

August 4, 2004

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ISSUE 04-15



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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 in the basement of the Pritchard Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 786-6697.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of August 2004 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%) per annum.

The interest rate required by RCW 4.56.110(3) and 4.56.115 for the month of August 2004 is 3.666%.

**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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## WASHINGTON STATE REGISTER

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### WASHINGTON STATE REGISTER

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

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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 ((~~lined out between double parentheses~~))~~;
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

## 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

## 5. EDITORIAL CORRECTIONS

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

2004-2005

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Rule Making <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> 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 -					
04 - 15	Jun 23, 04	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 24, 04	Sep 21, 04
04 - 16	Jul 7, 04	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 7, 04	Oct 5, 04
04 - 17	Jul 21, 04	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 21, 04	Oct 19, 04
04 - 18	Aug 4, 04	Aug 18, 04	Sep 1, 04	Sep 15, 04	Oct 5, 04	Nov 2, 04
04 - 19	Aug 25, 04	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 26, 04	Nov 23, 04
04 - 20	Sep 8, 04	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 9, 04	Dec 7, 04
04 - 21	Sep 22, 04	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 23, 04	Dec 21, 04
04 - 22	Oct 6, 04	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 7, 04	Jan 4, 05
04 - 23	Oct 20, 04	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 21, 04	Jan 19, 05
04 - 24	Nov 3, 04	Nov 17, 04	Dec 1, 04	Dec 15, 04	Jan 4, 05	Feb 1, 05
05 - 01	Nov 24, 04	Dec 8, 04	Dec 22, 04	Jan 5, 05	Jan 25, 05	Feb 23, 05
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05 - 03	Dec 22, 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 22, 05	Mar 22, 05
05 - 04	Jan 5, 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 8, 05	Apr 5, 05
05 - 05	Jan 19, 05	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 22, 05	Apr 19, 05
05 - 06	Feb 2, 05	Feb 16, 05	Mar 2, 05	Mar 16, 05	Apr 5, 05	May 3, 05
05 - 07	Feb 23, 05	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 26, 05	May 24, 05
05 - 08	Mar 9, 05	Mar 23, 05	Apr 6, 05	Apr 20, 05	May 10, 05	Jun 7, 05
05 - 09	Mar 23, 05	Apr 6, 05	Apr 20, 05	May 4, 05	May 24, 05	Jun 21, 05
05 - 10	Apr 6, 05	Apr 20, 05	May 4, 05	May 18, 05	Jun 7, 05	Jul 6, 05
05 - 11	Apr 20, 05	May 4, 05	May 18, 05	Jun 1, 05	Jun 21, 05	Jul 19, 05
05 - 12	May 4, 05	May 18, 05	Jun 1, 05	Jun 15, 05	Jul 5, 05	Aug 2, 05
05 - 13	May 25, 05	Jun 8, 05	Jun 22, 05	Jul 6, 05	Jul 26, 05	Aug 23, 05
05 - 14	Jun 8, 05	Jun 22, 05	Jul 6, 05	Jul 20, 05	Aug 9, 05	Sep 7, 05
05 - 15	Jun 22, 05	Jul 6, 05	Jul 20, 05	Aug 3, 05	Aug 23, 05	Sep 20, 05
05 - 16	Jul 6, 05	Jul 20, 05	Aug 3, 05	Aug 17, 05	Sep 6, 05	Oct 4, 05
05 - 17	Jul 27, 05	Aug 10, 05	Aug 24, 05	Sep 7, 05	Sep 27, 05	Oct 25, 05
05 - 18	Aug 10, 05	Aug 24, 05	Sep 7, 05	Sep 21, 05	Oct 11, 05	Nov 8, 05
05 - 19	Aug 24, 05	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 25, 05	Nov 22, 05
05 - 20	Sep 7, 05	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 8, 05	Dec 6, 05
05 - 21	Sep 21, 05	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 22, 05	Dec 20, 05
05 - 22	Oct 5, 05	Oct 19, 05	Nov 2, 05	Nov 16, 05	Dec 6, 05	Jan 3, 06
05 - 23	Oct 26, 05	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 27, 05	Jan 24, 06
05 - 24	Nov 9, 05	Nov 23, 05	Dec 7, 05	Dec 21, 05	Jan 10, 06	Feb 7, 06

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

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

## **REGULATORY FAIRNESS ACT**

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

### **Small Business Economic Impact Statements (SBEIS)**

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

### **Mitigation**

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

### **When is an SBEIS Required?**

When:

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

### **When is an SBEIS Not Required?**

When:

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

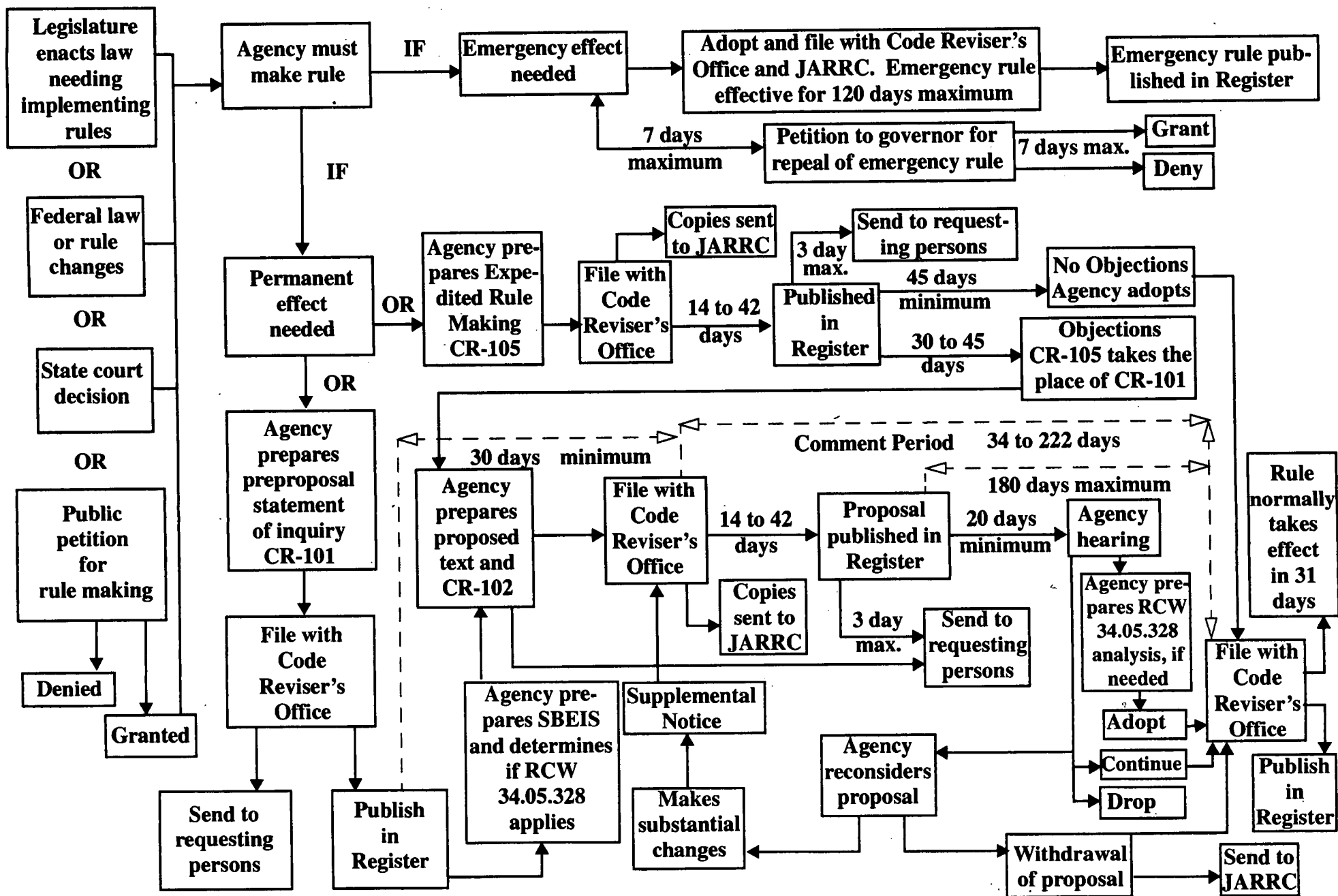
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 04-15-009****PREPROPOSAL STATEMENT OF INQUIRY  
ENVIRONMENTAL HEARINGS OFFICE**

[Filed July 8, 2004, 2:11 p.m.]

**Subject of Possible Rule Making:** Pollution Control Hearings Board (PCHB) rules, chapter 371-08 WAC.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapters 43.21B and 34.05 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The 2004 legislature passed SSB 5590, amending chapter 43.21B RCW. The legislation modifies the basis for calculating the time period for appeals to the PCHB. Rule making is necessary so the PCHB's procedural rules, chapter 371-08 WAC, are consistent with the 2004 legislation. In addition, the PCHB has received input over the past year on other changes to chapter 371-08 WAC to make appeals procedures more clear, timely and cost-effective for all participants. This rule making would also be used to make rule revisions for these purposes.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Appeals to the PCHB are taken from decisions by the Department of Ecology, and the Attorney General's Office represents ecology in the appeals process. This rule-making process will include input from these two agencies.

**Process for Developing New Rule:** The Environmental Hearings Office (EHO) will be distributing additional written information to interested parties to obtain input prior to publishing proposed rule changes. The EHO will consider written comments provided during the rule making, and oral comments from the public hearing process. The EHO homepage has been modified to [so] interested parties can request additional information, and to allow comments to be submitted electronically. Go to <http://www.eho.wa.gov/> and click on "Rules" on the left side of the homepage.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bill Clarke, Environmental Hearings Office, P.O. Box 40903, Lacey, WA 98504-0903, e-mail [eho@eho.wa.gov](mailto:eho@eho.wa.gov), phone (360) 459-6327, fax (360) 438-6388.

June 23, 2004  
William Clarke  
for William H. Lynch  
Director

**WSR 04-15-034****PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 12, 2004, 9:16 a.m.]

**Subject of Possible Rule Making:** Adopt rules to implement the new sections in chapter 50.40 RCW, Laws of 2003 regular session (SHB 1813) expanding employment opportunities for people with disabilities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** SHB 1813, an act relating to employment opportunities for people with disabilities, chapter 192-33 WAC.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Current law encourages state agencies to contract with "sheltered workshops" by allowing agencies to negotiate contracts directly with the workshops, avoiding the usual bid and review and requirements.

This law would transfer that preference from "sheltered workshops" to "community rehabilitation programs" (CRPs) which provide a broader range of employment options and services beyond traditional sheltered employment. It also extends the preference to businesses owned and operated by persons with disabilities. CRPs and businesses owned and operated by people with disabilities that met some additional criteria are put on a listing of "vendors in good standing" (VIGS). The law would increase the contracting preference for VIGS by requiring any agency purchasing a good or service offered by a VIGS to solicit and consider in good faith a proposal from at least one such vendor before making that purchase.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** We will draft the rules to be adopted in consultation with representatives from the Division of Vocational Rehabilitation, the Department of Services for the Blind, the Developmental Disabilities Commission, General Administration, and Rehabilitation Enterprises of Washington.

**Process for Developing New Rule:** The department held informal meetings with stakeholders and interested parties to obtain input on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Toby Olson, Governor's Committee on Disability Issues and Employment, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, (360) 438-3168, [TOlson2@ESD.WA.GOV](mailto:TOlson2@ESD.WA.GOV).

July 12, 2004  
Dr. Sylvia P. Mundy  
Commissioner

**WSR 04-15-037****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed July 12, 2004, 9:18 a.m.]

**Subject of Possible Rule Making:** Chapter 415-112 WAC, Teacher's retirement system.

**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 is reviewing chapter 415-112 WAC, and plans to rewrite the rules to reflect current policy and clear writing standards.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Retirement Systems (DRS) will work with the Internal Revenue Service and the Washington State Department of Labor and Industries as needed in developing any WAC.

Process for Developing New Rule: DRS will develop the draft rule(s) with the assistance of the Attorney General's Office. 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. After the rules are drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov).

July 9, 2004  
Leslie Saeger  
Rules Coordinator

#### WSR 04-15-040

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 12, 2004, 2:47 p.m.]

Subject of Possible Rule Making: New sections to chapter 308-08 WAC, Brief adjudicative proceedings, when they can be used and objections to proceedings and conversion to formal adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.235.030 Uniform Regulation of Business and Professions Act and chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These two new sections establish the process for using brief adjudicative proceedings (BAP) for addressing and resolving specific regulatory actions on license applications and/or licenses. BAPs are adjudicative proceedings under the Administrative Procedure Act, chapter 34.05 RCW, that are brief in form, that should take less time, and expedite a decision for an applicant or licensee. This would result in reduced administrative cost to the department while ensuring independent review and experience for the applicant or licensee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney General's Office.

Process for Developing New Rule: Study developed between Department of Licensing and Attorney General's Office.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Jelvik, Project Administrator, Department of Licensing, Business and Professions Division, P.O. Box 9034, Olympia, WA 98507-9034, (360) 664-1452,

[mjelvik@dol.wa.gov](mailto:mjelvik@dol.wa.gov). Stakeholder meetings to be held by appropriate professional license program staff.

July 12, 2004  
Jon Donnellan  
Assistant Director  
Business and Professions Division  
as delegated by Mykel Gable

#### WSR 04-15-045

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 04-13—Filed July 13, 2004, 11:18 a.m.]

Subject of Possible Rule Making: Pilot rule for wetland mitigation bank certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.84 RCW, Wetland mitigation banking, directed the department to develop rules on the certification of wetland mitigation banks.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2004 legislature directed the department to conduct a test of the wetland banking certification rule. The pilot rule project is slated to operate for one year. At the end of the year, the department may determine that additional time is needed to test the draft rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal agencies involved in authorizing and approving wetland mitigation banks include the United States Army Corps of Engineers, EPA, USFWS and NOAA Fisheries. State agencies that may be involved with wetland bank approvals include the Departments of Fish and Wildlife and Natural Resources. Local governments will be involved in the state certification process for wetland banks located within their jurisdiction. The Corps of Engineers will participate as an advisor for the pilot project on behalf of the federal partners. WDNR has been invited to participate as an advisor for the pilot rule. Local governments participating on bank review teams will receive updates on the pilot rule and given opportunities to provide input.

Process for Developing New Rule: Pilot rule making; and the pilot rule will use the draft negotiated rule language for the wetland bank certification program which was filed for public comment in January 2001 (draft chapter 173-700 WAC).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the ecology bank pilot coordinator, Lauren Driscoll, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6861, fax (360) 407-6902, [ldri461@ecy.wa.gov](mailto:ldri461@ecy.wa.gov). Information will be available on the agency's website and by e-mail distribution list.

July 13, 2004  
Linda Hoffman  
Director



**WSR 04-15-050****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed July 13, 2004, 2:09 p.m.]

Subject of Possible Rule Making: Amending chapter 196-09 WAC, Board practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of an effort to standardize the processes used by programs to administer brief adjudicative proceedings, the board will evaluate these rules to determine if appropriate amendments can be made.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joe Vincent Jr., Licensing Program Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1567, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Draft language of rule amendments will be distributed to the board's list of interested persons.

July 13, 2004

George A. Twiss

Executive Director

Board of Registration for Professional  
Engineers and Land Surveyors**WSR 04-15-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed July 14, 2004, 12:38 p.m.]

Subject of Possible Rule Making: Amending chapter 196-26A WAC, Registered professional engineers and land surveyors fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035 and 18.43.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the requirement under RCW 43.24.086 for professional licensing programs to be self-supporting, the board will evaluate its fee structure to determine if adjustments to both the fee categories and amounts are appropriate.

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 Joe Vincent Jr., Licensing Program Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1567, fax (360) 664-2551, e-mail engi-

neers@dol.wa.gov. Draft language of rule amendments will be distributed to the board's list of interested persons.

July 13, 2004

Jon Donnellan

for Mykel D. Gable

Assistant Director

Business and Professions Division

**WSR 04-15-098****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed July 19, 2004, 9:04 a.m.]

Subject of Possible Rule Making: Card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Robert Dayton requesting a change to card room rules.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466.

[Meeting Dates and Locations:] 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004; at 505 Highway 2, Leavenworth, WA 98826, (509) 548-7000, on October 15, 2004; and at the Red Lion Hotel - Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on November 19, 2004.

July 15, 2004

Susan Arland

Rules Coordinator

**WSR 04-15-103****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 20, 2004, 8:54 a.m.]

Subject of Possible Rule Making: Industrial insurance, chapter 296-16 WAC, Employer-worker reemployment incentives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.010, 51.04.020, 51.16.120, and chapter 258, Laws of 2004 (SSB 6615).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the statutes and substitute senate bill listed above, the Department of Labor and Industries (L&I) establishes and adopts rules governing

administration of the industrial insurance laws. The proposed rules would amend the existing rule and create new rules governing the preferred worker benefit program, in order to implement the statutory change provided by SSB 6615. The bill provides preferred worker benefits to employers of the developmentally disabled who are injured on the job.

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 this subject.

Process for Developing New Rule: Labor and Industries will share the proposal with stakeholders and other interested parties, including the Workers' Compensation Advisory Committee members. Parties interested in receiving a copy of the proposal may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Audrey Pitchford, Administrative Regulations Analyst 1, P.O. Box 44208, Olympia WA 98504-4208, phone (360) 902-4583, fax (360) 902-4960, e-mail PITA235@LNI.WA.GOV.

July 20, 2004  
Paul Trause  
Director

#### WSR 04-15-129

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

[Filed July 20, 2004, 3:26 p.m.]

Subject of Possible Rule Making: WAC 388-310-0800 WorkFirst support services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the increase in the cost of gasoline the department will increase the limits for the transportation allotments. This is to help eliminate or reduce the financial burden on clients participating in WorkFirst job search.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ian Horlor, Program Manager, P.O.

Box 45480, Olympia, WA 98504-5480, phone (360) 413-3247, fax (360) 413-3495, e-mail Horloit@DSHS.WA.GOV.

July 16, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### WSR 04-15-130

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

[Filed July 20, 2004, 3:26 p.m.]

Subject of Possible Rule Making: WAC 388-550-3700 DRG high-cost and low-cost outliers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule will allow MAA to update its diagnostic-related group (DRG) high cost outlier policy to provide better control and predictability of hospitals' costs. MAA proposes to incorporate more high cost outliers into the hospitals' cost-based conversion factors in order to reduce the portion of claims that are paid by the ratio of costs-to-charges (RCC) methodology. More of the hospitals' costs will be in the basic payment and fewer costs will go into the outlier calculation.

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

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

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

July 16, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

#### WSR 04-15-134

**PREPROPOSAL STATEMENT OF INQUIRY  
APPRENTICESHIP AND  
TRAINING COUNCIL**

[Filed July 21, 2004, 9:01 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW, Apprenticeship.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The purpose of this rule making is to review the apprenticeship rules (chapter 296-04 WAC) for possible changes relating to limited training agent use on public works projects.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None. However, the United States Department of Labor, Office of Apprenticeship, Training, Employer and Labor Services, which had federal apprenticeship oversight responsibility, will be provided a copy of the proposed rules.

**Process for Developing New Rule:** If you are interested in participating in the development of these rules, please contact Christine Swanson as listed below. The public can participate by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christine Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail copc235@lni.wa.gov.

July 21, 2004

Pete Crow, Chair  
Apprenticeship and Training Council

#### WSR 04-15-135

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 21, 2004, 9:07 a.m.]

**Subject of Possible Rule Making:** Chapter 415-113 WAC, Portability of public employment benefits.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 41.50.050(5), chapter 41.54 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To clarify provisions for retroactive retirement and update rules to reflect current law and policy.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Department of Retirement Systems (DRS) will work with the Internal Revenue Services and the Washington State Department of Labor and Industries as needed in developing any WAC.

**Process for Developing New Rule:** DRS will develop the draft rule(s) with the assistance of the Attorney General's Office. 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. 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. The notice will include the time and date of a public rules hearing. DRS will send a copy of

the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

July 20, 2004

Leslie Saeger  
Rules Coordinator

#### WSR 04-15-143

#### PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed July 21, 2004, 9:56 a.m.]

**Subject of Possible Rule Making:** WAC 139-10-240 defines the content of the juvenile security workers academy. In June 2004, the name of this academy was changed to juvenile corrections officer academy in WAC 139-10-210.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.101.080.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Changing this rule will provide consistency between WAC 139-10-240 and 139-10-210. The original change was made to better reflect representative job classifications that are served by this academy and to increase professionalism and recognition of officers in this field.

**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 Sharon M. Tolton, Deputy Director, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7345, fax (206) 439-3860.

Interested parties are invited to attend the upcoming meeting of the board on corrections training, standards, and education on August 5, 2004, at the Washington State Criminal Justice Training Commission in Burien.

Stakeholders were contacted by e-mail to advise them of the intended rule amendments. Proposal also listed on the agency website.

July 19, 2004

Sharon M. Tolton  
Deputy Director

**WSR 04-15-144**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed July 21, 2004, 9:57 a.m.]

**Subject of Possible Rule Making:** The corrections division has formulated and implemented a new academy to better serve the Juvenile Rehabilitation Administration's employees training needs. This academy is presently known as the Juvenile Residential Counselors Academy and is cited in WAC 139-10-210. This academy presently does not have a WAC that defines the curricula of that academy.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 43.101.080.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Adopting a WAC defining the curricula in this academy will clearly state the subjects covered in this academy.

**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 Sharon M. Tolton, Deputy Director, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7345, fax (206) 439-3860.

Interested parties are invited to attend the upcoming meeting of the board on corrections training, standards, and education on August 5, 2004, at the Washington State Criminal Justice Training Commission in Burien.

Stakeholders were contacted by e-mail to advise them of the intended rule amendments. Proposal also listed on the agency website.

July 19, 2004  
 Sharon M. Tolton  
 Deputy Director

**WSR 04-15-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed July 21, 2004, 10:32 a.m.]

**Subject of Possible Rule Making:** WAC 458-40-610 Timber excise tax—Definitions and 458-40-680 timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 84.33.096, 82.32.300, and 82.01.060(2).

