010	AMD-P	03-03-029	468- 95-180	NEW-E	03-03-028
458- 20-24001	PREP	03-15-039	468- 95-010	AMD	03-06-053	468- 95-180	NEW-P	03-03-029
458- 20-24001	AMD-P	03-21-034	468- 95-020	REP-E	03-03-028	468- 95-180	NEW	03-06-053
458- 20-24001A	PREP	03-15-039	468- 95-020	REP-P	03-03-029	468- 95-190	NEW-E	03-03-028
458- 20-24001A	AMD-P	03-21-034	468- 95-020	REP	03-06-053	468- 95-190	NEW-P	03-03-029
458- 20-24003	PREP	03-03-101	468- 95-025	REP-E	03-03-028	468- 95-190	NEW	03-06-053
458- 20-24003	NEW-P	03-08-069	468- 95-025	REP-P	03-03-029	468- 95-200	NEW-E	03-03-028
458- 20-24003	NEW	03-12-053	468- 95-025	REP	03-06-053	468- 95-200	NEW-P	03-03-029
458- 20-244	PREP	03-15-038	468- 95-030	REP-E	03-03-028	468- 95-200	NEW	03-06-053
458- 20-244	AMD-P	03-20-042	468- 95-030	REP-P	03-03-029	468- 95-210	NEW-E	03-03-028
458- 20-251	AMD-P	03-13-022	468- 95-030	REP	03-06-053	468- 95-210	NEW-P	03-03-029
458- 20-251	AMD	03-19-059	468- 95-035	REP-E	03-03-028	468- 95-210	NEW	03-06-053
458- 20-266	PREP	03-16-044	468- 95-035	REP-P	03-03-029	468- 95-220	NEW-E	03-03-028
458- 30-262	AMD-X	03-19-062	468- 95-035	REP	03-06-053	468- 95-220	NEW-P	03-03-029
458- 30-590	AMD-X	03-20-087	468- 95-037	REP-E	03-03-028	468- 95-220	NEW	03-06-053
458- 40-660	PREP	03-05-084	468- 95-037	REP-P	03-03-029	468- 95-230	NEW-E	03-03-028
458- 40-660	AMD-P	03-10-079	468- 95-037	REP	03-06-053	468- 95-230	NEW-P	03-03-029
458- 40-660	AMD	03-14-072	468- 95-040	REP-E	03-03-028	468- 95-230	NEW	03-06-053
458- 40-660	PREP	03-17-098	468- 95-040	REP-P	03-03-029	468- 95-240	NEW-E	03-03-028
458- 40-660	AMD-P	03-22-100	468- 95-040	REP	03-06-053	468- 95-240	NEW-P	03-03-029
458- 40-680	PREP	03-09-100	468- 95-050	REP-E	03-03-028	468- 95-240	NEW	03-06-053
458- 40-680	AMD-P	03-16-009	468- 95-050	REP-P	03-03-029	468- 95-250	NEW-E	03-03-028
458- 40-680	AMD	03-22-099	468- 95-050	REP	03-06-053	468- 95-250	NEW-P	03-03-029
458- 61-100	PREP	03-07-065	468- 95-055	REP-E	03-03-028	468- 95-250	NEW	03-06-053
458- 61-100	AMD-P	03-11-079	468- 95-055	REP-P	03-03-029	468- 95-260	NEW-E	03-03-028
458- 61-100	AMD	03-18-023	468- 95-055	REP	03-06-053	468- 95-260	NEW-P	03-03-029
468- 06-040	AMD-X	03-04-062	468- 95-060	REP-E	03-03-028	468- 95-260	NEW	03-06-053
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468-95-270	NEW	03-06-053	478-140-018	AMD	03-12-007	480-07-240	NEW-P	03-17-100
468-95-280	NEW-E	03-03-028	478-160-085	AMD-X	03-05-019	480-07-300	NEW-P	03-17-100
468-95-280	NEW-P	03-03-029	478-160-085	AMD	03-12-007	480-07-305	NEW-P	03-17-100
468-95-280	NEW	03-06-053	478-168-170	AMD-X	03-05-019	480-07-310	NEW-P	03-17-100
468-95-290	NEW-E	03-03-028	478-168-170	AMD	03-12-007	480-07-320	NEW-P	03-17-100
468-95-290	NEW-P	03-03-029	478-276-140	AMD-X	03-05-019	480-07-330	NEW-P	03-17-100
468-95-290	NEW	03-06-053	478-276-140	AMD	03-12-007	480-07-340	NEW-P	03-17-100
468-95-300	NEW-E	03-03-028	478-324-020	AMD-X	03-05-019	480-07-345	NEW-P	03-17-100
468-95-300	NEW-P	03-03-029	478-324-020	AMD	03-12-007	480-07-350	NEW-P	03-17-100
468-95-300	NEW	03-06-053	478-324-045	AMD-X	03-05-019	480-07-355	NEW-P	03-17-100
468-95-310	NEW-E	03-03-028	478-324-045	AMD	03-12-007	480-07-360	NEW-P	03-17-100
468-95-310	NEW-P	03-03-029	478-324-140	AMD-X	03-05-019	480-07-370	NEW-P	03-17-100
468-95-310	NEW	03-06-053	478-324-140	AMD	03-12-007	480-07-375	NEW-P	03-17-100
468-95-320	NEW-E	03-03-028	478-324-145	NEW-X	03-05-019	480-07-380	NEW-P	03-17-100
468-95-320	NEW-P	03-03-029	478-324-145	NEW	03-12-007	480-07-385	NEW-P	03-17-100
468-95-320	NEW	03-06-053	478-324-180	AMD-X	03-05-019	480-07-390	NEW-P	03-17-100
468-95-330	NEW-E	03-03-028	478-324-180	AMD	03-12-007	480-07-395	NEW-P	03-17-100
468-95-330	NEW-P	03-03-029	479-01-010	AMD-P	03-12-009	480-07-400	NEW-P	03-17-100
468-95-330	NEW	03-06-053	479-01-010	AMD	03-16-077	480-07-405	NEW-P	03-17-100
468-95-340	NEW-E	03-03-028	479-01-050	AMD-P	03-12-009	480-07-410	NEW-P	03-17-100
468-95-340	NEW-P	03-03-029	479-01-050	AMD	03-16-077	480-07-415	NEW-P	03-17-100
468-95-340	NEW	03-06-053	479-05-010	AMD-P	03-12-009	480-07-420	NEW-P	03-17-100
468-95-350	NEW-E	03-03-028	479-05-010	AMD	03-16-077	480-07-423	NEW-P	03-17-100