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To determine the amount of forest excise tax due, a harvester must determine the volume of logs that he or she has harvested. The department has adopted industry standards of scaling to make these determinations. For logs harvested in western Washington, the department has used the standards established by the northwest log rules advisory group. Because this group had not adopted similar standards for harvests in eastern Washington, the department had used the scaling rules prepared by the

United States Forest Service (USFS) for that area of the state. Recently, the northwest log rules advisory group adopted standards applicable to eastside logging. The department proposes to replace the USFS scaling rules with the newer industry-standard eastside log scaling rules developed by the log rules advisory group. This change will bring the department's rules into compliance with industry standards throughout the state.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Although the U.S. Forest Service and Washington State Department of Natural Resources both regulate forest practices, neither is involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the revisions provided in this rule.

**Process for Developing New Rule:** Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary discussion draft of a possible new or revised rule(s) is attached [no information supplied by agency]. Written comments on and/or requests for copies of the draft may be directed to Gilbert Brewer, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6133, e-mail gilb@dor.wa.gov, fax (360) 664-0693.

**Date and Location of Public Meeting:** Moses Lake Convention Center, Rocky Ford Conference Room, 1475 Nelson Road N.E., Moses Lake, WA, on August 25, 2004, at 1:00 p.m. **The department previously held a public meeting on June 29, 2004, in Olympia, and has elected to hold a second meeting in Moses Lake.**

**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.

July 21, 2004  
 Alan R. Lynn  
 Rules Coordinator  
 Legislation and Policy Division

**WSR 04-15-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 21, 2004, 10:39 a.m.]

**Subject of Possible Rule Making:** To revise the fee schedule for the drinking water operating permit regulation, chapter 246-294 WAC to incorporate an annual fee of twenty-five cents per connection.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapter 70.119A RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To fulfill the requirements of the Municipal water supply—Efficiency requirements, chapter 5, Laws of 2003 1st sp.s., the Department of Health may

charge an additional annual fee for the purpose of funding the water conservation activities in section 7 of this act.

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

Process for Developing New Rule: Collaborative rule making. The department invites interested parties to participate in this rule development by attending a Water Supply Advisory Committee meeting or providing comments when proposed drafts are available.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be involved through the Water Supply Advisory Committee and the Washington Water Utility Council. In addition, the draft rule will be available for comment upon request and made available through the Office of Drinking Water's homepage on the internet ([www.doh.wa.gov/ehp/dw/default.htm](http://www.doh.wa.gov/ehp/dw/default.htm)). For more information contact Theresa Phillips, Program Development Section, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147.

July 21, 2004  
M. C. Selecky  
Secretary

#### WSR 04-15-148

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF HEALTH

[Filed July 21, 2004, 10:40 a.m.]

Subject of Possible Rule Making: WAC 246-100-166 immunizations of childcare and school children against certain vaccine preventable diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050, 28A.210.070, 28A.080 [28A.210.080], 28A.210.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-100-166 requires children to be vaccinated against specific diseases. In the past, the State Board of Health (SBOH) has modified this list of diseases on a case-by-case basis. The SBOH, with the assistance of the Department of Health (DOH), proposes to adopt a set of criteria to evaluate

- The current list of mandated antigens for school entry;
- New vaccines that may be considered for inclusion into WAC 246-100-166.

On May 12, 2004, the SBOH approved the creation of an advisory group to recommend criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Superintendent of Public Instruction, under RCW 28A.210.150 and WAC 382-182-020, provides procedures for schools to verify immunization status of students transferring from one school to another before actual immunization records are received. The State Board of Education under RCW 28A.210.160 and WAC 180-38-005 sets procedural and substantive due process requirements governing exclu-

sion of students for failure to comply with immunization requirements. The Department of Social and Health Services sets immunization requirements for children in licensed day care settings under chapter 74.15 RCW and WAC 388-150-220. SBOH and DOH will work with these agencies to assure they have opportunities to review any proposed changes in immunization requirements.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tara Wolff, Washington State Board of Health, P.O. Box 7990, Olympia, WA 98504, phone (360) 236-4101, fax (360) 236-4088, e-mail [Tara.Wolff@doh.wa.gov](mailto:Tara.Wolff@doh.wa.gov); or Karen Arbogast, Immunizations Program, Washington State Department of Health, P.O. Box 47830, Olympia, WA 98504, phone (360) 236-3730, e-mail [Karen.Arbogast@doh.wa.gov](mailto:Karen.Arbogast@doh.wa.gov).

July 20, 2004  
Craig McLaughlin  
Acting Executive Director

#### WSR 04-15-149

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF HEALTH

[Filed July 21, 2004, 10:41 a.m.]

Subject of Possible Rule Making: The acupuncture program is considering revising the clinical training requirement for acupuncture applicants, WAC 246-802-060 Clinical training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.050 and 18.06.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of SSB 6554 (chapter 262, Laws of 2004), Eliminating credentialing barriers for health professions, the amended statute has changed the requirements for clinical training for individuals applying for acupuncture licensure. The objective will be to revise the current clinical training requirements to reflect the legislative changes. This will allow applicants from out of state to be licensed in Washington.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Brown, Department of Health, Acupuncture Program, P.O. Box 47878, Olympia, WA 98504-7868, phone (360) 236-4865, fax (360) 664-9077.

July 19, 2004  
Bill White  
for Mary C. Selecky  
Secretary

**WSR 04-15-150**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 21, 2004, 10:42 a.m.]

Subject of Possible Rule Making: WAC 246-310-010, 246-310-210, 246-310-220, 246-310-230, 246-310-240 and 246-310-280, certificate of need revision of existing methodology applied to certificate of need applications for kidney dialysis centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.38.135 Health planning and development, services and surveys—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The certificate of need methodology for kidney dialysis centers was last updated in 1993. Methodology needs to be reviewed and updated as appropriate to reflect changes in kidney dialysis community.

Process for Developing New Rule: The rule-making process will include a series of meetings as well as multiple opportunities for review and comment of drafts being developed. A representative workgroup will assist department in revision process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Yvette Fox, Rules Coordinator, Facilities and Services Licensing, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2928, fax (360) 236-2901, e-mail yvette.fox@doh.wa.gov.

July 19, 2004

Bill White

for Mary C. Selecky  
 Secretary

**WSR 04-15-151**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed July 21, 2004, 10:44 a.m.]

Subject of Possible Rule Making: WAC 246-817-180 General anesthesia (including deep sedation)—Education and training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.32.640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Association of Nurse Anesthetists has requested a rules amendment to reflect that certified registered nurse anesthetists (CRNA) are fully trained and can legally provide unsupervised general anesthesia (including deep sedation) services. Requiring a dentist to be fully trained in anesthesia services when using a CRNA is unnecessary and discriminatory.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Anderson, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4863, or fax (360) 664-9077.

June 10, 2004

Lisa Anderson

for Gail Zimmerman  
 Executive Director

**WSR 04-15-155**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2004-04—Filed July 21, 2004,  
 10:50 a.m.]

Subject of Possible Rule Making: WAC 284-17-200 through 284-17-320, continuing education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.150, 48.17.563, 48.85.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules pertaining to insurance continuing education contain outdated curriculum requirements and procedures. Rules need to be modernized to recognize and accommodate significant changes in insurance laws and practices and recognize innovative training delivery systems (use of the internet). Course relevancy needs to be improved, national regulatory uniformity issues need to be addressed, and processes to facilitate the development and implementation of an on-line insurance license renewal system need to be developed. These rule changes will result in a more educated insurance producer community providing more appropriate insurance products to Washington consumers, and improved service to licensees from the Office of the Insurance Commissioner.

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

Process for Developing New Rule: Send written comments by September 13, 2004, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

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

July 21, 2004

Mike Kreidler

Insurance Commissioner

**WSR 04-15-014**  
**WITHDRAWAL OF PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed July 8, 2004, 2:52 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed new section, WAC 357-34-080. This was originally filed as WSR 04-12-087 on June 2, 2004.

If you have any questions, please contact Donna Parker at (360) 664-6347.

Eugene C. Matt  
 Secretary

**WSR 04-15-042**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 12, 2004, 4:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-79A-140 Types of certificates.

Hearing Location(s): Hockinson High School, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The state board is amending its policy, for the purposes of the pilot program, to establish the first people's language/culture teacher certificate as a type of certificate rather than be included on the list of limited certificates.

Reasons Supporting Proposal: This is to make permanent language that was adopted on an emergency basis in March 2004.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This would establish the first people's language/culture teacher certificate as a type of certificate rather than be included on the list of limited certificates.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 12, 2004

Larry Davis  
 Executive Director

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-79A-140 Types of certificates.** ((Five)) Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) ~~((Vocational))~~ Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 180-77 WAC.

(3) First people's language/culture. The first people's language/culture teacher certificate authorizes service as defined under WAC 180-78A-700(8).

(4) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

~~((4))~~ (5) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

~~((5))~~ (6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

- (a) Conditional certificate.
- (b) Substitute certificate.
- (c) Emergency certificate.
- (d) Emergency substitute certificate.
- (e) Nonimmigrant alien exchange teacher.
- (f) Intern substitute teacher certificate.
- (g) Transitional certificate.

**WSR 04-15-043**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 12, 2004, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-063 and 04-09-062.

Title of Rule and Other Identifying Information: Chapter 180-72 WAC, Adult education and chapter 180-51 WAC, High school graduation requirements.

Hearing Location(s): Hockinson High School 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments, repealers, and new sections to these policies will clarify the policies that relate to adult basic education and adult high school completion programs.

Reasons Supporting Proposal: The changes proposed will bring the language in alignment with that of the State Board for Community and Technical Colleges referencing the same subject.

Statutory Authority for Adoption: RCW 28A.230.090.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed amendments, repealers, and new sections to these policies will clarify the policies that relate to adult basic education and adult high school completion programs.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 12, 2004

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 93-22-007, filed 10/21/93, effective 11/21/93)

**WAC 180-72-040 Purpose(~~(—Cooperation policy)~~) and authority.** (1) The major purposes of adult education in the state of Washington (~~(is)~~), as addressed in this chapter and in the applicable rules of the state board for community and technical colleges, are to raise the educational level of adults in the state who have not obtained an education consistent with their ability to learn and to provide adults disadvantaged through lack of a high school diploma with the opportunity to complete their high school education and to obtain proper recognition for it.

~~((The several statutes relating to adult education have vested authority and responsibility for conduct of adult edu-~~

~~cation programs in the community and technical colleges for administration and promulgation of rules and regulations in the state board for community and technical college education-))~~ (2) The authority for this chapter is RCW 28A.230.090, which authorizes and requires the state board of education to establish state minimum high school graduation requirements.

**AMENDATORY SECTION** (Amending WSR 93-22-007, filed 10/21/93, effective 11/21/93)

**WAC 180-72-050 Adult education defined.** For the purpose of this chapter "adult education" shall be defined as set forth in RCW 28B.50.030(~~((11))~~)(12) which provides as follows: "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" (WAC 180-51-061(2)) provided by public educational institutions (~~((and community-based organizations)),~~ including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: (~~(Provided, That)~~) However, "adult education" shall not include (~~((basic skills instruction, English as a second language-))~~) academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: (~~(Provided further, That)~~) Nor shall "adult education" (~~((shall not))~~) include education or instruction provided by any four year public institution of higher education.

**AMENDATORY SECTION** (Amending WSR 93-22-007, filed 10/21/93, effective 11/21/93)

**WAC 180-72-060 Adult high school completion education—Community/technical college and common school district participation.** (~~((1) Program authorization-))~~ A community or technical college district and a common school district under provisions of RCW 28B.50.530 may enter into an agreement for the conduct of an adult education program by the common school district on behalf of the community or technical college district when such program will not conflict with an existing program of the same nature and in the same geographical area conducted by the community or technical college district: (~~(Provided, That)~~) Such program shall be established, administered and operated in accordance with rules, procedures and guidelines prescribed by the (~~((executive director of))~~) state board for community and technical colleges and WAC 180-51-050 (3) and (4).

~~((2) Cooperative study of needs. Community and technical colleges, community-based organizations, and common school districts are encouraged to study cooperatively the needs in their own communities for educational services designed for adults to complete their high school training and, consistent with statutory provisions and requirements prescribed in this chapter, to provide appropriate programs to meet such needs-))~~



**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 180-72-045	Authority—Regulatory provisions recognize intent of specific acts.
WAC 180-72-055	Adult high school completion education—Policy.
WAC 180-72-065	Community college high school diploma programs.

**AMENDATORY SECTION** (Amending WSR 00-19-108, filed 9/20/00, effective 10/21/00)

**WAC 180-51-035 Applicable standards for graduation for students under age twenty-one—Applicable standards for graduation for students age twenty-one or older—Amendments to this chapter.** (1) A student under age twenty-one shall have the right to graduate in accordance with the standards in effect for the school of graduation for any year since such student commenced the ninth grade or the equivalent of a four-year high school program (~~unless more than ten years has passed since such entry. In such case, the student shall have the right to graduate in accordance with the standards in effect for the school of graduation for any year within the last ten years~~) and until the student turns age twenty-one.

(2)(a) A student age twenty-one or older who earns a high school diploma through the adult high school completion option under WAC 180-51-053 shall be required to meet the state minimum graduation credit requirements under WAC 180-51-060 or 180-51-061, depending on when the student began their high school program. Such students shall not be required to meet the following state minimum graduation requirements under WAC 180-51-061: Certificate of academic achievement;

(b) The state board of education reserves the prerogative to determine if and when the waived requirements under (a) of this subsection shall be required to earn an adult high school completion diploma.

(3) All subsequent amendments to this chapter and all subsequent local standards shall apply prospectively to the students who enter the ninth grade or begin the equivalent of a four-year high school program subsequent to the amendments.

**AMENDATORY SECTION** (Amending WSR 04-04-093, filed 2/3/04, effective 3/5/04)

**WAC 180-51-050 High school credit—Definition.** As used in this chapter the term "high school credit" shall mean:

(1) Grades nine through twelve or the equivalent of a four-year high school program, and grades seven and eight under the provisions of RCW 28A.230.090 (4) and (5):

(a) One hundred fifty hours of planned instructional activities approved by the district; or

(b) Satisfactory demonstration by a student of clearly identified competencies established pursuant to a process

defined in written district policy. Districts are strongly advised to confirm with the higher education coordinating board that the award of competency-based high school credit meets the minimum college core admissions standards set by the higher education coordinating board for admission into a public, baccalaureate institution.

(2) College and university course work. At the college or university level, five quarter or three semester hours shall equal 1.0 high school credit: Provided, That for the purpose of this subsection, "college and university course work" means course work that generally is designated 100 level or above by the college or university.

(3) Community college high school completion program - Diploma awarded by community college. Five quarter or three semester hours of community college high school completion course work shall equal 1.0 high school credit: Provided, That for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(4) Community college high school completion program - Diploma awarded by school district. A minimum of .5 and a maximum of 1.0 high school credit may be awarded for every five quarter or three semester hours of community college high school completion course work: Provided, That for purposes of awarding equivalency credit under this subsection, college and university high school completion course work includes course work that is designated below the 100 level by the college and the course work is developmental education at grade levels nine through twelve or the equivalent of a four-year high school program. (See also WAC 180-51-053)

(5) Each high school district board of directors shall adopt a written policy for determining the awarding of equivalency credit authorized under subsection (4) of this section. The policy shall apply uniformly to all high schools in the district.

(6) Each high school district board of directors shall adopt a written policy regarding the recognition and acceptance of earned credits. The policy shall apply to all high schools in the district. The policy may include reliance on the professional judgment of the building principal or designee in determining whether or not a credit meets the district's standards for recognition and acceptance of a credit. The policy shall include an appeal procedure to the district if it includes reliance on the professional judgment of the building principal or designee.

(7) A student must first obtain a written release from their school district to enroll in a high school completion program under subsection (3) of this section if the student has not reached age eighteen or whose class has not graduated.

(8) The state board of education shall notify the state board for community and technical colleges and the higher education coordinating board of any school or school district that awards high school credit as authorized under subsection (1)(b) of this section.

NEW SECTION

**WAC 180-51-053 Community college high school diploma programs.** (1)(a) **Minimum requirements for high school diploma.** The minimum requirements and procedures for the issuance of a high school diploma by or through a community or technical college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC.

(b) Any high school graduation diploma issued by or through a community or technical college district shall certify that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction.

(2) **Provisions governing program for persons eighteen years of age and over.**

(a) The appropriate school district, community college, or technical college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level. The official shall recommend an appropriate course or courses of study and upon the successful completion of such study the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods with the applicable institution granting credit verifying completion of course requirements.

(i) Actual completion of courses regularly conducted in high school;

(ii) Technical college;

(iii) Community college;

(iv) Approved correspondence or extension courses;

(v) supervised independent study; or

(vi) Testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion. The diploma shall be issued by the appropriate school district, community college, or technical college: Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age.

(a) The high school principal shall evaluate the previous educational record of the individual and prior to his or her enrollment in courses and in cooperation with the appropriate education official of a community college or technical college shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

**WSR 04-15-048**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed July 13, 2004, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-018

Title of Rule and Other Identifying Information: Amending WAC 230-40-120 Wager limits in card games.

Hearing Location(s): Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004, at 9:30 a.m.

Date of Intended Adoption: September 10, 2004.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by September 1, 2004.

Assistance for Persons with Disabilities: Contact Shirley Corbett by September 1, 2004, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule sets limits on the dollar amount of wagers and the number of wagers a player can make in a card game. Currently, this rule states that a wager may be made on each "separate element of chance" in a house-banked card game. The amendment clarifies this restriction to mean a wager can be made on "each decision required to be made by the player before additional cards are dealt or revealed."

Reasons Supporting Proposal: This change clarifies requirements for both licensees and staff and should reduce interpretation questions.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0282.

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

Name of Proponent: Washington State Gambling Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 13, 2004  
 Susan Arland  
 Rules Coordinator

AMENDATORY SECTION (Amending Order 427, filed 2/19/04, effective 7/1/04)

**WAC 230-40-120 Limits on wagers in card games.** Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

**Nonhouse-banked card games.**

(1) Poker:

(a) There shall be no more than five betting rounds in any one game;

(b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(c) The maximum amount of a single wager shall not exceed twenty-five dollars;

(2) Games based on achieving a specific number of points - each point shall not exceed five cents in value;

(3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager;

(4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player;

**House-banked card games.**

(5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed one hundred dollars, except that such licensees may allow a single wager of up to two hundred dollars on a limited number of tables as follows:

(a) Licensees authorized to operate five tables or fewer may operate one table at the two hundred dollar limit;

(b) Licensees authorized to operate from six to ten tables may operate two tables at the two hundred dollar limit; and

(c) Licensees authorized to operate more than ten tables may operate three tables at the two hundred dollar limit;

(6) A single wager may be made on each (~~separate element of chance~~) decision required to be made by the player before additional cards are dealt or revealed. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

(7) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsection (5) of this section.

**WSR 04-15-049****PROPOSED RULES****GAMBLING COMMISSION**

[Filed July 13, 2004, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-18-009.

Title of Rule and Other Identifying Information:  
Amending WAC 230-02-205 Gambling service supplier defined.

Hearing Location(s): Hampton Inn/Fox Hall, 3985 Bennett Drive, Bellingham, WA 98225, (360) 676-7700, on September 10, 2004, at 9:30 a.m.

Date of Intended Adoption: September 10, 2004.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by September 1, 2004.

Assistance for Persons with Disabilities: Contact Shirley Corbett by September 1, 2004, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed amendment would require the licensure of persons installing, integrating or having access to the digital surveillance recordings of a surveillance system at a card room. Recorded surveillance is an integral part of a card room's security features. Because of this, staff believe that persons who have access to digital surveillance system data files should be licensed.

Reasons Supporting Proposal: Licensing these individuals will enhance our regulatory program to protect the public by ensuring that persons having access to surveillance recordings have passed background checks and are qualified to work in the gambling industry.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0282.

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

Name of Proponent: Washington State Gambling Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey (360) 486-3446; and Enforcement: Neal Nunamaker, Deputy Director, Lacey, (360) 486-3452.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 13, 2004

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 380, filed 2/16/00, effective 7/1/00)**WAC 230-02-205 Gambling service supplier defined.**

A "gambling service supplier" is any person who provides gambling related services for compensation, whether directly or indirectly.

(1) Gambling related services include at least the following:

(a) Providing consulting or advisory services regarding gambling activities;

(b) Providing gambling related management services;

(c) Providing financing for purchases or leases of gambling equipment or for providing infrastructure that supports gambling operations for more than one licensee. For purposes of this section, financing by any bank, mutual savings bank, or credit union regulated by the department of financial insti-

tutions or any federally regulated commercial lending institution shall not be deemed as providing gambling related services;

(d) Providing any other service or activity where influence may be exerted over any gambling activity licensed by the commission;

(e) Providing assembly of components for gambling equipment under a contract with a licensed manufacturer; ((or))

(f) Providing installation, integration, maintenance, or any other service of digital surveillance systems that includes access to the operating system; or

(g) Training individuals to conduct authorized gambling activities.

(2) The term "gambling services supplier" does not include the following:

(a) Universities and colleges that are regulated by the Washington state board of community and technical colleges and the higher education coordinating board which train individuals to conduct authorized gambling activities;

(b) Licensed manufacturers or distributors who service and repair pull-tab dispensing devices, bingo equipment or any other authorized gambling equipment;

(c) Attorneys, accountants, and governmental affairs consultants whose primary business is providing professional services that are unrelated to the management or operation of gambling activities; and

(d) Persons that only provide nonmanagement related recordkeeping services for punch board and pull-tab operators, when the combined total gross billings from such services does not exceed twenty thousand dollars during any calendar year.

#### WSR 04-15-052

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 13, 2004, 4:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-085.