468-95-350	NEW-P	03-03-029	479-05-050	AMD-P	03-12-009	480-07-425	NEW-P	03-17-100
468-95-350	NEW	03-06-053	479-05-050	AMD	03-16-077	480-07-430	NEW-P	03-17-100
468-95-360	NEW-E	03-03-028	479-05-240	AMD-P	03-12-009	480-07-440	NEW-P	03-17-100
468-95-360	NEW-P	03-03-029	479-05-240	AMD	03-16-077	480-07-450	NEW-P	03-17-100
468-95-360	NEW	03-06-053	479-12-260	REP-P	03-12-009	480-07-460	NEW-P	03-17-100
468-95-370	NEW-E	03-03-028	479-12-260	REP	03-16-077	480-07-470	NEW-P	03-17-100
468-95-370	NEW-P	03-03-029	479-12-430	AMD-P	03-12-009	480-07-480	NEW-P	03-17-100
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468-300-010	AMD-P	03-04-102	480-04-050	AMD-P	03-17-100	480-07-505	NEW-P	03-17-100
468-300-010	AMD	03-08-072	480-04-060	AMD-P	03-17-100	480-07-510	NEW-P	03-17-100
468-300-020	AMD-P	03-04-102	480-04-065	AMD-P	03-17-100	480-07-520	NEW-P	03-17-100
468-300-020	AMD	03-08-072	480-04-070	REP-P	03-17-100	480-07-530	NEW-P	03-17-100
468-300-040	AMD-P	03-04-102	480-04-090	AMD-P	03-17-100	480-07-540	NEW-P	03-17-100
468-300-040	AMD	03-08-072	480-04-095	AMD-P	03-17-100	480-07-550	NEW-P	03-17-100
468-300-220	AMD-P	03-04-102	480-04-100	AMD-P	03-17-100	480-07-600	NEW-P	03-17-100
468-300-220	AMD	03-08-072	480-04-110	REP-P	03-17-100	480-07-610	NEW-P	03-17-100
468-300-700	AMD-P	03-04-102	480-04-120	AMD-P	03-17-100	480-07-620	NEW-P	03-17-100
468-300-700	AMD	03-08-072	480-04-130	AMD-P	03-17-100	480-07-630	NEW-P	03-17-100
468-510-010	AMD-E	03-06-014	480-07-010	NEW-P	03-17-100	480-07-640	NEW-P	03-17-100
468-510-010	AMD-E	03-14-050	480-07-100	NEW-P	03-17-100	480-07-650	NEW-P	03-17-100
468-510-010	AMD-P	03-16-106	480-07-110	NEW-P	03-17-100	480-07-660	NEW-P	03-17-100
468-510-010	AMD	03-20-083	480-07-120	NEW-P	03-17-100	480-07-700	NEW-P	03-17-100
478-04	PREP	03-09-040	480-07-125	NEW-P	03-17-100	480-07-710	NEW-P	03-17-100
478-04-020	AMD-P	03-19-101	480-07-130	NEW-P	03-17-100	480-07-720	NEW-P	03-17-100
478-04-030	AMD-P	03-19-101	480-07-140	NEW-P	03-17-100	480-07-730	NEW-P	03-17-100
478-04-040	NEW-P	03-19-101	480-07-140	NEW-S	03-20-117	480-07-740	NEW-P	03-17-100
478-116	PREP	03-21-085	480-07-143	NEW-P	03-17-100	480-07-750	NEW-P	03-17-100
478-132-030	AMD	03-08-040	480-07-145	NEW-P	03-17-100	480-07-800	NEW-P	03-17-100
478-136	PREP	03-15-099	480-07-150	NEW-P	03-17-100	480-07-810	NEW-P	03-17-100
478-136-030	AMD-E	03-16-024	480-07-160	NEW-P	03-17-100	480-07-820	NEW-P	03-17-100
478-136-030	AMD-P	03-19-102	480-07-170	NEW-P	03-17-100	480-07-825	NEW-P	03-17-100
478-136-060	AMD-E	03-16-024	480-07-180	NEW-P	03-17-100	480-07-830	NEW-P	03-17-100
478-136-060	AMD-P	03-19-102	480-07-200	NEW-P	03-17-100	480-07-835	NEW-P	03-17-100
478-138-060	AMD-X	03-05-019	480-07-210	NEW-P	03-17-100	480-07-840	NEW-P	03-17-100
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480-07-875	NEW-P	03-17-100	480-09-730	REP-P	03-17-100	480-80-121	AMD	03-22-046
480-07-880	NEW-P	03-17-100	480-09-735	REP-P	03-17-100	480-80-122	AMD-X	03-15-142
480-07-883	NEW-P	03-17-100	480-09-736	REP-P	03-17-100	480-80-122	AMD	03-22-046
480-07-885	NEW-P	03-17-100	480-09-740	REP-P	03-17-100	480-80-126	NEW-X	03-15-142
480-07-900	NEW-P	03-17-100	480-09-745	REP-P	03-17-100	480-80-126	NEW	03-22-046
480-07-910	NEW-P	03-17-100	480-09-750	REP-P	03-17-100	480-80-142	AMD-S	03-20-117
480-07-920	NEW-P	03-17-100	480-09-751	REP-P	03-17-100	480-80-143	AMD-S	03-20-117
480-07-930	NEW-P	03-17-100	480-09-760	REP-P	03-17-100	480-80-205	AMD-X	03-15-142
480-07-940	NEW-P	03-17-100	480-09-770	REP-P	03-17-100	480-80-205	AMD	03-22-046
480-07-940	NEW-P	03-17-100	480-09-770	REP-P	03-17-100	480-80-241	AMD-S	03-20-117
480-07-950	NEW-P	03-17-100	480-09-780	REP-P	03-17-100	480-90-003	AMD-S	03-20-117
480-09-005	REP-P	03-17-100	480-09-800	REP-P	03-17-100	480-90-008	AMD-S	03-20-117
480-09-010	REP-P	03-17-100	480-09-810	REP-P	03-17-100	480-90-123	AMD-S	03-20-117
480-09-012	REP-P	03-17-100	480-09-815	REP-P	03-17-100	480-90-153	AMD-X	03-15-142
480-09-015	REP-P	03-17-100	480-09-820	REP-P	03-17-100	480-90-153	AMD	03-22-046
480-09-100	REP-P	03-17-100	480-14-050	AMD-S	03-20-117	480-90-173	AMD-S	03-20-117
480-09-101	REP-P	03-17-100	480-14-190	AMD-S	03-20-117	480-90-238	PREP	03-09-069