Title of Rule and Other Identifying Information: WAC 388-416-0005 How long can I get Basic Food?, 388-418-0007 When do I have to report changes in my circumstances?, 388-418-0011 What is a six-month report, and do I have to complete one in order to keep getting benefits? (new), 388-418-0020 How does the department determine the date a change affects my benefits?, 388-434-0005 The department reviews each client's eligibility for benefits on a regular basis.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA, on August 24, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 25, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500

10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 24, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 16, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule filing will update department rules for cash assistance, medical, and Basic Food to reflect reporting requirements, certification periods, and eligibility review periods under the department's simplified reporting initiative. Simplified reporting reduces the changes clients must report to the department and requires some clients to complete a six-month report to determine ongoing eligibility for benefits.

Reasons Supporting Proposal: These rules are necessary to implement the department's simplified reporting initiative for cash assistance, medical assistance, and the Washington Basic Food program.

The Farm Security and Rural Investment Act of 2002 provides states the option to implement simplified reporting for the food stamp program. SB 6411 (chapter 54, Laws of 2004) requires the department to implement simplified reporting for food stamps by October 31, 2004. The department plans to implement simplified reporting for cash, medical, and the Basic Food program beginning in October 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Policy Analyst, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses; they only affect DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules adopt federal requirements and implement program options under Title 7 of the Code of Federal Regulations Part 273 regarding eligibility for food stamp benefits [as] well as requirements under Title 45 of the Code of Federal Regulations and the TANF (temporary assistance to needy families) state plan for benefits under the TANF pro-

gram The department also applies these requirements to the general assistance and refugee cash assistance programs.

July 1, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-22-039, filed 10/28/03, effective 12/1/03)

**WAC 388-416-0005 How long can I get Basic Food?**

(1) The length of time the department determines your assistance unit (AU) is eligible to get Basic Food is called a certification period. The department ((we)) may certify your AU for up to:

(a) Six months if your AU:

(i) Includes an able-bodied adult without dependents (ABAWD) who receives Basic Food in your AU and your AU does not live in an exempt area as described in WAC 388-444-0030;

(ii) Includes a person who receives ADATSA benefits as described in chapter 388-800 WAC;

(iii) Is considered homeless under WAC 388-408-0050;

or  
(iv) Includes a migrant or seasonal farmworker as described under WAC 388-406-0021.

(b) 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 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) 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))~~

~~(c) Twelve months if your AU does not meet any of the conditions for six or twenty-four months.~~

~~(2) If your AU is homeless or includes an ABAWD when you live in a nonexempt area, we may shorten your certification period.~~

~~(3) We terminate your ((certification period)) Basic Food benefits 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.

**AMENDATORY SECTION** (Amending WSR 03-21-028, filed 10/7/03, effective 11/1/03)

**WAC 388-418-0007 When do I have to report changes in my circumstances?** (1) ~~((If you are applying for cash and/or Basic Food and have had a change:~~

~~(a) After the date you applied but before your interview, you must report the change at the time of your interview; or~~

~~(b) After you have been interviewed, you must report the change within ten days of the date of your approval notice.~~

~~(2) If you get TANF/SFA, you must report within five calendar days from the day you learn that a child in the AU will be gone from your home longer than ninety days. If you do not report this within five days:~~

~~(a) You are not eligible for cash benefits for one month; and~~

~~(b) All of your countable income as described in WAC 388-450-0162 is budgeted against the cash benefits for the remaining AU members.~~

~~(3) If you receive cash or Basic Food, you must report changes described in WAC 388-418-0005 within ten days from the day you become aware of the change.~~

~~(4) If you receive medical assistance you must report the changes described in WAC 388-418-0005 within twenty days from the day you become aware of the change.~~

~~(5) If you report changes late, you may get the wrong amount or wrong type of benefits. If you get more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC)) If your household has a change of circumstances you are not required to report under WAC 388-418-0005, you do not need to contact the department about this change. If you tell us about this change, we take action based on the new information. This includes:~~

(a) Requesting additional information we need to determine your eligibility and benefits under WAC 388-490-0005;

(b) Increasing your benefits when we have proof of a change that makes you eligible for more benefits; or

(c) Reducing or terminating your benefits based on the change.

(2) If you are applying for benefits and have had a change:

(a) After the date you applied but before your interview, you must report the change at the time of your interview; or

(b) After you have been interviewed, you must report changes required under WAC 388-418-0005 by the tenth day of the month following the month the change happened.

(3) If you receive cash assistance, medical, or Basic Food, you must report changes required under WAC 388-418-0005 by the tenth day of the month following the month the change happened.

(4) For a change in income, the date a change happened is the date you receive income based on this change. For example, the date of your first paycheck for a new job, or the date of a paycheck showing a change in your wage or salary.

(5) If we require you to complete a six-month report, you must complete the report to inform us of your circumstances

PROPOSED

as described under WAC 388-418-0011 in order to keep getting benefits.

(6) If you get TANF/SFA, and you learn that a child in your assistance unit (AU) will be gone from your home longer than ninety days, you must report this information to us within five calendar days from the date you learn this information. If you do not report this within five days, the child's caretaker is not eligible for cash benefits for one month. We continue to budget the ineligible person's countable income as described in WAC 388-450-0162 while determining the benefits for the remaining people in the AU.

(7) If you report changes late, you may get the wrong amount or wrong type of benefits. If you get more benefits than you are eligible for, you may have to pay them back as described in chapter 388-410 WAC.

## NEW SECTION

**WAC 388-418-0011 What is a six-month report, and do I have to complete one in order to keep getting benefits?** (1) A six-month report is a form the department sends you to confirm your current circumstances. We use the information you provide us through this report to determine if you are still eligible for benefits and calculate your monthly benefits.

(2) If you receive benefits from any of the following programs, you must complete a six-month report:

- (a) Cash Assistance unless you receive **only** Refugee Cash Assistance as described under WAC 388-400-0030;
- (b) Family-related medical;
- (c) Children's Medical; or
- (d) Basic Food unless you meet one of the following conditions:

(i) Your assistance unit has a certification period of six months or less. If you have a certification period of six months or less, you must complete a recertification under WAC 388-434-0010 in order to keep getting Basic Food benefits; or

(ii) All adults in your assistance unit are elderly or disabled and have no earned income.

(3) If you must complete a six-month report, we send you the report with the most current information we have on your case. You can choose to complete the report in one of the following ways:

(a) **Complete and return the form to the department.** For us to consider your six-month report complete, you must take all of the steps below:

- (i) Complete the report form, telling us about changes in your circumstances we ask about;
- (ii) Sign and date the report;
- (iii) Provide proof of any changes you report;
- (iv) If you receive children's or family medical benefits, provide proof of your income even if it has not changed; and
- (v) Mail or turn in the completed form and any required proof to us by the due date on the report. This is the tenth day of the sixth month of your review or certification period.

(b) **Complete the six-month report over the phone.** For us to consider your six-month report complete, you must take all of the steps below:

(i) Contact us at the phone number we provide on the report form, telling us about changes in your circumstances we ask about;

(ii) Provide proof of any changes you report. We may be able to verify some information over the phone;

(iii) If you receive children's or family medical benefits, provide proof of your income even if it has not changed; and

(iv) Mail or turn in any required proof to us by the due date on the report. This is the tenth day of the sixth month of your review or certification period.

(4) If your benefits change because of the information in your six-month report, we determine the date the change takes effect as described under WAC 388-418-0020.

**AMENDATORY SECTION** (Amending WSR 03-21-028, filed 10/7/03, effective 11/1/03)

**WAC 388-418-0020 How does the department determine the date a change affects my benefits?** (1) Unless otherwise specified, the rules in this chapter refer to cash, medical assistance, and Basic Food benefits.

(2) If you report a change that happened between the date you applied for benefits and the date we interview you under WAC 388-452-0005, we take this change into consideration when we process your application for benefits.

(3) If you report a change in your income that we expect to continue at least a month beyond the month when you reported the change, we recalculate the income we estimated under WAC 388-450-0215 based on this change.

(4) When a change causes an increase in benefits, you must provide proof of the change before we adjust your benefits.

(a) If you give us the proof within ten days from the date we requested it, we increase your benefits starting the month after the month you reported the change.

(b) If you give us the proof more than ten days after the date we requested it, we increase your benefits starting the month after the month we got the proof.

(c) If you are eligible for more benefits and we have already sent you benefits for that month, we provide you the additional benefits within ten days of the day we got the proof.

(5) When a change causes a decrease in benefits, we ~~((change))~~ reduce your benefit amount ~~((before we ask))~~ without asking for proof~~((:))~~.

(a) If you report the change within the time limits in WAC 388-418-0007, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send you a letter about the change, and

(ii) Is determined according to the rules in WAC 388-458-0025.

(b) If you do not report ~~((the))~~ a change ~~((within the time limits in WAC 388-418-0007:~~

~~((i) We figure out the effective date as if you had reported it on time. This includes:~~

~~((A) Ten days for you to report the change, and~~

~~((B) Ten days for the advance notice period to begin, if required under WAC 388-458-0030.~~

~~(ii) If the effective date should have been a past month:~~

~~(A) We establish an overpayment claim according to the rules in chapter 388-410 WAC for all the appropriate months; and~~

~~(B) Decrease your benefits starting the following month.~~

~~(iii) We establish an overpayment claim and decrease your benefits starting the month after next when:~~

~~(A) The effective date should have been next month; and~~

~~(B) It is less than ten days away; and~~

~~(C) We must give you ten days notice under WAC 388-458-0030.~~

~~(iv) If the effective date should have been next month or the following month and we have time to give you ten days notice, we decrease your benefits starting that month.~~

~~(e) We have until your next recertification/eligibility review to ask for proof)) you must tell us about under WAC 388-418-0005, or you report a change later than we require under WAC 388-418-0007, we determine your eligibility as if you had reported this on time. If you received more benefits than you should, we set up an overpayment as described under chapter 388-410 WAC.~~

(6) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(7) Within ten days of the day we learn about a change, we(±

~~(a))~~ send advance notice according to the rules in chapter 388-458 WAC(±) and

~~((b))~~ take necessary action to correct the benefit. ~~((We wait to take action on a change))~~ If you request a hearing about a proposed decrease in benefits before the effective date or within the ~~((advance))~~ notice period as described in WAC 388-458-0040, we wait to take action on the change.

(8) If you disagree with a decision we made to change your benefits, you may request a fair hearing under chapter 388-02 WAC. The fair hearing rules in chapter 388-02 WAC do not apply for a "mass change." A mass change is when we change the rules that impact all recipients and applicants.

(9) When you request a hearing and get continued benefits:

(a) We keep giving you the same benefits you got before the advance notice of reduction until the earliest of the following events occur:

(i) For Basic Food only, your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) You state in writing that you do not want continued benefits;

(iv) You withdraw your fair hearing request in writing;

or

(v) You abandon your fair hearing request; or

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the action we took.

(10) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

(b) When cash assistance benefits increase because you start paying shelter costs, we use the date the change occurred.

(c) When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

(d) When institutional medical assistance participation changes, we calculate the new participation amount beginning with the month your income or allowable expense changes.

AMENDATORY SECTION (Amending WSR 04-03-019, filed 1/12/04, effective 2/12/04)

WAC 388-434-0005 How often does the department ~~((reviews each client's))~~ review my 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))~~ twelve 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))~~ an 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))~~ For medical assistance ~~((only, the eligibility review form or the AFB must be signed by at least one parent when the parents live together))~~, a signature is not required to complete your review.

(6) We may ~~((move the date of your eligibility))~~ review your eligibility at any time 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))~~ for 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))~~ certification period according to WAC 388-416-0010, 388-416-0015, 388-416-0020, 388-416-0025, 388-416-0030 and 388-416-0035.

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(9) Clients You 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~~) we consider you to be withdrawing your request for continuing assistance(~~(, therefore)~~):

- (a) Your cash assistance benefits will end; and
- (b) Your medical assistance will continue for (~~(six)~~) twelve consecutive months from the (~~(last~~

- (i) Application;
- (ii) Eligibility review; or
- (iii) ~~Food assistance application or recertification.~~

(~~11~~ We must) month we received your most recent application or eligibility review.

(11) We will send you written notice under WAC 388-458-0005, 388-458-0010, and 388-450-0015 before assistance (~~(can be)~~) is suspended, terminated, or a benefit error is established as a result of your eligibility review.

(~~(12) If you are currently receiving cash or~~)

(12) If you currently receive Categorically Needy (CN) 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 another program, your (CN) medical assistance will continue under WAC 388-418-0025.

(13) When (~~(a client is determined to)~~) you need (~~(necessary)~~) a supplemental accommodation (~~((NSA))~~) under WAC 388-472-0010, we will help (~~(the client)~~) you meet the requirements of this section.

Basic Food to reflect reporting requirements under the department's simplified reporting initiative. Simplified reporting reduces the changes clients must report to the department while requiring some clients to complete a six-month report to determine ongoing eligibility for benefits.

Reasons Supporting Proposal: These rules are necessary to implement the department's simplified reporting initiative for cash assistance, medical assistance, and the Washington Basic Food program.

The Farm Security and Rural Investment Act of 2002 provides states the option to implement simplified reporting for the food stamp program. SB 6411 (chapter 54, Laws of 2004) requires the department to implement simplified reporting for food stamps by October 31, 2004. The department plans to implement simplified reporting for cash, medical, and the Basic Food program beginning in October 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Policy Analyst, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses; they only affect DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules adopt federal requirements and implement program options under Title 7 of the Code of Federal Regulations Part 273 regarding eligibility for food stamp benefits [as] well as requirements under Title 45 of the Code of Federal Regulations and the TANF (temporary assistance to ~~needy families~~) state plan for benefits under the TANF program. The department also applies these requirements to the general assistance and refugee cash assistance programs.

July 1, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**WSR 04-15-053**

**PROPOSED RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 13, 2004, 4:45 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-17-085.

Title of Rule and Other Identifying Information: WAC 388-418-0005 What types of changes must I report for cash, Basic Food, and medical assistance?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., ~~Rest~~ Room, Lacey, WA, on August 24, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 25, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 24, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 16, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule filing will update department rules for cash assistance, medical, and

**AMENDATORY SECTION** (Amending WSR 04-06-026, filed 2/23/04, effective 3/25/04)

**WAC 388-418-0005** How will I know what ((type of) changes I must ((#) report ((for cash, Basic 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 Basic Food. 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.

<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for cash assistance?</b>	<b>Do I have to report this change for Basic Food?</b>
(1) Starts to get money from a new source;	Yes	Yes, but only if the change causes a change in the person's income.
(2) Has unearned income that changed by more than fifty dollars from amount we budgeted;	Yes	Yes
(3) Moves into or out of your home, including new births 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
(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 benefits. Report the change sooner to see if you will get more benefits.

<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for cash assistance?</b>	<b>Do I have to report this change for Basic Food?</b>
(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, but only if it causes a change in the person's income.
(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.

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<b>Table 1—Cash Assistance and Basic Food</b>		
<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for cash assistance?</b>	<b>Do I have to report this change for Basic Food?</b>
(16) A change in work hours to below 20 hours per week averaged monthly.	No	Yes, but only if there are no children in your AU and the person is a nonexempt ABAWD under WAC 388-444-0030 and 388-444-0035.
(17) A change in legal obligation to pay child support.	No	Yes

<b>Table 2—Medical Assistance</b>		
<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?</b>	<b>Do I have to report this change for Pregnancy Medical?</b>
(25) Has a disability that ends;	No	No
(26) Has countable resources that are more than the resource limits under WAC 388-470-0005;	No	No
(27) Gets a job or changes employers;	Yes	No
(28) 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
(29) Has a change in hourly wage rate or salary;	Yes	No
(30) Stops working;	Yes	No
(31) Has a pregnancy that begins or ends;	Yes	Yes
(32) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes, but only if an AU member has a spenddown.

<b>Table 2—Medical Assistance</b>		
<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for family medical assistance (i.e., TANF-related) or Children's Medical?</b>	<b>Do I have to report this change for Pregnancy Medical?</b>
(18) Starts to get money from a new source;	Yes	No
(19) Has unearned income that changed;	Yes	No
(20) 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
(21) Moves to a new residence;	Yes	Yes
(22) Has a change in shelter costs;	No	No
(23) Gets married, divorced, or separated;	Yes	No
(24) Gets a vehicle;	No	No

<b>Table 3—SSI-Related Medical Assistance and Long-Term Care</b>		
<b>Type of change to report when you or anyone in your assistance unit (AU):</b>	<b>Do I have to report this change for SSI-related medical assistance?</b>	<b>Do I have to report this change for long-term care (i.e., COPES, CAP, or nursing home)</b>
(33) Starts to get money from a new source;	Yes	Yes

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**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) Has unearned income that changed;	Yes	Yes
(35) Has a change in earnings or stops working	Yes	Yes
(36) 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
(37) Moves to a new residence;	Yes	Yes
(38) 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
(39) Gets married, divorced, or separated;	Yes	Yes
(40) 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
(41) Has a disability that ends;	Yes	Yes
(42) 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
(43) Has a change in uncovered medical expenses.	Yes, but only if an AU member has a spenddown.	Yes.

You must report changes to the department based on the kinds of assistance you receive. The set of changes you must report for people in your assistance unit under chapter 388-408 WAC is based on the benefits you receive that require you to report the most changes. It is the first program that you receive benefits from in the list below.

**For example:**

If you receive **Long Term Care** and **Basic Food** benefits, you tell us about changes based on the **Long Term Care** requirements because it is the first program in the list below you receive benefits from.

(1) If you receive **Long Term Care** benefits such as **COPES, CAP, or nursing home**, you must tell us if you have a change of:

- (a) Address;
- (b) Marital status;
- (c) Living arrangement;
- (d) Income;
- (e) Resources;
- (f) Medical expenses; and

(g) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.

(2) If you receive **medical benefits based on age, blindness, or disability** (SSI-related medical), you need to tell us if:

- (a) You move;
- (b) Someone moves into or out of your home;
- (c) Your resources change; or
- (d) Your income changes. This includes the income of you, your spouse or your child living with you.

(3) If you receive **Basic Food and all adults in your assistance unit are elderly or disabled and have no earned income**, you need to tell us if:

- (a) You move;
- (b) You start getting money from a new source;
- (c) Your income changes by more than fifty dollars;
- (d) Your liquid resources, such as your cash on hand or bank accounts, are more than two thousand dollars; or
- (e) Someone moves into or out of your home.

(4) If you receive **Basic Food** benefits and do not meet the conditions described in section (3) above, you must tell us about the following changes **unless we have processed your application or recertification after October 16, 2004**:

**(a) Income or employment changes:**

- (i) You start or stop working **and** this changes your income;
- (ii) You change 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;
- (iii) Your wage rate or salary changes;
- (iv) You start getting money from a new source; or
- (v) Your unearned income changes by more than fifty dollars.

**(b) Personal or household changes:**

- (i) You move;
- (ii) Someone moves into or out of your home;
- (iii) You get married, divorced, or separated;
- (iv) You have a change in your legal obligation to pay child support; or
- (v) You have a disability that ends.

))

**(c) Resource changes:**

(i) You go over the countable resource limit under WAC 388-470-0005 and your household is not CE under WAC 388-441-0001; or

(ii) You get a vehicle.

(5) If you receive cash benefits, you must tell us about the following changes unless we have processed your application or eligibility review after October 16, 2004:

**(a) Income or employment changes:**

(i) You start or stop working and this changes your income;

(ii) You change 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;

(iii) Your wage rate or salary changes;

(iv) You start getting money from a new source; or

(v) Your unearned income changes by more than fifty dollars.

**(b) Personal or household changes:**

(i) You move;

(ii) Someone moves into or out of your home;

(iii) You get married, divorced, or separated;

(iv) You have a pregnancy start or end; or

(v) You have a disability that ends.

**(c) Resource changes:**

(i) You go over the countable resource limit under WAC 388-470-0005; or

(ii) You get a vehicle.

(6) If you receive cash benefits, and we processed your application or eligibility review on or after October 17, 2004 you need to tell us if:

(a) You move;

(b) Someone moves out of your home;

(c) Your total gross monthly income goes over the:

(i) Payment standard under WAC 388-478-0030 if you receive general assistance or ADATSA benefits; or

(ii) Earned income limit under WAC 388-450-0165 for all other programs;

(d) You have liquid resources more than four thousand dollars; or

(e) You have a change in employment. Tell us if you:

(i) Get a job or change employers;

(ii) Change from part-time to full-time or full-time to part-time;

(iii) Have a change in your hourly wage rate or salary; or

(iv) Stop working.

(7) If you receive Children's Medical or Family Medical benefits, you need to tell us if:

(a) You move;

(b) Someone moves out of your home; or

(c) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.

(8) If you receive Basic Food benefits and we processed your application or recertification on or after October 17, 2004, you need to tell us if:

(a) You move; or

(b) Your total gross monthly income is more than the gross monthly income limit under WAC 388-478-0060.

(9) If you receive Pregnancy Medical benefits, you need to tell us if:

(a) You move;

(b) Someone moves out of the home; or

(c) You have a change in your pregnancy.

(10) If you receive other medical benefits, you need to tell us if:

(a) You move; or

(b) Someone moves out of the home.

**WSR 04-15-054****PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 13, 2004, 4:47 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-17-085.

Title of Rule and Other Identifying Information: WAC 388-400-0030 Refugee cash assistance—Summary of eligibility requirements.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA on August 24, 2004, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 25, 2004.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 24, 2004.

Assistance for Persons with Disabilities: Contact Fred Swenson, DSHS Rules Consultant, by August 16, 2004, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule filing will update WAC 388-400-0030 to reference reporting requirements for cash assistance under the department's simplified reporting initiative.

Reasons Supporting Proposal: These rule changes are necessary to support the department's simplified reporting initiative for cash assistance, medical assistance, and the Washington Basic Food program.

The Farm Security and Rural Investment Act of 2002 provides states the option to implement simplified reporting for the food stamp program. SB 6411 (chapter 54, Laws of 2004) requires the department to implement simplified reporting for food stamps by October 31, 2004. The department plans to implement simplified reporting for cash, medical, and the Basic Food program beginning in October 2004.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, SB 6411 (chapter 54, Laws of 2004).

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Policy Analyst, 1009 College S.E., Lacey, WA 98504, (360) 413-3232.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses; they only affect DSHS clients by outlining the rules clients must meet in order to be eligible for the department's cash assistance or food benefit programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." This rule adopts department requirements for cash assistance for refugee cash assistance program.

July 1, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-09-051, filed 4/12/02, effective 5/13/02)

**WAC 388-400-0030** Who is eligible for refugee cash assistance ~~((—Summary of eligibility requirements))~~? (1)

To be eligible for refugee cash assistance (RCA), you must:

(a) Provide the name of the voluntary agency (VOLAG) which resettled you;

(b) Meet the immigration status requirements of WAC 388-466-0005;

(c) Meet employment and training requirements of WAC 388-466-0150; ~~((and))~~

(d) Meet income and resource requirements of WAC 388-466-0140; ~~and~~

(e) Report changes of circumstances as required under WAC 388-418-0005.

(2) You are not eligible to receive RCA if you:

(a) Are eligible for temporary assistance for needy families (TANF) or Supplemental Security Income;

(b) Have been denied TANF or have been terminated from TANF due to intentional noncompliance with TANF eligibility requirements; or

(c) Are a full-time student in an institution of higher education.

(3) We determine your eligibility and benefit level for RCA using the TANF payment standards under WAC 388-478-0020.

(4) If you are eligible for RCA you may also be eligible for additional requirements for emergent needs under WAC 388-436-0002.

(5) If you meet the requirements of this section you are eligible for refugee cash assistance only during the eight-month period beginning in the first month you entered the United States (WAC 388-466-0120).

WSR 04-15-080

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 14, 2004, 1:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-058.

Title of Rule and Other Identifying Information: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc., specifically, WAC 308-56A-525 Vehicle seller's report of sale.

Hearing Location(s): Department of Licensing, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on September 13, 2004, at 10:00 a.m.

Date of Intended Adoption: October 19, 2004.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail dbrown@dol.wa.gov, fax (360) 902-3827, by September 10, 2004.

Assistance for Persons with Disabilities: Contact Dale R. Brown by September 10, 2004, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule change is required to update the seller's report of sale notification requirements. The anticipated effect will be to remove the option of mailing reports to the department since the department's system is not able to produce a receipt for the customer. The language was also changed to make the rule read more clearly.

Reasons Supporting Proposal: This rule will allow Washington licensing offices to process vehicle reports of sale and allow the use of the Internet to file a vehicle report of sale and receive a printed receipt if requested.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.12.101.

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

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718; Implementation and Enforcement: Sheila Gilkey, 1125 Washington Street S.E., Olympia, WA, (360) 902-3673.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in the industry.

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rule define the acceptable notification process when reporting a vehicle sold.

July 13, 2004

Steve Boruchowitz

Policy and Projects Office

**AMENDATORY SECTION** (Amending WSR 02-24-014, filed 11/25/02, effective 12/26/02)

**WAC 308-56A-525** Vehicle ((seller's)) report of sale.

(1) What is a vehicle seller's report of sale? A vehicle ((seller's)) report of sale is a document or electronic record

transaction ~~((that))~~ submitted by a vehicle seller notifying the department that the vehicle is no longer owned by them. It protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

Note: A vehicle report of sale submitted to the department to fraudulently avoid payment of fees, such as parking tickets or tow company impound fees, may not relieve the previous owner of liability for the operation of the vehicle or from paying fees owed.

**(2) Who must file a vehicle ((seller's)) report of sale?** With the exception of certain vehicle transfers by registered Washington vehicle dealers, Washington law (RCW 46.12.101) requires submission of a vehicle seller's report of sale by any person or business that transfers their interest in a Washington titled vehicle to anyone else. For the purposes of this rule, transferring interest includes, but is not limited to, selling, gifting, trading or disposing of your vehicle, but does not include the creation, deletion or change of a security interest.

**(3) When must a vehicle ((seller's)) report of sale be filed?** Vehicle seller's report of sale must be submitted within five days of the date of sale, gift, trade or other disposition of the vehicle, excluding Saturdays, Sundays, and state and federal holidays.

**(4) Who is the seller?** The seller is ~~((the current registered owner of record according to the computer file kept by the department))~~ a person (individual or business) who transfers their right of ownership of a vehicle to another person or business.

**(5) ~~((Why complete and file a vehicle seller's report of sale? It is in the seller's best interest to file the properly completed vehicle seller's report of sale to protect the seller in the event the buyer does not make application for ownership and then accumulates parking tickets, or towing charges, is involved in an uninsured accident or used in illegal activity, etc.~~**

Vehicle seller's report of sale received by the department of licensing that are incomplete will be filed with the department; however, those that do not meet the requirements of the law may not protect the seller from any civil or legal action if the vehicle is subsequently abandoned or involved in illegal activity.

**(6) ~~Who is the purchaser?~~** The purchaser is the person who bought, received as a gift, obtained through a trade or received a disposed vehicle.

**(7) ~~What information is required on the vehicle seller's report of sale?~~** You are required to provide information contained in RCW 46.12.101.

**(8)) Who is the purchaser?** The purchaser is a person (individual or business) who takes into their possession, a vehicle, by voluntary acquisition.

**(6) How do I file my vehicle ((seller's)) report of sale?** You may file your ((seller's)) report of sale ((in the following ways)) through:

- (a) ((Through)) Your local vehicle licensing office;
- (b) ((Mail it to the department;
- (e)) Through the internet.
- ((9))

Note: The department no longer accepts reports of sale received by mail.

**(7) What information is required on the vehicle report of sale?** You must provide the information required by RCW 46.12.101. However, vehicle reports of sale filed through a local vehicle licensing office that are incomplete will be recorded but may not protect the seller from civil or criminal responsibility for the operation of the vehicle.

**(8) Is there a fee for recording a vehicle ((seller's)) report of sale?** ((Yes-It)) A fee applies when a report of sale is filed through your local vehicle licensing office as authorized by RCW 46.01.140 (5)(b). There is no fee for filing the vehicle report of sale over the internet.

~~((10))~~ **(9) May a vehicle ((seller's)) report of sale be removed from my vehicle record?** Yes. As a registered owner, you may have a vehicle ((seller's)) report of sale removed from your vehicle record through your local vehicle licensing office, or by notifying the department in writing. You will need to provide the reason you are removing the vehicle ((seller's)) report of sale from your vehicle record.

~~((11))~~ **(10) How will I prove that I filed a vehicle ((seller's)) report of sale?**

~~((a))~~ When you file a vehicle ((seller's)) report of sale at any Washington vehicle licensing office, you will be provided with a receipt ((showing)).

When you file a vehicle report of sale on the internet, you have the option of printing your receipt. The receipt will show the following information:

- ~~((i))~~ (a) Date the report of sale was filed;
- ~~((ii))~~ (b) Description of vehicle;
- ~~((iii))~~ (c) Name and address of agent/subagent where filed (not included when filed through the internet);
- ~~((iv))~~ (d) Date of sale;
- ~~((v))~~ (e) Purchase price (if provided);
- ~~((vi))~~ (f) Name(s) and address of seller;
- ~~((vii))~~ (g) Name(s) and address of transferee (buyer) (if provided).

~~((b))~~ When you file a vehicle seller's report of sale online, you will be provided a receipt showing:

- (i) Date the report of sale was filed;
- (ii) Description of vehicle;
- (iii) Date of sale;
- (iv) Purchase price;
- (v) Name(s) and address of seller;
- (vi) Name(s) and address of transferee (buyer).

When you mail a vehicle seller's report of sale to the department, you will not receive a confirmation or receipt. You may wish to make a photocopy of the report of sale for your records prior to sending it to the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210-))

PROPOSED

**WSR 04-15-101**  
**WITHDRAWAL OF PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 19, 2004, 11:03 a.m.]

The Department of Licensing hereby withdraws proposed rules WAC 308-390-201 and 308-390-505 filed with the Code Reviser's Office on April 21, 2004, as part of WSR 04-09-105.

Jon Donnellan  
 Administrator

**WSR 04-15-106**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 20, 2004, 9:01 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-07-155.

**Title of Rule and Other Identifying Information:** The department is proposing to rewrite and clarify requirements relating to benzene. The department is amending the rule in chapter 296-62 WAC to only apply to agriculture and proposing benzene as a new chapter for all other industries, chapter 296-849 WAC. This rule making is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity. The department is eliminating unnecessary requirements and outdated terminology. References will also be updated throughout other WISHA rules.

The purpose of this rule making is to make this rule easy to read, understand and more usable for employers. This proposal will place all benzene requirements (WAC 296-62-07523) into one chapter (chapter 296-849 WAC, Benzene). This rule making is part of an initiative by the department to revise all safety and health rules.

Amending WAC 296-62-07523 Benzene, the requirements from this section are being moved to chapter 296-849 WAC, Benzene. A note will be added to clarify that the requirements in this section apply only to agriculture.

New sections WAC 296-849-100 Scope, 296-849-110 Basic rules, 296-849-11010 Use preventive practices, 296-849-11020 Establish exposure control areas, 296-849-11030 Conduct employee exposure evaluations, 296-849-11040 Provide and use personal protective equipment (PPE), 296-849-11050 Train employees, 296-849-11065 Follow rules for observing exposure measurement, 296-849-11070 Notify employees, 296-849-11090 Establish employee exposure records, 296-849-120 Exposure and medical monitoring, 296-849-12010 Conduct periodic employee exposure evaluations, 296-849-12030 Make medical evaluations available, 296-849-12050 Remove employees from benzene exposures, 296-849-12080 Maintain employee medical records, 296-849-130 Rules for exposure control areas, 296-849-13005 Establish an exposure control plan, 296-849-13020 Control employee exposures, 296-849-13045 Provide and use respirators, and 296-849-190 Definitions.

**Hearing Location(s):** Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA 98501, on August 24, 2004, at 1:30 p.m.

**Date of Intended Adoption:** November 16, 2004.

**Submit Written Comments to:** Jamie Scibelli, P.O. Box 44620, Olympia, WA 98504-4620, e-mail Scij235@lni.wa.gov, fax (360) 902-5529, by August 31, 2004.

**Assistance for Persons with Disabilities:** Contact Sally Elliott by August 17, 2004, yous235@lni.wa.gov or (360) 902-5484.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of this rule making is to make this rule easy to read, understand, and more usable for employers. This proposal will place all benzene requirements (WAC 296-62-07523) into one chapter (chapter 296-849 WAC, Benzene). There are no anticipated effects. See Title of Rule and Other Identifying Information above.

**Reasons Supporting Proposal:** See Title of Rule and Other Identifying Information above.

**Statutory Authority for Adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

**Statute Being Implemented:** Chapter 49.17 RCW.

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

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

**Name of Agency Personnel Responsible for Drafting:** Tracy Spencer, Tumwater, (360) 902-5530; **Implementation and Enforcement:** Michael Silverstein, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose more than a minor cost on business. Therefore, as stated in RCW 19.85.030 (1)(a), a small business economic impact statement is not required. An analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will make WISHA rules easier for employers and employees to understand and use, and thus save them time.

A cost-benefit analysis is not required under RCW 34.05.328. There are no costs to assess within these rule amendments. The amendments would require employers to provide notification of exposure evaluation results to employees within five days. Currently employers are required to provide this information within fifteen days. This amendment will require employers to provide data that they already have to employees quicker and will not require additional costs.

July 20, 2004

Paul Trause  
 Director

**AMENDATORY SECTION** (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

**WAC 296-62-07523 Benzene.**

**Note:** The requirements in WAC 296-62-07523 apply only to agriculture. The requirements for all other industries relating to noise have been moved to chapter 296-849 WAC, Benzene.

PROPOSED

## (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

## (b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 and 296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 and 296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

## (2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other

person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C<sub>6</sub>H<sub>6</sub>) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

## (3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

## (4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

## (5) Exposure monitoring.

(a) General.



(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that

employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and

work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work-practice controls is not feasible; for example some maintenance and repair activities, vessel cleaning, or other operations where engineering and work-practice controls are infeasible because exposures are intermittent and limited in duration;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient, or are not required under subsection (6)(a)(iii) of this section, to reduce exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).

(ii) For air-purifying respirators, the employer must replace the air-purifying element at the expiration of its service life or at the beginning of each shift in which such elements are used, whichever comes first.

(iii) If NIOSH certifies an air-purifying element with an end-of-service-life indicator for benzene, such an element may be used until the indicator shows no further useful life.

(c) Respirator selection.

(i) The employer must select the appropriate respirator from Table 1 of this section.

(ii) Any employee who cannot use a negative-pressure respirator must be allowed to use a respirator with less breathing resistance, such as a powered air-purifying respirator or supplied-air respirator.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use		Respirator type	
(a)	Less than or equal to 10 ppm.	(1)	Half-mask air-purifying respirator with organic vapor cartridge.
(b)	Less than or equal to 50 ppm.	(1)	Full facepiece respirator with organic vapor cartridges.
		(1)	Full facepiece gas mask with chin style canister. <sup>1</sup>
(c)	Less than or equal to 100 ppm.	(1)	Full facepiece powered air-purifying respirator with organic vapor canister. <sup>1</sup>
(d)	Less than or equal to 1,000 ppm.	(1)	Supplied air respirator with full facepiece in positive-pressure mode.
(e)	Greater than 1,000 ppm or unknown concentration.	(1)	Self-contained breathing apparatus with full facepiece in positive-pressure mode.
		(2)	Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f)	Escape .....	(1)	Any organic vapor gas mask; or
		(2)	Any self-contained breathing apparatus with full facepiece.
(g)	Firefighting .....	(1)	Full facepiece self-contained breathing apparatus in positive pressure mode.

<sup>1</sup>Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for nonpowered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-800-160.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

PROPOSED

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(ii) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm<sup>3</sup> or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to

believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (1)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall

state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER  
BENZENE  
CANCER HAZARD  
FLAMMABLE-NO SMOKING  
AUTHORIZED PERSONNEL ONLY  
RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-800-170 and in addition shall include the following legend:

DANGER  
CONTAINS BENZENE  
CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054 and 296-800-170.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-800-170, and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-800-170, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of

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employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

**Chapter 296-849 WAC**

**BENZENE**

**NEW SECTION**

**WAC 296-849-100 Scope.** This chapter applies to all occupational exposure to benzene.

**Definition:**

*Exposure* is the contact an employee has with benzene, whether or not protection is provided by respirators or other personal protective equipment (PPE). Exposure can occur through various routes of entry such as inhalation, ingestion, skin contact, or skin absorption.

**Exemptions:**

- This chapter does not apply to any of the following:
  - Liquids, vapors, mixtures in containers or pipelines, and gas in natural gas processing plants when benzene content is 0.1% or less.
  - Gasoline and other fuels containing benzene once they leave the final bulk wholesale facility and are being:
    - Transported;
    - Sold;
    - Distributed;
    - Stored;
    - Dispensed either:
      - Outdoors;
  - OR
  - Indoors four hours or less a day.
    - Used as a fuel.
  - Laboratories subject to the requirements in hazardous chemicals in laboratories, WAC 296-62-400, the General occupational health standards, chapter 296-62 WAC.
  - Oil and gas drilling, production, and servicing operations.
  - Solid materials that contain only trace amounts of benzene.
  - Coke ovens.

All requirements in this chapter will not apply to every workplace. Follow these steps to find out which requirements apply to you.

**Step 1:** If any of your work tasks are listed in Table 1, follow Table 1.

• Go to Step 2a if you have additional work tasks or other exposures that are not covered in Table 1.

**Table 1**

**Requirements that Apply to Specific Tasks**

If employees do any of the following:	Then the only requirements in this chapter that apply to those tasks are:
Load and unload benzene at bulk storage facilities that use vapor control systems for all loading and unloading operations.	<ul style="list-style-type: none"> <li>• The labeling requirement found in Use preventive practices, WAC 296-849-11010.</li> </ul>
Perform tasks around sealed transport pipelines carrying gasoline, crude oil, or other liquids containing more than 0.1% benzene.	<ul style="list-style-type: none"> <li>• This requirement found in Train employees, WAC 296-849-11050:                             <ul style="list-style-type: none"> <li>- Make sure training and information includes specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030.</li> </ul> </li> </ul>
Work with, or around, sealed containers of liquids containing more than 0.1% benzene.	<ul style="list-style-type: none"> <li>• Emergency requirements found in Make medical evaluations available, WAC 296-849-12030.</li> <li>• Requirements found in Maintain employee medical records, WAC 296-849-12080.</li> <li>• Respirator requirements found in Provide and use respirators, WAC 296-849-13045.</li> </ul>

**Step 2a:** Follow requirements in the basic rules sections, WAC 296-849-11010 through WAC 296-849-11090, for tasks not listed in Table 1.

• This includes completing an exposure evaluation, as specified in Conduct employee exposure evaluations, WAC 296-849-11060, to:

- Measure employee fifteen-minute and eight-hour exposure concentrations of airborne benzene;

AND

- Determine if employee exposure concentrations are above, at, or below these values:

- Eight-hour time-weighted average (TWA<sub>8</sub>) . . . . . 1 parts per million (ppm).

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- Fifteen-minute short-term exposure limit (STEL)..... 5 ppm.
  - Eight-hour action level (AL)..... 0.5 ppm.
- Step 2b:** Use employee exposure concentrations and follow Table 2 to find out which sections apply.

**Table 2**  
**Section Application**

<p><b>If employee exposure concentrations are:</b></p>	<p><b>Then continue to follow requirements in the basic rules, WAC 296-849-11010 through WAC 296-849-11090, and:</b></p>
<ul style="list-style-type: none"> <li>• <b>Above the TWA<sub>8</sub> or STEL</b></li> </ul>	<ul style="list-style-type: none"> <li>• Additional requirements found in:                     <ul style="list-style-type: none"> <li>– Exposure and medical monitoring, WAC 296-849-12005 through WAC 296-849-12080;</li> <li>AND</li> <li>– Rules for exposure control areas, WAC 296-849-13005 through WAC 296-849-13045.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>At or below the TWA<sub>8</sub> or STEL;</b></li> <li>AND</li> <li>• <b>At or above AL</b></li> </ul>	<ul style="list-style-type: none"> <li>• Additional requirements found in exposure and medical monitoring, WAC 296-849-12005 through WAC 296-849-12080.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Below the AL, and STEL</b></li> </ul>	<ul style="list-style-type: none"> <li>• No additional requirements apply if exposures remain below the AL and STEL.</li> </ul>

**NEW SECTION**

**WAC 296-849-110 Basic rules.**

**Summary:**

**Your responsibility:**

To measure and minimize employee exposure to benzene.

**IMPORTANT:**

To determine which requirements to follow for your work tasks, go to Table 1 in the scope of this chapter, WAC 296-849-100.

**Contents:**

- Use preventive practices  
WAC 296-849-11010.
- Establish exposure control areas  
WAC 296-849-11020.
- Conduct employee exposure evaluations  
WAC 296-849-11030.
- Provide and use personal protective equipment (PPE)  
WAC 296-849-11040.

- Train employees  
WAC 296-849-11050.
- Follow rules for observing exposure measurement  
WAC 296-849-11065.
- Notify employees  
WAC 296-849-11070.
- Establish employee exposure records  
WAC 296-849-11090.

**NEW SECTION**

**WAC 296-849-11010 Use preventive practices.**

**You must:**

- Make sure containers of benzene in the workplace are labeled, tagged, or marked with this warning:

DANGER  
CONTAINS BENZENE  
CANCER HAZARD

**Note:** Containers should be kept tightly covered when not in use. This helps prevent unnecessary exposure and accidental spills.

- References:** Additional requirements are found in other chapters as follows:
- For spills, leaks, or other releases of benzene, go to Emergency response, chapter 296-824 WAC.
  - For labeling go to:
    - The Safety and health core rules, chapter 296-800 WAC, and find Label containers holding hazardous chemicals, WAC 296-800-17025;
    - AND
    - Material safety data sheet and label preparation, chapter 296-839 WAC.

**NEW SECTION**

**WAC 296-849-11020 Establish exposure control areas.**

**You must:**

- Establish temporary or permanent exposure control areas where airborne concentrations of benzene are above, or can be reasonably expected to be above, the permissible exposure limits (PELs) for benzene by doing all the following:
  - Distinguish the boundaries of exposure control areas from the rest of the workplace in any way that minimizes employee access.
  - Post signs at access points to exposure control areas that include this warning:

DANGER  
Benzene  
Cancer Hazard  
Flammable - No Smoking  
Authorized Personnel Only  
Respirator Required

- Allow only authorized personnel to enter exposure control areas.

**Note:** • You may use permanent or temporary enclosures, caution tape, ropes, painted lines on surfaces, or other materials to visibly distinguish these areas or separate them from the rest of the workplace.

PROPOSED

- When distinguishing exposure control areas you should consider factors such as:
  - The level and duration of airborne exposure.
  - Whether the area is permanent or temporary.
  - The number of employees in adjacent areas.

**Reference:** If exposure control areas are established, go to Provide and use respirators, WAC 296-849-13045.

## NEW SECTION

### **WAC 296-849-11030 Conduct employee exposure evaluations.**

#### **IMPORTANT:**

• When you conduct an exposure evaluation in a workplace where an employee uses a respirator, the protection provided by the respirator is not considered.

• Following this section will meet the requirements to identify and evaluate respiratory hazards found in another chapter, Respiratory hazards, chapter 296-841 WAC.

#### **You must:**

• Conduct an employee exposure evaluation to determine airborne concentrations of benzene by completing Steps 1 through 7 of the exposure evaluation process, each time any of the following apply:

- No evaluation has been conducted.

■ You have up to thirty days to complete an evaluation once benzene is introduced into your workplace.

– Changes have occurred in any of the following areas that may result in new or increased exposures:

- Production.
- Processes.
- Exposure controls such as ventilation systems or work practices.
- Personnel.

– You have any reason to suspect new or increased exposure may occur.

- Spills, leaks, or other releases have been cleaned up.

**Note:** As part of your exposure evaluation after cleanup, you will make sure exposure concentrations have returned to pre-release concentrations.