480-09-110	REP-P	03-17-100	480-14-999	AMD-X	03-19-130	480-90-999	AMD-X	03-19-130
480-09-115	REP-P	03-17-100	480-15-035	AMD-S	03-20-117	480-92-060	AMD-S	03-20-117
480-09-120	REP-P	03-17-100	480-15-080	AMD-S	03-20-117	480-92-090	AMD-S	03-20-117
480-09-125	REP-P	03-17-100	480-15-090	AMD-S	03-20-117	480-100-003	AMD-S	03-20-117
480-09-130	REP-P	03-17-100	480-15-120	AMD-S	03-20-117	480-100-008	AMD-S	03-20-117
480-09-135	REP-P	03-17-100	480-15-310	AMD-S	03-20-117	480-100-123	AMD-S	03-20-117
480-09-140	REP-P	03-17-100	480-15-350	AMD-S	03-20-117	480-100-153	AMD-X	03-15-142
480-09-150	REP-P	03-17-100	480-15-440	AMD-S	03-20-117	480-100-153	AMD	03-22-046
480-09-200	REP-P	03-17-100	480-15-460	AMD-S	03-20-117	480-100-173	AMD-S	03-20-117
480-09-210	REP-P	03-17-100	480-15-510	AMD-S	03-20-117	480-100-238	PREP	03-09-068
480-09-220	REP-P	03-17-100	480-15-520	AMD-S	03-20-117	480-100-999	AMD-X	03-19-130
480-09-230	REP-P	03-17-100	480-15-999	AMD-X	03-19-130	480-107	PREP	03-09-070
480-09-300	REP-P	03-17-100	480-30-032	AMD-S	03-20-117	480-107-001	AMD-X	03-15-142
480-09-310	REP-P	03-17-100	480-30-999	AMD-X	03-19-130	480-107-001	AMD	03-22-046
480-09-320	REP-P	03-17-100	480-31-090	AMD-S	03-20-117	480-107-005	AMD-X	03-15-142
480-09-330	REP-P	03-17-100	480-31-999	AMD-X	03-19-130	480-107-005	AMD	03-22-046
480-09-335	REP-P	03-17-100	480-40-999	NEW-X	03-19-130	480-110-215	AMD-S	03-20-117
480-09-335	REP-P	03-17-100	480-51-040	AMD-S	03-20-117	480-110-295	AMD-S	03-20-117
480-09-337	REP-P	03-17-100	480-51-050	AMD-S	03-20-117	480-110-385	AMD-S	03-20-117
480-09-340	REP-P	03-17-100	480-51-060	AMD-S	03-20-117	480-110-435	AMD-X	03-15-142
480-09-390	REP-P	03-17-100	480-51-120	AMD-S	03-20-117	480-110-435	AMD	03-22-046
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480-09-410	REP-P	03-17-100	480-60-014	AMD-S	03-20-117	480-120-015	AMD-S	03-20-117
480-09-420	REP-P	03-17-100	480-60-020	AMD-S	03-20-117	480-120-017	NEW	03-03-090
480-09-425	REP-P	03-17-100	480-62-140	AMD-S	03-20-117	480-120-019	NEW	03-03-090
480-09-426	REP-P	03-17-100	480-62-145	AMD-S	03-20-117	480-120-083	AMD-X	03-15-142