#### **Exposure evaluation process.**

#### **IMPORTANT:**

If you are evaluating employee exposures during cleaning and repair of barges and tankers that contained benzene:

• Collect samples that effectively measure benzene concentrations that employees may be exposed to;

#### **AND**

- Skip to Step 7.

**Step 1:** Identify all employees who have exposure to benzene in your workplace.

**Step 2:** Identify operations where fifteen-minute exposures could exceed benzene's short-term exposure limit (STEL) of 5 parts per million (ppm).

• Include operations where it is reasonable to expect high, fifteen-minute exposures, such as operations where:

- Tanks are opened, filled, unloaded, or gauged.
- Containers or process equipment are opened.
- Benzene is used as a solvent for cleaning.

**Note:** You may use sampling devices such as colorimetric indicator tubes or real-time monitors to screen for activities where employee exposure concentrations could be high.

**Step 3:** Select employees from those working in the operations you identified in Step 2 who will have their fifteen-minute exposures measured.

**Step 4:** Select employees from those identified in Step 1 who will have their eight-hour exposures measured.

• Make sure the exposures of the employees selected represent:

- Eight-hour exposures for **all** employees identified at Step 1;

#### **AND**

– Each job classification, work area, and shift for employees identified in Step 1.

**Note:** • You need to keep a written description of your sample collection strategy in the records required by Establish employee exposure records, WAC 296-849-11090.

• The purpose of a sample collection strategy is to make sure the variety of exposures occurring in your workplace is represented by your exposure evaluation.

• Following Steps 3 through 6 of this evaluation process will help you create your sample collection strategy.

**Step 5:** Select and use sample collection and analysis methods that are accurate to  $\pm 25\%$ , with a confidence level of 95%.

**Note:** Here are examples of methods that meet this accuracy requirement:

- OSHA Method 12 for air samples.
- NIOSH Method 1500.

**Links:** To access the OSHA method, go to <http://www.osha.gov/dts/sltc/methods/toc.html>.

To access the NIOSH method, go to <http://www.cdc.gov/niosh/homepage.html> and link to the *NIOSH Manual of Analytical Methods*.

**Step 6:** Measure employee exposure concentrations by collecting air samples representative of employees identified at Step 1.

• When collecting samples make sure:

– You collect samples from each selected employee's breathing zone.

■ Collecting area samples is permitted after emergency releases.

– You collect fifteen-minute samples from employees selected at Step 3.

– You collect at least one sample representing the eight-hour exposure for each employee selected at Step 4.

**Note:** • You may use any sampling method that meets the accuracy requirement in Step 4. Examples of these methods include:

– Real-time monitors that provide immediate exposure concentration measurements.

– Equipment that collects samples that are sent to a laboratory for analysis.

• The following are examples of methods for collecting samples representative of eight-hour exposures:

- Collect one or more continuous samples, for example, a single eight-hour sample or four four-hour samples.
- Take a minimum of five brief samples (also called grab samples) during the work shift at randomly determined times.

• If you collect samples during work shifts longer than eight hours, collect samples from the eight-hour portion of the shift expected to have the highest exposure concentration.

**Step 7:** Have the samples you collected analyzed to obtain employee exposure concentrations for eight-hour and fifteen-minute exposures.



• Go to the scope of this chapter, WAC 296-849-100, and compare employee exposure concentrations to the values found in Step 2a and follow Step 2b to determine if additional chapter sections apply.

- Note:**
- You may contact your local WISHA consultant for help:
    - Interpreting data or other information.
    - Calculating eight-hour or fifteen-minute employee exposure concentrations.
  - To contact a WISHA consultant, go to another chapter, the Safety and health core rules, chapter 296-800 WAC, and find Service locations for L&I within the resources section.

#### NEW SECTION

**WAC 296-849-11040 Provide and use personal protective equipment (PPE).**

**You must:**

• Make sure employees wear appropriate PPE as protection from skin or eye contact with liquid benzene.

**Note:** Harmful amounts of benzene can enter the body through skin and eye contact.

**Reference:** To see additional personal protective equipment requirements, go to the Safety and health core rules, chapter 296-800 WAC.

#### NEW SECTION

**WAC 296-849-11050 Train employees.**

**You must:**

• Provide training and information to employees:
 

- At the time of initial assignment to a work area where benzene is present;

**AND**

– At least every twelve months for employees exposed to airborne concentrations at or above the action level (AL) of 0.5 parts per million (ppm).

• Make sure training and information includes:

– Specific information on benzene for each hazard communication training topic. For the list of hazard communication training topics, go to the Safety and health core rules, chapter 296-800 WAC, and find Inform and train your employees about hazardous chemicals in your workplace, WAC 296-800-17030;

**AND**

– An explanation of the contents of each of the following and guidance about where to find a copy:

■ This chapter.

■ The following found in another chapter, the General occupational health standards, chapter 296-62 WAC:

◆ The substance safety data sheet—benzene, found in WAC 296-62-07525, Appendix A.

◆ The substance technical guidelines—benzene, found in WAC 296-62-07527, Appendix B.

◆ The medical surveillance guidelines for benzene, found in WAC 296-62-07529, Appendix C;

**AND**

– A description of the medical evaluation requirements of this chapter found in:

■ Make medical evaluations available, WAC 296-849-12030;

**AND**

■ Remove employees from benzene exposure, WAC 296-849-12050.

**Reference:** To see additional training and information requirements:

- Go to the Safety and health core rules, chapter 296-800 WAC;

**AND**

- Find employer chemical hazard communication, WAC 296-800-170.

#### NEW SECTION

**WAC 296-849-11065 Follow rules for observing exposure measurement.**

**You must:**

(1) Provide affected employees and their designated representatives an opportunity to observe the measurement or monitoring activity during Step 6 of the exposure evaluation process found in exposure evaluations, WAC 296-849-11030.

(2) Make sure observers who need to enter areas with benzene exposure to observe exposure measurement or monitoring:

• Are provided with and use the same protective clothing, respirators, and other personal protective equipment (PPE) that employees working in the area are required to use;

**AND**

• Follow safety and health requirements that apply.

#### NEW SECTION

**WAC 296-849-11070 Notify employees.**

**You must:**

• Provide written notification about employee exposure concentrations to the employees represented by your exposure evaluation within five business days after employee exposure concentrations become known to you.

– In addition, when employee exposure concentrations are above a permissible exposure limit (PEL), provide written notification within fifteen business days after these exposure concentrations become known to you, of the following:

■ Corrective actions being taken and a schedule for completion;

**AND**

■ Any reason why exposures cannot be lowered to below the PELs for benzene.

**Note:**

- You can notify employees individually or post the notifications in areas readily accessible to affected employees.
- When notifying employees about corrective actions, your notification may refer them to a separate document that is available and provides the required information.

#### NEW SECTION

**WAC 296-849-11090 Establish employee exposure records.**

**You must:**

• Establish complete and accurate employee exposure records that include at least the following:

– The name, Social Security number, or other unique identifier, and job classification of:

■ The employee sampled;

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PROPOSED

AND

■ All other employees represented by the sampled employee.

- The type of respirator worn, if any.
- A description of the sample collection and analysis methods used.
- A description of the sample collection strategy used to determine representative employee exposures.
- The dates, number, durations, and results of each sample taken.

**Note:** It is useful to record any personal protective equipment worn by the employee, in addition to the type of respirator worn.

**Reference:** To see additional requirements for employee exposure records including access, maintenance, and transfer requirements, go to Employee medical and exposure records, chapter 296-802 WAC.

NEW SECTION

**WAC 296-849-120 Exposure and medical monitoring.**

**Summary:**

**Your responsibility:**

To detect any significant changes in employee health and exposure concentrations.

**IMPORTANT:**

These sections apply when employee exposure concentrations are either:

- At or above the action level (AL) of 0.5 parts per million (ppm) for benzene;

**OR**

- Above either of the permissible exposure limits for benzene.

**Contents**

Conduct periodic employee exposure evaluations

WAC 296-849-12010.

Make medical evaluations available

WAC 296-849-12030.

Remove employees from benzene exposures

WAC 296-849-12050.

Maintain employee medical records

WAC 296-849-12080.

NEW SECTION

**WAC 296-849-12010 Conduct periodic employee exposure evaluations.**

**You must:**

- Monitor employee exposure concentrations as specified in Table 3, by repeating Steps 6 and 7 of the exposure evaluation process found in Conduct employee exposure evaluations, WAC 296-849-11030.

**Note:** If you document that one work shift consistently has higher exposure concentrations than another for a particular operation, then you can limit sample collection to the work shift with higher exposures.

**Periodic Exposure Evaluation Frequencies**

**Table 3**

If	Then
Eight-hour employee exposure concentrations from evaluations are at or above the AL of 0.5 ppm, but below the eight-hour time-weighted average (TWA <sub>8</sub> ) of 1 ppm	Conduct evaluations at least every twelve months for the employees represented by the concentrations
Eight-hour employee exposure concentrations are above the TWA <sub>8</sub>	Conduct evaluations at least every six months for the employees represented by the concentrations
You have been conducting evaluations at least every six months; AND Two consecutive exposure evaluations, taken at least seven days apart, show eight-hour employee exposure concentrations have dropped below the TWA <sub>8</sub> , but remain at or above the AL	You may <b>decrease</b> your evaluation frequency to every twelve months for employees represented by the concentrations
Fifteen-minute employee exposure concentrations are above the short-term exposure limit (STEL) of 5 ppm	Evaluate as often as necessary to monitor exposure concentrations
Two consecutive evaluations, taken at least seven days apart, show eight-hour employee exposure concentrations have dropped below the AL	You may <b>stop</b> periodic exposure evaluations for employees represented by the concentrations

NEW SECTION

**WAC 296-849-12030 Make medical evaluations available.**

**IMPORTANT:**

Medical evaluations conducted under this section will satisfy the medical evaluation requirement found in Respirators, chapter 296-842 WAC.

**You must:**

(1) Provide the relevant medical follow-up specified in Tables 4 and 5 to any employee exposed to benzene during an emergency.

(2) Make medical evaluations available to current employees who meet the following criteria, by completing Steps 1 through 6 of the medical evaluation process:

- Potential or actual exposure to benzene at or above the action level (AL) for at least thirty days in any twelve-month period.

- Potential or actual exposure to benzene at or above either permissible exposure limit (PEL) for at least ten days in a twelve-month period.

- Past exposure to concentrations above 10 ppm benzene for at least thirty days in a twelve-month period before November 11, 1988.

- Current or past work as a tire building machine operator using solvents containing more than 0.1% benzene during tire building operations.

**Helpful tool:**

**Declination form for nonemergency related medical evaluations.**

You may use this optional form to document employee decisions to decline participation in part or all of your medical evaluation process.

**You must:**

(3) Make medical evaluations available at no cost to employees.

- Pay all costs, including travel costs and wages associated with any time spent outside of the employee's normal work hours;

**AND**

- Make medical evaluations available at reasonable times and places.

**Medical evaluation process:**

**Step 1:** Identify employees who qualify for medical evaluations.

**Step 2:** Make medical evaluations available for employees identified in Step 1 at these times:

- Initially, before the employee starts a job or task assignment where benzene exposure will occur.

- Every twelve months from the initial medical evaluation.

- Whenever the employee develops signs or symptoms commonly associated with toxic benzene exposure.

- After benzene exposure from an emergency.

**Step 3:** Select a licensed health care professional (LHCP) who will conduct or supervise medical evaluations and make sure:

- Individuals who conduct pulmonary function tests have completed a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution, if they are not licensed physicians;

**AND**

- Your LHCP uses an accredited laboratory, such as one accredited by a nationally or state-recognized organization, to conduct laboratory tests.

**Step 4:** Make sure the examining LHCP receives all of the following before performing the medical evaluation:

- A copy of:

- This chapter.

- The following found in the General occupational health standards, chapter 296-62 WAC:

- The substance safety data sheet—benzene found in WAC 296-62-07525, Appendix A.

- The substance technical guidelines—benzene found in WAC 296-62-07527, Appendix B.

- The medical surveillance guidelines for benzene found in WAC 296-62-07529, Appendix C.

- A description of the duties of each employee being evaluated and how the duties relate to benzene exposure.

- Actual or representative exposure concentrations for each employee being evaluated.

- A description of the personal protective equipment (PPE) each employee being evaluated uses or will use.

- Information from employment-related physical examinations for each employee being evaluated when this information is not available to the examining LHCP.

- Instructions that the written opinions LHCPs provide you for each employee, be **limited to** the following information:

- Specific records, findings, or diagnosis relevant to the employee's ability to work around benzene.

- The occupationally relevant results from examinations and tests.

- A statement about whether or not medical conditions were found that would increase the employee's risk for impairment from exposure to benzene.

- Any recommended limitations for benzene exposure.

- Whether or not the employee can use respirators and any recommended limitations for respirator or other PPE use.

- A statement that the employee has been informed of medical results and medical conditions caused by benzene exposure requiring further explanation or treatment.

**Step 5:** Provide the medical evaluation to the employee. Make sure it includes the content listed in Table 4, Content of medical evaluations, and Table 5, Medical follow-up requirements.

**Step 6:** Obtain the examining LHCP's written opinion for each employee's medical evaluation completed and give a copy to the employee within fifteen days of the evaluation date.

**Note:** If the written opinion is not limited to the information specified at Step 4, send it back and obtain a revised version without the additional information.

**IMPORTANT:**

These tables apply when conducting medical evaluations, including medical follow-up for employees exposed to benzene during emergencies.

**Table 4**  
**Content of Medical Evaluations**

When conducting	Include
An initial evaluation	<ul style="list-style-type: none"> <li>• A detailed history including:                             <ul style="list-style-type: none"> <li>– Past work exposure to benzene or other hematological toxins;</li> <li>– Exposure to marrow toxins outside of current employment;</li> <li>– Exposure to ionizing radiation;</li> <li>– Family history of blood dyscrasias including hematological neoplasms;</li> <li>– History of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, and abnormal function of formed blood elements;</li> <li>– History of renal or liver dysfunction;</li> <li>– History of medications routinely taken.</li> </ul> </li> <li>• A complete physical examination                             <ul style="list-style-type: none"> <li>– Include a pulmonary function test and specific evaluation of the cardiopulmonary system if the employee is required to use a respirator for at least thirty days a year.</li> </ul> </li> <li>• A complete blood count including a:                             <ul style="list-style-type: none"> <li>– Leukocyte count with differential;</li> <li>– Quantitative thrombocyte count;</li> <li>– Hematocrit;</li> <li>– Hemoglobin;</li> <li>– Erythrocyte count and indices (MCV, MCH, MCHC).</li> </ul> </li> <li>• Additional tests the examining LHCP determines are necessary based on alterations in the components of the blood or other signs that may be related to benzene exposure.</li> </ul>

When conducting	Include
Annual evaluations	<ul style="list-style-type: none"> <li>• <b>Medical follow-up as required in Table 5.</b></li> <li>• An updated medical history covering:                             <ul style="list-style-type: none"> <li>– Any new exposure to potential marrow toxins;</li> <li>– Changes in medication use;</li> <li>– Any physical signs associated with blood disorders.</li> </ul> </li> <li>• A complete blood count including a:                             <ul style="list-style-type: none"> <li>– Leukocyte count with differential;</li> <li>– Quantitative thrombocyte count;</li> <li>– Hematocrit;</li> <li>– Hemoglobin;</li> <li>– Erythrocyte count and indices (MCV, MCH, MCHC).</li> </ul> </li> <li>• Additional tests that the examining LHCP determines necessary, based on alterations in the components of the blood or other signs that may be related to benzene exposure.</li> <li>• A pulmonary function test and specific evaluation of the cardiopulmonary system every three years if the employee is required to use a respirator for at least thirty days a year.</li> <li>• <b>Medical follow-up as required in Table 5.</b></li> </ul>
Evaluations triggered by employee signs and symptoms commonly associated with the toxic effects of benzene exposure	<ul style="list-style-type: none"> <li>• An additional medical examination that addresses elements the examining LHCP considers appropriate.</li> </ul>

PROPOSED

When conducting	Include
Evaluations triggered by employee exposure during an emergency	<ul style="list-style-type: none"> <li>• A urinary phenol test performed on the exposed employee's urine sample within seventy-two hours of sample collection.</li> <li>– The urine sample must be collected at the end of the work shift associated with the emergency;</li> <li>– The urine specific gravity must be corrected to 1.024.</li> <li>• <b>Medical follow-up as required in Table 5.</b></li> </ul> <p><b>Reference:</b> Employees who are not covered by medical evaluation requirements in this chapter may be covered by medical evaluation requirements in other chapters such as Emergency response, chapter 296-824 WAC.</p>

**Table 5  
Medical Follow-up Requirements**

If	Then
<ul style="list-style-type: none"> <li>• The complete blood count test result is normal.</li> </ul>	<ul style="list-style-type: none"> <li>• No further evaluation is required.</li> </ul>
<ul style="list-style-type: none"> <li>– The complete blood count test shows any of the following abnormal conditions:</li> <li>– A leukocyte count less than 4,000 per mm<sup>3</sup> or an abnormal differential count;</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>– A thrombocyte (platelet) count that is either:</li> </ul>	<ul style="list-style-type: none"> <li>• Repeat the complete blood count within two weeks:</li> <li>– If the abnormal condition persists, refer the employee to a hematologist or an internist for follow-up medical examination and evaluation, unless the LHCP has good reason to believe it is unnecessary;</li> <li>– The hematologist or internist will determine what follow-up tests are necessary;</li> </ul> <p style="text-align: center;"><b>AND</b></p>

If	Then
<ul style="list-style-type: none"> <li>■ More than 20% below the employee's most recent values;</li> <li><b>OR</b></li> <li>■ Outside the normal limit (95% C.I.) according to the laboratory;</li> <li><b>OR</b></li> <li>– The hematocrit or hemoglobin level is either of the following, and can not be explained by other medical reasons:</li> <li>■ Below the normal limit (outside the 95% C.I.), as determined by the laboratory for the particular geographical area;</li> <li><b>OR</b></li> <li>■ Persistently decreasing compared to the employee's preexposure levels.</li> </ul>	<ul style="list-style-type: none"> <li>• Follow the requirements found in Medical removal.</li> </ul>
Results from the <b>urinary phenol test</b> conducted during an emergency evaluation show phenol levels less than 75 mg/L.	<ul style="list-style-type: none"> <li>• No further evaluation is required.</li> </ul>

PROPOSED

PROPOSED

If	Then
<p>Results from the <b>urinary phenol test</b> conducted during an emergency evaluation show phenol levels equal or more than 75 mg/L.</p>	<ul style="list-style-type: none"> <li>• Provide a complete blood count monthly for three months. Include a:                             <ul style="list-style-type: none"> <li>– Leukocyte count with differential;</li> <li>– Thrombocyte count;</li> <li>– Erythrocyte count;</li> </ul> </li> <li>AND</li> <li>• If any of the abnormal conditions previously listed in this table for complete blood count results are found:                             <ul style="list-style-type: none"> <li>– Provide the employee with periodic examinations, if directed by the LHCP;</li> <li>– <b>Refer the employee</b> to a hematologist or an internist for follow-up medical examination and evaluation unless the LHCP has good reason to believe a referral is unnecessary;</li> <li>– Follow the requirements found in Medical removal;</li> <li>AND</li> <li>– The hematologist or internist will determine what follow-up tests are necessary.</li> </ul> </li> </ul>

**NEW SECTION**

**WAC 296-849-12050 Remove employees from benzene exposures.**

**IMPORTANT:**

This section applies when an employee is referred to a hematologist or an internist for follow-up medical examination and evaluation required in Table 5, medical follow-up requirements found in medical evaluations, WAC 296-849-12030.

**You must:**

(1) Remove the employee from areas where benzene exposure is above the action level (AL) by doing either of the following:

- Transfer the employee to a job currently available that:
  - The employee qualifies for, or could be trained for in a short period of time;

**AND**

– Will keep the employee's exposure to benzene as low as possible and never above the AL;

**OR**

• Remove the employee from the workplace until either:
 

- A job becomes available that:

■ The employee qualifies for, or could be trained for in a short period of time;

**AND**

■ Will keep the employee's exposure to benzene as low as possible and never above the AL;

**OR**

– The employee is returned to work or permanently removed from benzene exposure as determined by completing the Medical evaluation process for removed employees.

(2) Maintain the employee's current pay rate, seniority, and other benefits.

**Note:** If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources. Examples of other sources are:

- Public or employer-funded compensation programs;
- Employment by another employer, made possible by the employee's removal.

**You must:**

(3) Complete Steps 1 through 4 of the medical evaluation process for removed employees, **within six months** of the date the licensed health care professional (LHCP) refers an employee to a hematologist or internist for follow-up.

• Make sure all examinations and evaluations are provided at no cost to the employee.

– Make examinations and evaluations available at reasonable times and places;

**AND**

– Pay for travel costs and wages, including any time spent outside of the employee's normal work hours.

**Medical evaluation process for removed employees:**

**Step 1:** Make sure the following is provided to the hematologist or internist:

• The information you provided to the LHCP in Step 4 of medical evaluations, WAC 296-849-12030;

• The employee's medical record as described in medical records.

**Note:** The examining LHCP may provide this information for you.

**Step 2:** Provide the employee an examination and evaluation by a hematologist or internist.

• When the examination and evaluation is completed, you and the employee must be informed, in writing, of the referring LHCP's decision to continue or end the employee's removal from benzene exposure.

• Include the following in the LHCP's decision if removal of the employee continues:

– The expected time period for removal to continue;

**AND**

– Requirements for future medical examinations to review the decision.

• If the LHCP recommends the employee **end removal** and return to the usual job with benzene exposure, **skip Steps 3 and 4.**

**Step 3:** Provide further medical examination and evaluation to the employee when the LHCP's decision from Step 2 informs you that medical removal must continue.

- Note:**
- During this step the LHCP, in consultation with the hematologist or internist, decides whether the employee:
    - May return to their usual job;
  - OR
  - Should be permanently removed from exposures that exceed the AL.
  - If the LHCP recommends the employee return to their usual job, skip Step 4.

**Step 4:** When the LHCP recommends permanent removal for the employee, make sure all the following conditions are met:

- The employee has an opportunity to transfer to another job that is currently available (or will become available);
- The job is one the employee qualifies for, or could be trained for in a short period of time;
- There is no reduction in the employee's current pay rate, seniority, and other benefits;
- The employee's benzene exposures will be as low as possible, but never more than the AL.

#### NEW SECTION

**WAC 296-849-12080 Maintain employee medical records.**

**IMPORTANT:**

This section applies when a medical evaluation is performed, or any time a medical record is created for an employee exposed to benzene.

**You must:**

- Maintain complete and accurate medical records for each employee receiving a medical evaluation and make sure the records include all the following:
  - The employee's name and Social Security number, or other unique identifier;
  - A copy of the licensed health care professional's (LHCP's) written opinions including written decisions and recommendations for the employee removed from exposure;
  - A copy of the information required in Step 4 of the medical evaluation process, found in WAC 296-849-12030, except for the copy of this chapter and the appendices listed.

**Note:** Your medical provider may keep these records for you. Other medical records such as an employee's medical history, need to be kept as a confidential record by the medical provider and accessed only with the employee's consent.

**Reference:** For additional employee medical record requirements, including access, maintenance, and transfer requirements go to Employee medical and exposure records, chapter 296-802 WAC.

#### NEW SECTION

**WAC 296-849-130 Rules for exposure control areas.**

**Summary:**

**Your responsibility:**

To protect employees from exposure to benzene by using feasible exposure controls and appropriate respirators.

**IMPORTANT:**

These sections apply when existing or potential employee exposure concentrations exceed either of the following permissible exposure limits (PELs):

- The eight-hour time-weighted average (TWA<sub>8</sub>) of 1 part per million (ppm);

**OR**

- The fifteen-minute short-term exposure limit (STEL) of 5 ppm.

**Contents:**

Establish an exposure control plan

WAC 296-849-13005.

Control employee exposures

WAC 296-849-13020.

Provide and use respirators

WAC 296-849-13045.

#### NEW SECTION

**WAC 296-849-13005 Establish an exposure control plan.**

**Exemption:** This section does not apply to the cleaning and repair of barges and tankers that contained benzene.

**You must:**

(1) Establish and implement a written exposure control plan for work areas where existing or potential exposures exceed either of the permissible exposure limit (PEL) for benzene.

- Make sure the plan includes a schedule for developing and implementing feasible exposure controls to reduce benzene exposure to, or below, the PELs.

**Reference:** To see examples of exposure controls, go to Respiratory hazards, chapter 296-841 WAC, and find Table 1 in Control employee exposure, WAC 296-841-20010.

**Note:** Respirators and other personal protective equipment (PPE) help protect employees from exposures, but are not substitutes for feasible exposure controls.

**You must:**

- Review and update your exposure control plan as needed, based on the most recent exposure evaluation results.

(2) Provide a copy of your exposure control plan to affected employees and their designated representatives when they ask to review or copy it.

#### NEW SECTION

**WAC 296-849-13020 Control employee exposures.**

**IMPORTANT:**

Respirators and other personal protective equipment (PPE) do not substitute for feasible exposure controls.

**You must:**

- Use feasible exposure controls to reduce exposures, as specified in Table 6.

**Reference:** To see examples of exposure controls, go to Respiratory hazards, chapter 296-841 WAC, found in Table 1 in Control employee exposures, WAC 296-841-20010.

**Table 6**  
**Exposure Control Requirements**

If:	Then you must use feasible controls to:
You have operations where employees clean and repair barges or tankers which have contained benzene	Keep all employee exposure concentrations below 10 parts per million (ppm).
You can document that benzene is used for less than thirty days a year in the workplace	Reduce eight-hour employee exposure concentrations to a time-weighted average of 10 ppm or less. <b>Note:</b> If employee exposure concentrations are between 1 and 10 ppm you are permitted to use respirators or a combination of respirators and feasible controls to protect employees.
Employees are exposed to benzene above a PEL for at least thirty days a year	Reduce eight-hour employee exposure concentrations to the TWA <sub>8</sub> of 1 ppm or less; AND Reduce fifteen-minute employee exposure concentrations to the STEL of 5 ppm or less.

PROPOSED

**NEW SECTION**

**WAC 296-849-13045 Provide and use respirators.**

**IMPORTANT:**

These requirements are in addition to the requirements found in:

- Respiratory hazards, chapter 296-841 WAC;
- Respirators, chapter 296-842 WAC.

**You must:**

(1) Provide respirators and require that employees use them when exposure is above either permissible exposure limit (PEL) for benzene, including any of the following:

- Employees are in an exposure control area;
- Feasible exposure controls are being put in place;
- Exposure controls are not feasible;
- Feasible exposure controls do not reduce exposures to, or below, a PEL;
- Emergencies.

(2) Meet these requirements to protect employees from benzene exposure above a PEL:

- Limit selection of escape respirators to either:
  - A full-facepiece organic vapor gas mask;

OR

– A full-facepiece self-contained breathing apparatus (SCBA);

OR

– A hood-style SCBA that operates in positive-pressure mode.

- Make sure respirator cartridges or canisters are replaced at the beginning of each work shift, or sooner if their service life has expired.

- Make sure canisters on gas masks and powered air-purifying respirators (PAPRs) have a minimum service life of four hours when tested under these conditions:

- A benzene concentration of 150 ppm;

- A temperature of 25°C;

- A relative humidity of 85%;

- A flow rate of one of the following:

- 64 liters per minute (lpm) for nonpowered air-purifying respirators;

- 115 lpm for **tight-fitting** PAPRs;

- 170 lpm for **loose-fitting** PAPRs.

- Provide an employee a respirator with low breathing resistance, such as a PAPR or an air-line respirator when the:
  - Licensed health care professional's (LHCP's) written opinion recommends this type of respirator;

AND

- Employee cannot use a negative-pressure respirator.

**NEW SECTION**

**WAC 296-849-190 Definitions.**

**Action level** an airborne concentration of benzene of 0.5 parts per million (ppm) calculated as an eight-hour time-weighted average.

**Authorized personnel** individuals specifically permitted by the employer to enter the exposure control area to perform necessary duties, or to observe employee exposure evaluations as a designated representative.

**Benzene** liquid benzene, benzene vapor, and benzene in liquid mixtures and the vapors released by these liquids.

The Chemical Abstract Service (CAS) Registry Number for benzene is 71-43-2. CAS numbers are internationally recognized and used on material safety data sheets (MSDSs) and other documents to identify substances. For more information see <http://www.cas.org/about>.

**Breathing zone** the space around and in front of an employee's nose and mouth, forming a hemisphere with a 6- to 9-inch radius.

**Bulk wholesale storage facility** any bulk terminal or bulk plant where fuel is stored before its delivery to wholesale customers.

**Container** any container, except for pipes or piping systems, that contains benzene. It can be any of the following:

- Barrel;

- Bottle;

- Can;

- Cylinder;

- Drum;

- Reaction vessel;

- Storage tank.

**Day** any part of a calendar day.

**Designated representative** any individual or organization to which an employee gives written authorization;

OR



A recognized or certified collective bargaining agent without regard to written employee authorization;

**OR**

The legal representative of a deceased or legally incapacitated employee.

**Emergency** any event that could or does result in the unexpected significant release of benzene. Examples of emergencies include equipment failure, container rupture, or control equipment failure.

**Exposure** the contact an employee has with benzene, whether or not protection is provided by respirators or other personal protective equipment (PPE). Contact can occur through various routes of entry such as inhalation, skin contact, or skin absorption.

**Licensed health care professional (LHCP)** an individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

**Permissible exposure limits (PELs)** PELs are exposure concentrations to toxic substances or harmful agents that must not be exceeded. PELs are specified in various WISHA rules found in other chapters. The PELs for benzene are the:

- Eight-hour time-weighted average (TWA<sub>8</sub>) of 1 part per million (ppm);

**AND**

- Fifteen-minute short-term exposure limit (STEL) of 5 ppm.

**Short-term exposure limit (STEL)** an exposure limit averaged over a fifteen-minute period that must not be exceeded during any part of an employee's workday.

**Time-weighted average (TWA<sub>8</sub>)** an exposure limit averaged over an eight-hour period that must not be exceeded during an employee's workday.

**Vapor control systems** equipment that controls the vapor displaced when chemicals are loaded and unloaded from truck or storage tanks. It also processes or balances the vapor back into the truck or storage tanks.

**WSR 04-15-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 20, 2004, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-097 on April 20, 2004.

**Title of Rule and Other Identifying Information:** Safety standards for agriculture, chapters 296-62 and 296-307 WAC, the Department of Labor and Industries is continuing a long-term effort to provide one book for all the safety and health requirements for agriculture. This one-book requirement results from a 1995 legislative requirement that directed the department to publish all agriculture rules "in one volume." The occupational health requirements in chapter 296-62 WAC are the focus of this effort. Several rules from this chapter were recently rewritten for clarity as part of the agency's plain language initiative. This rule making proposes

to also add these rules to the agriculture safety standard chapter 296-307 WAC.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

**Hearing Location(s):** Red Lion Hotel Yakima Center, 607 East Yakima Avenue, Yakima, WA, on October 1, 2004, at 9:30 a.m.; and at Department of Labor and Industries, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on October 4, 2004, at 1:30 p.m.

**Date of Intended Adoption:** November 30, 2004.

**Submit Written Comments to:** Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Division, P.O. Box 44620, Olympia, WA 98540-4620, fax (360) 902-5529, by October 8, 2004.

**Assistance for Persons with Disabilities:** Contact Sally Elliott by September 9, 2004, TTY (360) 902-5484 or yous235@lni.wa.gov.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** There are no new requirements in the proposed amendments, although references to other chapters and sections of chapter 296-307 WAC will be updated where needed. Some additional reorganization of requirements will also be done for better navigation of the rule.

**Reasons Supporting Proposal:** The Department of Labor and Industries is continuing a long-term effort to provide one book for all the safety and health requirements for agriculture. This one-book requirement results from a 1995 legislative requirement that directed the department to publish all agriculture rules "in one volume."

**Statutory Authority for Adoption:** RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

**Statute Being Implemented:** Chapter 49.17 RCW.

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

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

**Name of Agency Personnel Responsible for Drafting:** Tracy Spencer, Tumwater; (360) 902-5530; **Implementation and Enforcement:** Michael A. Silverstein, Tumwater, (360) 902-5495.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established by the small business economic impact statement (SBEIS) analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d): "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the content of the original rules, there should not be an economical impact on Washington state business.

A cost-benefit analysis is not required under RCW 34.05.328. The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and

employees to understand and use, and thus actually save them time.

July 20, 2004

Paul Trause

Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

### WSR 04-15-108

#### WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

(By the Code Reviser's Office)

[Filed July 20, 2004, 9:14 a.m.]

WAC 230-30-072, proposed by the Gambling Commission in WSR 04-02-045 appearing in issue 04-02 of the State Register, which was distributed on January 21, 2004, 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 04-15-111

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-064.

Title of Rule and Other Identifying Information: Chapter 180-88 WAC, Definitions of sexual misconduct, verbal abuse and physical abuse—Mandatory disclosure—Prohibited agreements.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The 2004 legislature passed and the governor signed into law 2SSB 5533 which included the directive to the State Board of Education that by September 1, 2004, "...shall adopt rules defining 'verbal abuse,' 'physical abuse,' and 'sexual misconduct' as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has

made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district."

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: 2SSB 5533.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 19, 2004

Larry Davis

Executive Director

### Chapter 180-88 WAC

#### DEFINITIONS OF SEXUAL MISCONDUCT, VERBAL ABUSE AND PHYSICAL ABUSE—MANDATORY DISCLOSURE—PROHIBITED AGREEMENTS

##### NEW SECTION

**WAC 180-88-010 Purpose and authority.** The purpose of this chapter is to implement RCW 28A.400.301. The state board of education is directed to define the term "sexual misconduct" for purposes of requiring school districts to forward known information about employee sexual misconduct to prospective school district employers. The state board of education is further directed to define "sexual misconduct," "verbal abuse," and "physical abuse" for purposes of prohibiting school districts from entering into any contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or has the effect of expunging such information from employer files.

##### NEW SECTION

**WAC 180-88-020 Employee—Definition.** As used in this chapter, the term "employee" means any employee or former employee of a school district, including all classified employees, all certificated employees, and all substitute employees.

##### NEW SECTION

**WAC 180-88-030 Student—Definition.** For purposes of this chapter, "student" shall have the same meaning as defined in WAC 180-87-040.

NEW SECTION

**WAC 180-88-040 Verbal abuse—Definition.** "Verbal abuse" means the use of malicious or hostile language by an employee that results in harm to another if the school district has determined that there is sufficient evidence to conclude that an employee engaged in the conduct and that it resulted in the employee leaving a position with the school district.

NEW SECTION

**WAC 180-88-050 Physical abuse—Definition.** (1) "Physical abuse" means the willful action by an employee of inflicting or attempting to inflict bodily injury against another, or using physical force in excess of what is necessary to restrain a person from harming self or others. To constitute physical abuse, a school district must possess sufficient information to conclude that the employee engaged in the conduct and that it resulted in the employee leaving a position with the school district.

(2) Authorized use of physical restraints or of aversive interventions consistent with chapter 392-172 WAC shall not constitute physical abuse.

NEW SECTION

**WAC 180-88-060 Sexual misconduct—Definition.** "Sexual misconduct" means:

(1) Any sexually exploitive act with or to a student. Sexually exploitive acts include, but are not limited to, the following:

- (a) Any sexual advance, verbal or physical.
- (b) Sexual intercourse, as defined in RCW 9A.44.010.
- (c) Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student.

(d) The provisions of (a) through (d) of this subsection shall not apply if at the time of the sexual conduct the participants are married to each other.

(2) Indecent exposure, as defined in RCW 9A.88.010.

(3) Sexual harassment of another as defined under local employer policy.

(4) Commission of a criminal sex offense as defined under chapter 9A.44 RCW.

(5) Sexual abuse or sexual exploitation of any minor as found in any dependency action under chapter 13.34 RCW or in any domestic relations proceeding under Title 26 RCW.

(6) For purposes of this section, sexual misconduct occurs only when a school district determines it has sufficient information to conclude that an employee engaged in the sexual misconduct and it resulted in the employee leaving a position with the school district.

## WSR 04-15-112

## PROPOSED RULES

## STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:08 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-85-025 Continuing education—Definitions and WAC 180-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these amendments to rules is to amend WAC 180-85-025 indicating education credit hours are awarded in conformance with WAC 180-85-033. Also to amend WAC 180-85-033 to include all supervisors of teacher interns (student teachers), administrator interns, educational staff associate interns, and paraprofessionals when awarding continuing education credits for their service as a supervisor.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 19, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-18-050, filed 8/28/02, effective 9/28/02)

**WAC 180-85-025 Continuing education—Definition.** As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, awarded by a regionally accredited institution of higher education, pursuant to WAC 180-78-010(6).

(2) All continuing education credit hours awarded by a vocational-technical college pursuant to WAC 180-85-030(3) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 180-83 WAC.

(4) All continuing education credit hours awarded (~~through membership on a professional growth team~~) in conformance with WAC 180-85-033.

AMENDATORY SECTION (Amending WSR 02-18-050, filed 8/28/02, effective 9/28/02)

**WAC 180-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors.** (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC 180-78A-010 and 180-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of

forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

WSR 04-15-113

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

Title of Rule and Other Identifying Information: Chapter 180-78A WAC, Performance based preparation programs.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose: This chapter is being amended to provide performance based program approval standards for educational staff associates, school counselor, school psychologist, and school social worker programs.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 15, 2004

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-010 Definition of terms.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is a candidate for accreditation or is accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and of Colleges and Universities;

- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

- (a) The state goals or essential academic learning requirements; or

- (b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC 180-78A-500 through 180-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference

calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team."

(a) Teacher "professional growth team" means a team comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(b) Principal/program administrator "professional growth team," for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.

(c) School counselor, school psychologist, and school social worker "professional growth team" for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a college/university representative, and a colleague/peer specified by the candidate.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC 180-78A-540. The individual professional growth plan shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC 180-78A-540. The preassessment seminar shall meet requirements set forth in WAC 180-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC 180-78A-535 (4)(e).

**AMENDATORY SECTION** (Amending WSR 04-04-090, filed 2/3/04, effective 3/5/04)

**WAC 180-78A-100 Existing approved programs.** Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter 180-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into

preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter 180-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter 180-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain certification by meeting requirements of programs approved under 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the state board of education or its designee may waive this deadline on a case-by-case basis.

(3) All school counselor, school psychologist, or school social worker programs shall be approved under the 2004 program approval standards of chapter 180-78A WAC by August 31, 2005. Colleges and universities may permit individuals accepted into the school counselor, school psychologist, or school social worker programs on or before August 31, 2005, to obtain certification by meeting requirements of programs approved under the 1997 approval standards described in chapter 180-78A WAC if the individuals complete the program on or before August 31, 2007, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2007. Provided that the state board of education or its designee may waive this deadline on a case-by-case basis.

(4) Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: Provided, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

~~((4))~~ (5) The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards. In determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and the National Council for the Accreditation of Teacher Education (NCATE) as such agreement relates to the NCATE accreditation cycle.

~~((5))~~ (6) Each institution shall submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

~~((6))~~ (7) Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation

may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

~~((7))~~ (8) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

AMENDATORY SECTION (Amending WSR 03-19-021, filed 9/5/03, effective 10/6/03)

**WAC 180-78A-264 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The conceptual framework is based on current research and best practice, is cohesive and integrated, supports the state's student learning goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's commitment to preparing candidates who are able to use educational technology to help all students learn.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to

WAC 180-78A-315, and candidates for a school social worker certificate shall complete an internship pursuant to WAC 180-78A-319.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(10)(a) Beginning fall 2003, approved programs shall administer the pedagogy assessment adopted by the state board of education and published by the superintendent of public instruction to all candidates in a residency certificate program.

(b) At such time that the state board of education determines the pedagogy assessment has sufficient credibility evidence (i.e., interrater reliability and validity), successful performance on the pedagogy assessment by the candidate shall be required in order for the institution to verify completion of the state board approved residency teacher preparation program.

AMENDATORY SECTION (Amending WSR 04-04-089, filed 2/3/04, effective 3/5/04)

**WAC 180-78A-270 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(5):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

**Foundational knowledge**

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and the knowledge and skills for each endorsement area for which the candidate is applying (chapter 180-82 WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy, including laws pertaining to school health and safety.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(k) The standards, criteria and other requirements for obtaining the professional certificate, including a draft professional growth plan.

**Effective teaching**

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners of both sexes and from diverse cultural or linguistic backgrounds.

(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents with an awareness of the influence of culture and gender on student learning.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and research-based intervention strategies.

(r) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

**Professional development**

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

**(2) PRINCIPAL AND PROGRAM ADMINISTRATOR.**

(a) Effective August 31, 1997, through August 31, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(i) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(A) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(B) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(C) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(D) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(E) **Organizational oversight:** Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(F) **Implementation:** Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(G) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(H) **Instructional program:** Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods that address students' gender and cultural differences; designing positive learning experiences; accommodating differences in

cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(I) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(J) **Student guidance and development:** Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(K) **Staff development:** Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(L) **Measurement and evaluation:** Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(M) **Resource allocation:** Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(N) **Motivating others:** Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(O) **Sensitivity:** Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensitivities.

(P) **Oral expression:** Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(Q) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(R) **Philosophical and cultural values:** Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, includ-

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ing current social and economic issues related to education; recognizing global influences on students and society.

(S) **Legal and regulatory applications:** Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(T) **Policy and political influences:** Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(U) **Public and media relationships:** Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(ii) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(b) Effective September 1, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(i) Successful demonstration of standards. A school administrator is an educational leader who promotes the success of all students by:

(A) Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(B) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(C) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(D) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(E) Acting with integrity, fairness, and in an ethical manner; and

(F) Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ii) Performance assessment. An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the resi-

dency certificate program with a draft professional growth plan.

(3) **SUPERINTENDENT.** Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) **Strategic leadership:** The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs which implement the state learning goals and essential academic learning requirements, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

(i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) **SCHOOL COUNSELOR.** Effective August 31, 1997 through August 31, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

PROPOSED

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation), including assessment of the state learning goals and essential academic learning requirements.

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum including the state learning goals and essential academic learning requirements;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, career and technical education, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) SCHOOL COUNSELOR. Effective September 1, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) Successful demonstration of standards:

(i) Foundations of the school counseling profession: Certified school counselors design, deliver, and evaluate student-centered, data-driven school counseling programs that advance the mission of the school in light of recognized theory, research, exemplary models, community context, and professional standards.

(ii) School counseling and student competencies: Certified school counselors integrate academic, career, and personal/social student competencies, including Washington state learning goals and essential academic learning requirements, into the school counseling program; teach counseling and guidance related material by using effective curriculum, instructional strategies, and instructional management; support teachers and parents in helping students develop knowledge and skill for learning, living, and working; and provide information about best practices to a school community.

(iii) Human growth and development: Certified school counselors apply comprehensive, in-depth knowledge of human growth and development to improve student learn-

ing, well-being, and to enhance resiliency; provide guidance to parents and teachers about developmentally appropriate practices that support students throughout their schooling experience.

**(iv) Counseling theories and technique:** Certified school counselors demonstrate an understanding of established and emerging counseling theories through effective use of individual and group techniques for working with a diverse population.

**(v) Equity, fairness, and diversity:** Certified school counselors value and show respect for all members of the community; demonstrate fairness, equity, and sensitivity to every student, and advocate for equitable access to instructional programs and activities; use data for designing and implementing plans that remove barriers to learning; and help to close achievement gaps among sub-groups of students.

**(vi) School climate:** Certified school counselors establish and foster a safe, inclusive, and nurturing learning environment for students, staff, and families and use strategies designed to prevent or resolve problems that could limit or diminish the capacity of students to learn and achieve at their highest levels.

**(vii) Collaboration with school staff, family, and community:** Certified school counselors work collaboratively with school staff, families and community members to achieve common goals for the education of students, improvement of schools, and advancement of the larger community; know appropriate behavior management strategies and can team with staff and families to improve student achievement; and use their knowledge of community resources to make appropriate referrals based on the needs of students.