480-09-430	REP-P	03-17-100	480-62-999	AMD-X	03-19-130	480-120-083	AMD	03-22-046
480-09-440	REP-P	03-17-100	480-66-120	AMD-S	03-20-117	480-120-146	AMD-P	03-16-063
480-09-450	REP-P	03-17-100	480-66-140	AMD-S	03-20-117	480-120-147	AMD-X	03-15-142
480-09-460	REP-P	03-17-100	480-66-150	AMD-S	03-20-117	480-120-147	AMD	03-22-046
480-09-465	REP-P	03-17-100	480-66-160	AMD-S	03-20-117	480-120-166	AMD-S	03-20-117
480-09-466	REP-P	03-17-100	480-70-036	AMD-S	03-20-117	480-120-173	NEW	03-03-090
480-09-467	REP-P	03-17-100	480-70-051	AMD-S	03-20-117	480-120-264	AMD-X	03-15-142
480-09-470	REP-P	03-17-100	480-70-106	AMD-S	03-20-117	480-120-264	AMD	03-22-046
480-09-475	REP-P	03-17-100	480-70-131	AMD-S	03-20-117	480-120-305	AMD-S	03-20-117
480-09-480	REP-P	03-17-100	480-70-231	AMD-S	03-20-117	480-120-439	AMD-X	03-15-142
480-09-500	REP-P	03-17-100	480-70-256	AMD-S	03-20-117	480-120-439	AMD	03-22-046
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480-09-520	REP-P	03-17-100	480-70-386	AMD-S	03-20-117	480-121-011	AMD-S	03-20-117
480-09-530	REP-P	03-17-100	480-70-999	AMD-X	03-19-130	480-121-015	AMD-S	03-20-117
480-09-600	REP-P	03-17-100	480-75-260	AMD-S	03-20-117	480-121-061	AMD-S	03-20-117
480-09-610	REP-P	03-17-100	480-75-999	AMD-X	03-19-130	480-121-063	AMD-X	03-15-142
480-09-620	REP-P	03-17-100	480-80-010	AMD-S	03-20-117	480-121-063	AMD	03-22-046
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490-500-520	REP	03-19-075	504- 25-228	AMD-P	03-10-060			
491- 02	PREP	03-15-085	504- 25-228	AMD	03-16-035			
491- 02-095	AMD-P	03-19-095	504- 25-229	AMD-P	03-10-060			
491- 02-095	AMD	03-22-024	504- 25-229	AMD	03-16-035			
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495A-121-041	PREP	03-09-041	504- 25-230	AMD	03-16-035			
495A-121-044	PREP	03-09-041	504- 25-231	REP-P	03-10-060			
495D-135-040	PREP	03-07-085	504- 25-231	REP	03-16-035			
495D-135-040	AMD-P	03-10-063	504- 25-245	AMD-P	03-10-060			
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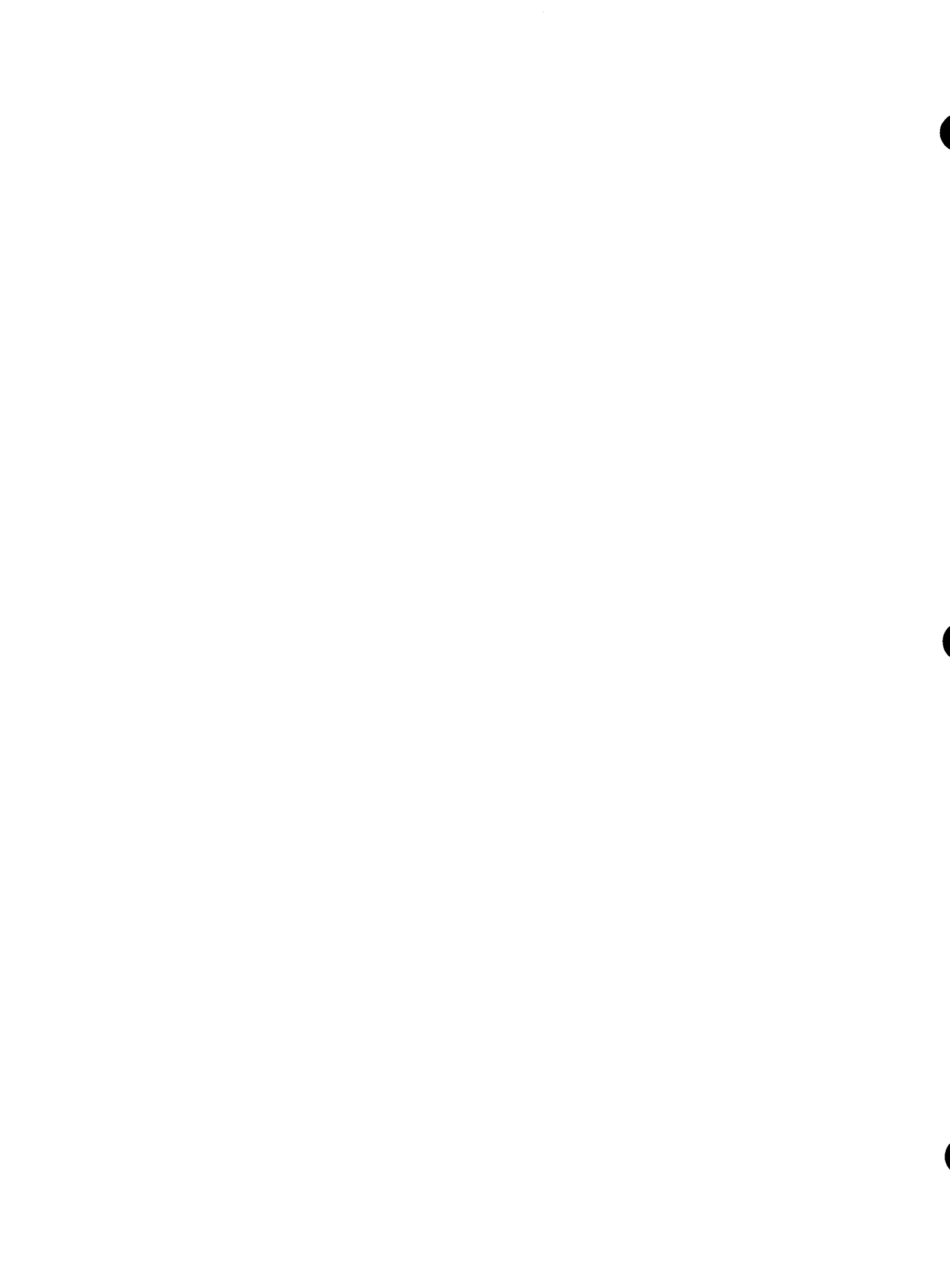
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