**(viii) Information resources and technology:** Certified school counselors select and use informational resources and technology to facilitate delivery of a comprehensive school counseling program that meets student needs; and skillfully use technology to enhance communication.

**(ix) Student assessment and program evaluation:** Certified school counselors understand the basic principles and purposes of assessment; collection and use of data; regularly monitor student progress and are able to communicate the purposes, design, and results of assessments to various audiences; know basic principles of research design, action research, and program evaluation for purposes of program improvement and accountability.

**(x) Leadership and advocacy:** Certified school counselors support practices and policies that promote academic rigor-skills for learning, living, and working; provide leadership that enhances student academic, career, and personal/social development and advocate for guidance as an integral part of a school's educational system; model practices that help students, parents, teachers, and policy makers understand how curriculum, instruction and assessment can help students see the relationship between effort, performance, and success beyond high school. Certified school counselors help promote understanding of graduation requirements, WASL scores, and development of the high school and beyond plan.

**(xi) Professionalism, ethics, and legal mandates:** Certified school counselors develop a professional identity con-

gruent with knowledge of all aspects of professional functions, professional development, and state and national school counselor organizations. They adhere strictly to the profession's codes of ethics, especially those that have been established by the American Counseling Association (ACA), the American School Counselor Association (ASCA), the National Board for Certified Counselors (NBCC), and other relevant codes of ethics. They are familiar with state and federal policies, laws, and legislation relevant to school counseling.

**(xii) Reflective practice:** Certified school counselors integrate knowledge, skills, and life experiences to respond effectively to new or unexpected critical events and situations; serve as change agents by using their understanding of schools as social, cultural and political systems within a larger organizational context; monitor practice with continuous, in-depth reflection; and make adjustments as needed.

**(b) Performance assessment.** An approved preparation program for school counselors shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

**(6) SCHOOL PSYCHOLOGIST.** Effective August 31, 1997, through August 31, 2005, school psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

- (i) Learning theory.
- (ii) Personality theory and development.
- (iii) Individual and group testing and assessment.
- (iv) Individual and group counseling and interviewing theory and techniques.
- (v) Basic statistics.
- (vi) Child development.
- (vii) Exceptional children.
- (viii) Social and cultural factors.
- (ix) Deviant personality.

(x) Curriculum, including the state learning goals and essential academic learning requirements.

- (xi) Research design.
- (xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

- (i) Intellectual and cognitive assessment.
- (ii) Individual and group academic skills: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.
- (iii) Personality assessment.
- (iv) Assessment of perceptual skills.

(v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

- (i) Data taking.
- (ii) Frequency measures.
- (iii) Qualitative and quantitative analysis of classroom behavior.

(iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

- (i) Provide individual and group counseling to students and parents.
- (ii) Conduct interviews essential to information collecting from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

- (i) Function on multidisciplinary teams in evaluating and placing students.
- (ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candidate has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

(i) Research. The candidate has knowledge and skill to:

- (i) Evaluate and perform research.
- (ii) Apply school-oriented research.
- (iii) Construct criterion-referenced instruments with reference to such educational decisions as:

- (A) Retention in grade.
- (B) Acceleration and early entrance.
- (C) Early entrance.

~~((6))~~ **(7) School psychologist.** Effective September 1, 2005, school psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

**(a) Successful demonstration of standards:**

**(i) Data-based decision-making and accountability:** Certified school psychologists have knowledge of varied models and methods of assessment that yield information useful in identifying strengths and needs, in understanding problems, and in measuring progress and accomplishments; use such models and methods as part of a systematic process to collect data and other information, translate assessment results into empirically based decisions about service deliv-

ery, evaluate the outcomes of services; and data-based decision making permeates every aspect of professional practice.

**(ii) Consultation and collaboration:** Certified school psychologists have knowledge of behavioral, mental health, collaborative, and/or other consultation models and methods and of their application to particular situations; collaborate effectively with others in planning and decision-making processes at the individual, group, and system levels.

**(iii) Effective instruction and development of cognitive/academic skills:** Certified school psychologists have knowledge of human learning processes, techniques to assess these processes, and direct and indirect services applicable to the development of cognitive and academic skills; collaborate with others, develop appropriate cognitive and academic goals for students with different abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, instructional interventions and consultation.

**(iv) Socialization and development of life skills:** Certified school psychologists have knowledge of human developmental processes, techniques to assess these processes, and direct and indirect services applicable to the development of behavioral, affective, adaptive, and social skills; collaborate with others, develop appropriate behavioral, affective, adaptive, and social goals for students of varying abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, consultation, behavioral assessment/intervention, and counseling.

**(v) Student diversity in development and learning:** Certified school psychologists have knowledge of individual differences, abilities, and disabilities and of the potential influence of biological, social, cultural, ethnic, experiential, socioeconomic, gender-related, and linguistic factors in development and learning; demonstrate the sensitivity and skills needed to work with individuals of diverse characteristics and to implement strategies selected and/or adapted based on individual characteristics, strengths, and needs.

**(vi) School and systems organization, policy development, and climate:** Certified school psychologists have knowledge of general education, special education, and other educational and related services; understanding of schools and other settings as systems; work with individuals and groups to facilitate policies and practices that create and maintain safe, supportive, and effective learning environments for children and others.

**(vii) Prevention, crisis intervention, and mental health:** Certified school psychologists have knowledge of human development and psychopathology and of associated biological, cultural, and social influences on human behavior; provide or contribute to prevention and intervention programs that promote the mental health and physical well-being of students.

**(viii) Home/school/community collaboration:** Certified school psychologists have knowledge of family systems, including family strengths and influences on student development, learning, and behavior, and of methods to involve families in education and service delivery; work effectively with

families, educators, and others in the community to promote and provide comprehensive services to children and families.

**(ix) Research and program evaluation:** Certified school psychologists have knowledge of research, statistics, and evaluation methods; evaluate research, translate research into practice, and understand research design and statistics in sufficient depth to plan and conduct investigations and program evaluations for improvement of services.

**(x) School psychology practice and development:** Certified school psychologists have knowledge of the history and foundations of their profession; of various service models and methods; of public policy development applicable to services to children and families; and of ethical, professional, and legal standards, including the Washington Administrative Code; practice in ways that are consistent with applicable standards, are involved in their profession, and have the knowledge and skills needed to acquire career-long professional development.

**(xi) Information technology:** Certified school psychologists have knowledge of information sources and technology relevant to their work; access, evaluate, and utilize information sources and technology in ways that safeguard or enhance the quality of services.

**(b) Performance assessment.** An approved preparation program for school psychologists shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

**(8) SCHOOL SOCIAL WORKER.** Effective August 31, 1997, through August 31, 2005, school social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study including:

(i) Values.

(A) Knowledge of profession including values, skills, and ethics; and

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;

(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

- (ii) Evaluate own practice;
- (iii) Become consumer of research findings;
- (iv) Understand use of program evaluation methods; and
- (v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following:

- (i) State learning goals and essential academic learning requirements;
- (ii) Theories of learning;
- (iii) School law and professional ethics;
- (iv) Computer technology in the workplace; and
- (v) Understanding of policies, laws, and procedures.

**(9) School social workers.** Effective September 1, 2005, school social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

**(a) Successful demonstration of standards:**

**(i) Core concepts and professional practice foundations:** The certified school social worker understands and applies the core concepts, tools of inquiry, theories, and skills and values of the general field of social work to the educational system; relates these core concepts to the Washington state learning goals, essential academic learning requirement (EALRS), Revised Code of Washington (RCW), Washington Administrative Code (WAC) and the Individuals With Disabilities Education Act (IDEA); and utilizes these constructs to facilitate the educational, social and emotional development of students by working towards reducing the impact of nonacademic barriers to academic success.

**(ii) Planning, ecological assessment and evaluation:** The certified school social worker understands and knows how to apply various formal and informal assessment tools to identify student, family, school and community needs using a strengths and systems perspective; engage students (individually or in groups), families, school staff and/or the larger community in designing interventions and developing programs, which bolsters the strengths and meets the needs identified; uses best practices in evaluation criteria to monitor the success of the intervention; revisions to the intervention plan are based on systematic data collection; and to utilize the principles of research design and program evaluation to improve student learning outcomes.

**(iii) Prevention/intervention services:** The certified school social worker has knowledge of and ability to provide prevention education and skill building in such areas as violence, mediation, bullying, substance misuse and abuse, conflict resolution/management, and stress management; provide direct intervention services to students through crisis management, case management, counseling, skill building, behavior management, teaching of psycho-educational curriculums, personal development skills and classroom presentations; and provide both prevention and intervention services to students individually, in small group or classroom settings as well as with students' families.

**(iv) Home, school and community consultation and collaboration:** The certified school social worker understands and has the ability to develop consultative and collab-

orative relationships both individually and on a systemic level with students, colleagues, families and the community to support students' learning and social/emotional development; assist students and their families in networking with various social support systems in order to benefit student learning; and use their extensive knowledge of community resources to appropriately refer students and families to various community services.

**(v) Advocacy and facilitation:** The certified school social worker understands and has the ability to advocate and facilitate changes that empower students, families, educators and others to gain access to and effectively use school and community resources.

**(vi) Diversity and school climate:** The certified school social worker understands how a student's learning is influenced and impacted by culture, family dynamics, community values, individual learning styles, talents, gender, sexual orientation, language, prior learning, economics and disabilities; utilize this knowledge to design, implement and evaluate programs that enhance student learning and social interaction in school, family and community settings; and how to create and support a safe, nurturing and secure learning environment by designing and using strategies to prevent or resolve ecological barriers that could limit or diminish the capacity of students to learn and achieve at their highest levels.

**(vii) Professional development:** The certified school social worker understands and values the need for professional development and is able to use supervision, consultation, collaboration, continuing education and professional research to evaluate and enhance their practice.

**(viii) Information resources and technology:** The certified school social worker uses informational resources and technology to communicate, monitor student progress and evaluate programs; and access, appraise and utilize information sources and technology in ways that safeguard and enhance their quality of services.

**(ix) Professional code of conduct and ethics:** The certified school social worker understands, maintains and applies the professional codes of conduct and ethical practice guidelines embodied in the National Association of Social Work (NASW) code of ethics and School Social Work standards developed for the field of education; and are familiar with district, state and federal laws and policies relevant to the educational setting.

**(b) Performance assessment.** An approved preparation program for school social workers shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the state board of education and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior state board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

## NEW SECTION

**WAC 180-78A-319 Program approval requirement—Field experience for school social workers.** Approved school social worker preparation programs shall require all students to complete a supervised internship that

includes 600 hours, 300 of which must be in the schools, of on-the-job professional service and one hour per week of individual supervision provided by a site supervisor. Site supervisors must be fully certificated school social workers and have a minimum of three years of professional experience in the role of school social worker. Faculty supervision including on-site visits will be provided on an on-going basis. Prior to the internship, the student will complete a faculty-supervised practicum (a distinctly defined clinical experience intended to enable the student to develop basic school social work skills and integrate professional knowledge).

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-500 Professional certificate program approval.** All professional certificate programs for teachers (~~and~~), principals/program administrators, and school counselors, school psychologists, and school social workers shall be approved pursuant to the requirements in WAC 180-78A-520 through 180-78A-540. Only colleges/universities with state board of education approved residency certificate teacher (~~and~~), principals/program administrator, and school counselor, school psychologist, and school social worker preparation programs are eligible to apply for approval to offer professional certificate programs.

**NEW SECTION**

**WAC 180-78A-509 Overview—Educational staff associate—School counselor/school psychologist/school social worker professional certificate programs.** By September 1, 2007, all colleges and universities offering ESA professional certificate programs must be in compliance with the new program standards. To obtain a professional ESA certificate, individuals will need to hold a valid ESA residency certificate, be employed in his/her ESA role in a public school district, state board-approved private school or state agency providing educational services for students, and complete a state board of education approved professional ESA certificate program in his/her ESA role.

(1) The professional certificate requires successful demonstration of the ESA role standards at the professional certificate benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

(2) The candidate shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation with his/her professional growth team. The individual growth plan shall be based on an assessment of the candidate's ability to demonstrate standards at the professional benchmark level and evidence of a positive impact on student learning.

**AMENDATORY SECTION** (Amending WSR 03-23-037, filed 11/12/03, effective 12/13/03)

**WAC 180-78A-535 Approval standard—Program design.** The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with a state board of education-approved private school or state agency providing educational services for students or the candidate provides to the program a letter from the candidate's employing district, state board of education-approved private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required

statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

**(2) Principal/program administrator.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

**(3) Educational staff associate (ESA) - school counselor, school psychologist, school social worker.**

(a) To be eligible for admission to a professional certificate program, a candidate shall be employed in his/her ESA role in a public school, a state board approved private school, or state agency providing educational services for students.

(b) The professional certificate must be available to all qualified candidates.

(c) Using the knowledge and skills standards in WAC 180-78A-270 (5), (7), and (9), and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with the ESA candidate's professional growth team (WAC 180-78A-010 (10)(c)). The individual's professional growth plan shall be based on an assessment of the candidate's ability to demonstrate the standards at the professional certificate benchmark level in the specific ESA role pursuant to WAC 180-78A-270 (5), (7), or (9).

(ii) Formalized learning opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards in the specific ESA role as defined in WAC 180-78A-270 (5), (7), or (9).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill, and performance; positive impact on student learning; and specification of areas for continuing education and development.



(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-78A-540 Approval standard—Knowledge and skills.** (1) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

(i) Using effective teaching practices, including classroom management;

(ii) Using assessment to monitor and improve instruction;

(iii) Establishing and maintaining a positive, student-focused, learning environment;

(iv) Designing and/or adapting challenging curriculum that is developmentally appropriate;

(v) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

(vi) Using information about student achievement and performance to advise and involve students and families;

(vii) Integrating technology into instruction and assessment;

(viii) Informing, involving, and collaborating with parents and families as partners in the educational process instrumental to student success; and

(ix) Employing democratic principles in instruction.

(b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(i) Evaluating the effects of his/her teaching through feedback and reflection;

(ii) Designing and implementing professional growth programs, including new directions in career development and goals; and

(iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

(c) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

(i) Participating in activities within the school community to improve curriculum and instructional practices;

(ii) Participating in professional and/or community organizations;

(iii) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

(iv) Demonstrating communication skills and/or strategies that facilitate group decision making; and

(v) Participating collaboratively in school improvement activities.

(2) **Principal/program administrator.** A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills

at the professional certificate benchmark levels for the six standards pursuant to WAC 180-78A-270 (2)(b).

(3) Educational staff associate - school counselor, school psychologist, or school social worker. A successful candidate for the ESA professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the standards in the specific ESA role pursuant to WAC 180-78A-270 (5), (7), or (9).

WSR 04-15-114

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

Title of Rule and Other Identifying Information: Chapter 180-79A WAC, Certification of school personnel.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Larry Davis, Executive Director, P.O. Box 47206, Olympia, WA 98504-7206, e-mail ldavis@ospi.wednet.edu, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 11, 2004, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This chapter is being amended to establish certification requirements for the residency and professional and professional certificates for school counselors, school psychologists, and school social workers.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Purpose above.

Name of Proponent: State Board of Education, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, Washington, (360) 725-6025.

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

A cost-benefit analysis is not required under RCW 34.05.328. Not applicable.

July 15, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional.** Two levels of certification may be issued.

(1) Through August 31, 2000, for teachers, ~~((and))~~ through August 31, 2004, for administrators, and through August 31, 2005, for educational staff associates, the following levels of certificates will be issued: Provided, That after August 31, 2000, initial and continuing teachers' certificates ~~((and))~~, after August 31, 2004, initial and continuing principal and program administrator certificates, and after August 31, 2005, initial and continuing educational staff associate certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-250 and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-250(3).

(2) The following levels of certificates will be issued to teachers, administrators, and educational staff associates commencing with the dates indicated below:

(a) Residency certificate. The residency certificate will be issued beginning September 1, 2000, to teachers ~~((and))~~, beginning ~~((no later than))~~ September 1, 2004, to ~~((administrators))~~ principal/program administrators, and no later than September 1, 2005, to educational staff associate~~((s))~~ school counselors, school psychologists, and school social workers. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250.

(b) Professional certificate. The professional certificate will be issued beginning September 1, 2001, to teachers ~~((and))~~, beginning ~~((no later than))~~ September 1, ~~((2004))~~ 2006, to ~~((administrators))~~ principal/program administrators, and beginning September 1, 2007, to educational staff associate~~((s))~~ school counselors, school psychologists, and school social workers. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 180-79A-257 (3)(b) or 180-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

~~(((3) Notwithstanding anything in subsections (1) and (2) of this section to the contrary, a professional teachers' certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-555.))~~

**AMENDATORY SECTION** (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

**WAC 180-79A-221 Academic and experience requirements for certification—School counselors, school psychologists, and school social workers.** Candidates for school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-226: Provided, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive written examination required in such master's degree program: Provided, That if any candidate has been awarded a master's degree without a comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) School counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).

(b) Residency.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II guidance and counseling examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course

that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Residency.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II school psychology examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the social worker examination of the Academy of Certified Social Workers or the National Teacher Examination—School Social Worker Specialty Area examination required for certification as a school social worker by the National Association of Social Workers.

(b) Residency.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet the requirement by receiving a passing score on the Praxis II school social work examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(iii) The candidates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

(d) Professional. The candidate shall have completed an approved professional certificate program.

AMENDATORY SECTION (Amending WSR 04-04-011, filed 1/23/04, effective 2/23/04)

**WAC 180-79A-226 Issues of abuse course work requirement for continuing or professional certification—Educational staff associate.** Candidates who apply for a continuing or professional educational staff associate certificate after August 31, 1994, must have successfully completed the abuse course work requirement as defined in WAC 180-79A-030(6).

AMENDATORY SECTION (Amending WSR 02-18-037, filed 8/26/02, effective 9/26/02)

**WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements.** The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

PROPOSED

## (a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in and is making satisfactory progress in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

## (b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors, school psychologists, or school social workers.

(i) Individuals who hold a residency certificate and who qualify for admission to a professional certificate program pursuant to WAC 180-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator in which the candidate is enrolled, that the candidate is making satisfactory progress.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 180-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the

issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a state board approved residency certificate program and taken since the issuance of the last residency certificate.

(d) Renewals based on conditions other than those described in WAC 180-79A-250 (2)(a) and (b) may be appealed to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Individuals who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

## (3) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC and must meet the conditions stated in WAC 180-79A-253.

## (4) Professional certificate.

## (a) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 180-78A-540:

(I) Effective instruction.

(II) Leadership.

(III) Professional development.

(B) One of the salary criteria specified in RCW 28A.415.023.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the state board of education;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 180-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Verification of satisfactory performance evaluations for the five year periods; and

(C) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the

completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 180-78A-270 (2)(b) plus an internship approved by a college or university with a state board approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning; and

(III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 180-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 180-78A-270 (5), (7), or (9).

WSR 04-15-115

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

Title of Rule and Other Identifying Information: WAC 180-78A-507 Overview—Principal/program administrator professional certificate program.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, by August 11, 2004, TDD (360) 664-3631 or (360) 725-6027.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The amendment to this rule revises the date by which colleges/universities offering professional certificate programs for principals/program administrators must be in compliance with the new standards for the professional certificate. It also establishes a date by which colleges/universities offering the professional certificate programs for school psychologists, school counselors and school social workers must be in compliance with the new standards.

**Summary:** See Purpose above.

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

**Proposal Changes the Following Existing Rules:** See Purpose above.

**Reasons Supporting Proposal:** See Purpose above.

**Statutory Authority for Adoption:** RCW 28A.410.010.

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

**Name of Proponent:** State Board of Education.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Larry Davis, State Board of Education, Olympia, (360) 725-6024.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

July 15, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 04-04-010, filed 1/23/04, effective 2/23/04)

**WAC 180-78A-507 Overview—Principal/program administrator, school psychologist, school counselor, and school social worker professional certificate programs.** By September 1, ((2004)) 2006, all colleges and universities offering a professional certificate program for principals/program administrators must be in compliance with the new program standards. By September 1, 2007, all colleges and universities offering a professional certificate program for school psychologists, school counselors, and school social workers must be in compliance with the new standards for the professional certificate. To obtain a professional certificate, the residency principal will need to complete a state board of education approved professional certificate program, have satisfactory district evaluations for an administrator role, and document three contracted school years of employment as a principal or assistant principal; the residency program administrator will need to complete a state board of education approved professional certificate program and have satisfactory district evaluations for an administrator role.

The professional certificate requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration with his/her professional growth team. The individual growth plan shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

**WSR 04-15-116**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 20, 2004, 1:14 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

**Title of Rule and Other Identifying Information:** New section WAC 180-78A-272 Approval of residency certificate preparation programs for principals/program administrators, school psychologists, school counselors, and school social workers.

**Hearing Location(s):** Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

**Date of Intended Adoption:** August 27, 2004.

**Submit Written Comments to:** Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 11, 2004.

**Assistance for Persons with Disabilities:** Contact Laura Moore, by August 11, 2004, TDD (360) 664-3631 or (360) 725-6027.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** Purpose: The purpose of this rule is to clearly state in chapter 180-78A WAC the dates by which school psychologists, school counselors, and school social worker programs must be approved by the State Board of Education in order for institutions to offer the residency certificate program for these roles.

**Summary:** See Purpose above.

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

**Proposal Changes the Following Existing Rules:** See Purpose above.

**Summary:** See Purpose above.

**Reasons Supporting Proposal:** See Purpose above.

**Statutory Authority for Adoption:** RCW 28A.410.010.

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

**Name of Proponent:** State Board of Education.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Larry Davis, State Board of Education, Olympia, (360) 725-6024.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

July 15, 2004  
Larry Davis  
Executive Director

Name of Proponent: State Board of Education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

July 15, 2004  
Larry Davis  
Executive Director

## NEW SECTION

**WAC 180-78A-272 Approval of residency certificate preparation programs for principals/program administrators, school psychologists, school counselors and school social workers.** Colleges/universities offering residency certificate programs for principals/program administrators shall have these programs approved by the state board of education by August 31, 2004. Colleges/universities offering residency certificate programs for school psychologists, school counselors, and school social workers shall have these programs approved by the state board of education by August 31, 2005.

### **WSR 04-15-117**

#### **PROPOSED RULES**

#### **STATE BOARD OF EDUCATION**

[Filed July 20, 2004, 1:16 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

Title of Rule and Other Identifying Information: WAC 180-79A-006 Purpose.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, by August 11, 2004, TDD (360) 664-3631 or (360) 725-6027.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose: The amendment to this rule will put the dates in chapter 180-79A WAC by which the residency and professional certificate program requirements for the roles of principal/program administrator, school counselor, school psychologist, and school social worker must be implemented.

Summary: See Purpose above.

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

Proposal Changes the Following Existing Rules: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

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

**AMENDATORY SECTION** (Amending WSR 00-03-048, filed 1/14/00, effective 2/14/00)

**WAC 180-79A-006 Purpose.** The purposes of this chapter are:

(1) To establish a performance-based certification system to be fully implemented for all teacher candidates applying for the residency certificate after August 31, 2000, and for all teacher candidates applying for the professional certificate after August 31, 2001 (~~and for all administrator and educational staff associate candidates not later than August 31, 2004~~). A performance-based certification system shall be fully implemented for all principals/program administrators applying for the residency certificate after August 31, 2004, and for all principal/program administrator candidates applying for the professional certificate after August 31, 2006. A performance-based professional certificate system shall be fully implemented for school psychologists, school counselors, and school social workers applying for the residency certificate after August 31, 2005, and for the professional certificate after August 31, 2007.

(2) To establish the various certificates which must be held as a condition to employment in the Washington school system. The performance-based certification system shall include the issuance of a residency certificate, a professional certificate, and other certificates which the state board of education may add in the future.

(3) To establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

### **WSR 04-15-118**

#### **PROPOSED RULES**

#### **STATE BOARD OF EDUCATION**

[Filed July 20, 2004, 1:16 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-056.

Title of Rule and Other Identifying Information: WAC 180-79A-231 Limited certificates, subsection (7) transitional certificates.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, by August 11, 2004, TDD (360) 664-3631 or (360) 725-6027.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** Purpose: The amendment to this rule will allow educators in all three roles - teachers, administrators, and educational staff associates (ESAs) to be eligible for a transitional certificate as requested by an employing school district, approved private school, or educational service district superintendent.

**Summary:** See Purpose above.

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

**Proposal Changes the Following Existing Rules:** See Purpose above.

**Reasons Supporting Proposal:** See Purpose above.

**Statutory Authority for Adoption:** RCW 28A.410.010.

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

**Name of Proponent:** State Board of Education.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Larry Davis, State Board of Education, Olympia, (360) 725-6024.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

July 15, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 03-14-115, filed 6/30/03, effective 7/31/03)

**WAC 180-79A-231 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness require-

ments of WAC 180-79A-150(1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 180-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated



the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

## (2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) ~~((A teacher))~~ An individual whose continuing certificate has lapsed according to WAC 180-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must complete any continuing certificate reinstatement requirements established by the state board of education within two years of the date the holder was issued the transitional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under state board policy WAC 180-79A-117.

(b) No ~~((teacher))~~ individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 180-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable and may not be reissued.

**WSR 04-15-119**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 20, 2004, 1:19 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-10-016 [04-08-056].

Title of Rule and Other Identifying Information: WAC 180-79A-257 Out-of-state candidates.

Hearing Location(s): Hockinson High School, Hockinson School District, 16819 N.E. 159th Street, Brush Prairie, WA 98606, on August 26, 2004, at 8:30 a.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, by August 11, 2004.

Assistance for Persons with Disabilities: Contact Laura Moore, by August 11, 2004, TDD (360) 664-3631 or (360) 725-6027.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Purpose: The purpose of the amendment is to allow teachers who hold the appropriate degree from a regionally accredited college/university, a teaching certificate comparable to the residency teacher certificate issued by another state, who has practiced for at least three years as a teacher in grades P-12, and who completed a supervised classroom-based internship to obtain their out-of-state teaching certificate, to obtain a Washington residency teaching certificate.

Summary: See Purpose above.

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

Proposal Changes the Following Existing Rules: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.410.010.

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

Name of Proponent: State Board of Education.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 725-6024.

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

RCW 34.05.328 does not apply to this rule adoption. Not applicable.

July 15, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-04-011, filed 1/23/04, effective 2/23/04)

**WAC 180-79A-257 Out-of-state candidates.** Candidates for certification from other states who meet the general certificate requirements described in WAC 180-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000), shall be issued by the superintendent of public instruction to any candidate who meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, and who passes the WEST-B and meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Provided, That if a candidate for teacher, administrator or educational staff associate certification does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency certificate, issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years: Provided further, That the teacher preparation program through which the teacher earned their teaching certificate included a supervised classroom-based internship.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter 180-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certifi-

cate so issued that the subject area listed is not a Washington state endorsement.

(e) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial residency educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued to administrators and educational staff associates on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, meets the child abuse course work requirement as described in WAC 180-79A-206 (3)(b), and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

## WSR 04-15-122

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed July 20, 2004, 2:30 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Occupational/temporary restricted driver's license—Eligibility and denial hearings.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA, (check in at counter on first floor), on August 26, 2004, at 2:00 p.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by August 25, 2004.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by August 25, 2004, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends WAC 308-104-100, to update terminology, clarify eligibility, and establish the minimum portions of the periods of driver's license suspension, revocation, or denial that are imposed administratively based on a law enforcement officer's report of an arrest for an alcohol-related traffic violation after which a person may apply for an occupational/temporary restricted driver's license.

Amends WAC 308-104-105 to update terminology and incorporate recent statutory changes relating to the eligibility for an occupational/temporary restricted driver's license.

Reasons Supporting Proposal: Rule making regarding the minimum portions of the periods of driver's license suspension or revocation that must be served prior to eligibility for an occupational/temporary restricted driver's license is mandated by the legislature in section 7 of SHB 2660. The balance of the amendments are necessary to comply with statutory changes resulting from SHB 2660.

Statutory Authority for Adoption: RCW 46.01.110 and 46.20.391 (1)(c).

Statute Being Implemented: RCW 46.20.391.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to these proposed rules under the provisions of RCW 34.05.328 (5)(a)(i).

July 20, 2004

Denise M. Movius  
Assistant Director

AMENDATORY SECTION (Amending WSR 00-18-070, filed 9/1/00)

**WAC 308-104-100 Occupational/temporary restricted driver's license—Person eligible.** (1) Upon proper application, the department shall issue an occupational/temporary restricted driver's license to any person who has had his or her driver's license suspended or revoked who meets the requirements of RCW 46.20.380 and 46.20.391, provided that on the date of conviction for the offense on which the suspension or revocation is based or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective:

~~((1))~~ (a) The person had an unexpired driver's license;  
~~((2))~~ (b) The person did not have his or her resident driver's license or nonresident driving privilege suspended or revoked for any reason; and

~~((3))~~ (c) The person had not been required to surrender his or her Washington driver's license to the department for failure to maintain proof of financial responsibility for the future.

(2) No person may petition for, and the department shall not issue, an occupational/temporary restricted driver's license that is effective during:

(a) The first thirty days of any suspension or denial imposed under RCW 46.20.3101 (2)(a) or (3)(a);

(b) The first ninety days of any revocation or denial imposed under RCW 46.20.3101 (1)(a); or

(c) The first year of any revocation or denial imposed under RCW 46.20.3101 (1)(b), (2)(b), or (3)(b).

(3) Notwithstanding the provisions of this section, an occupational/temporary restricted driver's license shall not be issued for the operation of a commercial motor vehicle when the commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

AMENDATORY SECTION (Amending WSR 00-18-070, filed 9/1/00)

**WAC 308-104-105 Occupational/temporary restricted license denial hearings.** (1) Upon notification by the department that an occupational/temporary restricted driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an occupational/temporary restricted driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requester in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid license on date of conviction or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective.

(b) Whether the suspension or revocation giving rise to the application for an occupational/temporary restricted driver's license is one for which an occupational/temporary

restricted driver's license may be issued under RCW 46.20.391.

~~(c) ((Whether the person has been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory within the one year immediately preceding the conviction or incident for which the occupational license is requested-~~

~~(d))~~ Whether the person has committed an offense of ~~((driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or))~~ vehicular assault or vehicular homicide~~(-))~~ within the seven years immediately preceding the conviction or incident for which the occupational/temporary restricted driver's license is requested or, if there are multiple suspensions or revocations in effect, within the seven years immediately preceding the latest conviction or incident for which the occupational/temporary restricted driver's license is requested.

~~((e))~~ (d) Whether the person is currently suspended or revoked for any reason ~~((other than the offense))~~ for which ~~((the))~~ an occupational/temporary restricted driver's license is ~~((requested))~~ not available.

~~((f) If the person is applying for an occupational driver's license under RCW 46.20.391(1),))~~ (e) Whether it is necessary that the person operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation~~(-))~~;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the person;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings in a twelve-step group such as Alcoholics Anonymous that requires the person to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

~~((g) If the person is applying for an occupational driver's license under RCW 46.20.391(2), whether the person))~~ (vi) Is in ~~((or has applied for an apprenticeship program or on-the-job training program, or is in))~~ a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program~~(-; or is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle))~~.

(5) The person's official driving record provided to the hearing officer by the department shall be prima facie evidence of the issues contained in subsection (4)(a) through

~~((e))~~ (d) of this section unless the person presents clear and convincing evidence to the contrary.

(6) ~~((If the person is eligible for an occupational driver's license under RCW 46.20.391(1),))~~ The person shall have the burden of proving that he or she ~~((is engaged in an occupation or trade))~~ meets one or more of the qualifying circumstances described in subsection (4)(e) of this section that makes it essential to operate a motor vehicle.

(7) ~~((If the person is eligible for an occupational driver's license under RCW 46.20.391(2), the person shall have the burden of proving that he or she is in an apprenticeship program or on the job training program, or is in a program that assists persons who are enrolled in a WorkFirst program, or is undergoing substance abuse treatment or is participating in meetings of a twelve step group such as alcoholics anonymous, that makes it essential that the person operate a motor vehicle.~~

(8)) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational/temporary restricted driver's license shall be affirmed.

#### WSR 04-15-123

##### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed July 20, 2004, 2:31 p.m.]

##### Original Notice.

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

Title of Rule and Other Identifying Information: Instruction permit—Verification of enrollment in a traffic safety education program.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA, (check in at counter on first floor), on August 26, 2004, at 2:00 p.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by August 25, 2004.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by August 25, 2004, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adds a new section to chapter 308-104 WAC to establish requirements for satisfactory evidence of enrollment in a traffic safety education program necessary for purposes of obtaining a driver's instruction permit.

Reasons Supporting Proposal: RCW 46.20.055 (1)(b)(ii) permits an applicant who is at least fifteen years of age, but less than fifteen and one-half years of age, to receive an instruction permit if the applicant is enrolled in a traffic safety education program. Subsection (2) of that section permits the department to waive the written examination for an applicant who is enrolled in a traffic safety education course or in a course of instruction offered by a driver training

school. This proposed rule sets standards for evidence of enrollment that is acceptable to the department.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.20.055.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

July 20, 2004

Denise M. Movius  
Assistant Director

#### NEW SECTION

**WAC 308-104-046 Instruction permit—Verification of enrollment in a traffic safety education program.** For purposes of RCW 46.20.055, an applicant for a driver's instruction permit may demonstrate enrollment in a traffic safety education course offered by a licensed driver training school, or by a public or private school recognized by the superintendent of public instruction, by submitting written proof of enrollment indicating that the driver training course has already begun or will begin within ten calendar days of the date of the application. The proof of enrollment must be in a form that is approved by the department and bear the signature of a licensed driver training instructor or driver training school owner, or that of a public or private school instructor certified to teach a driver training course by the superintendent of public instruction.

#### WSR 04-15-124

##### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed July 20, 2004, 2:32 p.m.]

##### Original Notice.

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

Title of Rule and Other Identifying Information: Washington model traffic ordinance—Update.

Hearing Location(s): Highways-Licenses Building, Conference Room 413, 1125 Washington Street S.E., Olympia, WA, (check in at counter on first floor), on August 26, 2004, at 2:00 p.m.

Date of Intended Adoption: August 27, 2004.

Submit Written Comments to: Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, e-mail cholloway@dol.wa.gov, fax (360) 586-8351, by August 25, 2004.

Assistance for Persons with Disabilities: Contact Clark J. Holloway by August 25, 2004, TTY (360) 664-0116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amends WAC 308-330-197, 308-330-305, 308-330-309, 308-330-316, 308-330-320, 308-330-423, 308-330-464, 308-330-700, 308-330-705 and 308-330-800, to incorporate recent statutory changes made to traffic laws.

Reasons Supporting Proposal: The department is required to adopt a model traffic ordinance for use by any city, town, or county under the provisions of RCW 46.90-010.

Statutory Authority for Adoption: RCW 46.90.010.

Statute Being Implemented: RCW 46.90.010.

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

Name of Proponent: Department of Licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, Olympia, Washington, (360) 902-3846; Implementation and Enforcement: Denise Movius, Highways-Licenses Building, Olympia, Washington, (360) 902-3850.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions of RCW 34.05.328 (5)(a)(i).

July 20, 2004

Denise M. Movius

Assistant Director

**AMENDATORY SECTION** (Amending WSR 97-10-068, filed 5/5/97)

**WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.085, 46.09.120, 46.09-130, 46.09.140, 46.09.180, and 46.09.190.

**AMENDATORY SECTION** (Amending WSR 02-04-075, filed 2/1/02)

**WAC 308-330-305 RCW sections adopted—Vehicle licenses.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140,

46.16.145, 46.16.160, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.30901, 46.16.30903, 46.16-30905, 46.16.316, 46.16.350, 46.16.381, 46.16.385, 46.16-390, 46.16.500, 46.16.505, 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

**AMENDATORY SECTION** (Amending WSR 94-01-082, filed 12/13/93)

**WAC 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act.** The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.055, 46.25.057, 46.25.110, 46.25.120, and 46.25.170.

**AMENDATORY SECTION** (Amending WSR 00-18-067, filed 9/1/00)

**WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.4215, 46.37.4216, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, ((and)) 46.37.630, 46.37.640, 46.37.650, and 46.37.660.

**AMENDATORY SECTION** (Amending WSR 02-04-075, filed 2/1/02)

**WAC 308-330-320 RCW sections adopted—Size, weight, load.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, ((46.44.015,)) 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105,

46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, and ((section 3, chapter 262, Laws of 2001)) 46.44.190.

**AMENDATORY SECTION** (Amending WSR 00-18-067, filed 9/1/00)

**WAC 308-330-423 RCW sections adopted—Speed restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.400, 46.61.415, 46.61.419, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, and 46.61.470.

**AMENDATORY SECTION** (Amending WSR 02-04-075, filed 2/1/02)

**WAC 308-330-464 RCW sections adopted—Operation and restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.725, 46.61.730, and ((section 1, chapter 325, Laws of 2001)) 46.61.740.

**AMENDATORY SECTION** (Amending WSR 94-01-082, filed 12/13/93)

**WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions.** The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.075, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, ((and)) 46.63.151, and 46.63.160.

**AMENDATORY SECTION** (Amending WSR 02-04-075, filed 2/1/02)

**WAC 308-330-705 RCW sections adopted—Enforcement.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048,

46.64.050, and ((section 3, chapter 289, Laws of 2001)) 46.64.055.

**AMENDATORY SECTION** (Amending WSR 97-10-068, filed 5/5/97)

**WAC 308-330-800 RCW sections adopted—Traffic control devices.** The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.141, 47.36.180, 47.36.200, 47.36.210, 47.36.220, ((and)) 47.36.230, and 47.36.250.

**WSR 04-15-131**  
**PROPOSED RULES**  
**HOME CARE**  
**QUALITY AUTHORITY**  
[Filed July 20, 2004, 4:32 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Home Care Quality Authority organization and public records, new chapters 257-01 and 257-02 WAC.

Hearing Location(s): ADSA Headquarters Building, Conference Room 1-7.2, 640 Woodland Square Loop S.E., Lacey, WA 98503, on August 25, 2004, at 1:00 p.m.

Date of Intended Adoption: August 25, 2004.

Submit Written Comments to: HCQA Rules Coordinator, P.O. Box 40940, Olympia, WA 98504, delivery 640 Woodland Square Loop S.E., Lacey, WA, e-mail JMyers@hcqa.wa.gov, fax (360) 407-0304, by 1:00 p.m., August 25, 2004.

Assistance for Persons with Disabilities: Contact TTY (360) 493-2637, assistance must be requested by 5:00 p.m. on August 18, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Provide information on the authority's organization and internal procedures for handling requests for public disclosure.

This rule is exempt from filing a CR-101 preproposal statement of inquiry under RCW 34.05.310(4), exempting rules that relate to internal agency procedures that are not subject to violation by a nongovernmental party.

Reasons Supporting Proposal: To explain internal procedural operations of the authority.

Statutory Authority for Adoption: RCW 74.39A.280(3) and 74.39A.230 (1)(2).

Statute Being Implemented: Chapter 42.17 RCW and RCW 74.39A.230.

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

Name of Proponent: Home Care Quality Authority, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jackie Myers, Operations Manager,

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640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2618; and Enforcement: Mindy Schaffner, Executive Director, 640 Woodland Square Loop S.E., Lacey, WA 98503, (360) 725-2635.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under chapter 19.85 RCW and RCW 34.05.310(4), rules relating only to internal government operations that are not subject to violation by a nongovernmental party are exempt from the requirement to prepare a small business economic impact statement.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(ii), rules relating only to internal government operations that are not subject to violation by a nongovernmental party are exempt from requirements to prepare a cost-benefit analysis.

July 20, 2004  
Mindy L. Schaffner  
Executive Director

**Chapter 257-01 WAC**

**AUTHORITY ORGANIZATION**

NEW SECTION

**WAC 257-01-020 Washington state home care quality authority—Function—Organization—Office.** The Washington state home care quality authority, hereinafter called "the authority," is the authority appointed by the governor pursuant to chapter 3, Laws of 2002 (Initiative Measure No. 775) established to regulate and improve the quality of long-term in-home care services by recruiting, training, and stabilizing the work force of individual providers.

The authority consists of a board of nine members appointed by the governor as follows: Five board members shall be current and/or former consumers of long-term in-home care services provided for functionally disabled persons, at least one of whom shall be a person with a developmental disability; one board member shall be a representative of the developmental disabilities planning council; one board member shall be a representative of the governor's committee on disability issues and employment; one board member shall be a representative of the state council on aging; and one board member shall be a representative of the Washington state association of area agencies on aging. Each board member serves a term of three years.

If a vacancy occurs, the governor will make an appointment to become immediately effective for the unexpired term. Each board member is eligible for reappointment and may serve no more than two consecutive terms. In making appointments, the governor will take into consideration any nominations or recommendations made by the groups or agencies represented.

NEW SECTION

**WAC 257-01-040 Board meetings.** Meetings of the authority shall normally be held monthly at the date, time, and place to be set by the board. Additional public meetings necessary to discharge the business of the authority may be

called from time to time by the chair or by a quorum of the board.

All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). A simple majority of the board constitutes a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

Written communications intended for board consideration or action shall be filed with the authority's administrative office.

NEW SECTION

**WAC 257-01-060 Authority activities exempt from Environmental Protection Act.** The authority has reviewed its authorized activities and found them all to be exempt from the provisions of Title 197 WAC.

**Chapter 257-02 WAC**

**PUBLIC RECORDS**

NEW SECTION

**WAC 257-02-020 Purpose.** The purpose of this chapter shall be to ensure compliance by the home care quality authority with the provisions of chapter 42.17 RCW dealing with public records.

NEW SECTION

**WAC 257-02-040 Definitions.** The following definitions shall apply to this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "Home care quality authority" means the authority established by chapter 3, Laws of 2002 (Initiative Measure No. 775). The home care quality authority shall be referred to as the "authority." The term authority refers to the authority board and, where appropriate, to the employees of the authority.

NEW SECTION

**WAC 257-02-060 Public records officer.** The authority executive director is the authority's public records officer. The public records officer is responsible for implementing

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the authority's administrative rules regarding release of public records, coordinating the staff of the authority in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

#### NEW SECTION

**WAC 257-02-080 Public records available.** All public records of the authority as defined in WAC 257-02-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m., Monday through Friday excluding legal holidays.

#### NEW SECTION

**WAC 257-02-100 Requests for public records.** (1) All requests for inspection or copying made in person at the authority's office shall be made on a form that includes:

- (a) The name and address of the person making the request;
- (b) The organization or group that the person represents;
- (c) The calendar date and time of day of the inspection request;

(d) A description of the public records requested;

(e) A statement that the record will not be used for commercial purposes.

(2) A request for inspection or copying of public records may be made by mail in a letter containing the following information:

(a) The name and address of the person making the request;

(b) The organization or group that the person represents;

(c) The time of day and the calendar date on which the person wishes to inspect the public records;

(d) A description of the public records requested;

(e) A statement whether access to copying equipment is desired;

(f) A phone number where the person can be reached in case the public records officer or designee needs to contact the person for further description of the material or any other reason;

(g) A statement that the record will not be used for commercial purposes.

(3) All requests by mail should be received at the authority at least three business days before the requested date of inspection to allow the public records officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.

(4) The authority may, in its discretion, fill requests made by telephone.

#### NEW SECTION

**WAC 257-02-120 Prompt responses required.** The authority shall respond promptly to requests for public

records to ensure compliance with the provisions of RCW 42.17.320. Within five business days of receiving a public record request, the authority must respond by either:

(1) Providing the record;

(2) Acknowledging that the authority has received the request and providing a reasonable estimate of the time the authority will require to respond to the request; or

(3) Denying the public record request.

In acknowledging receipt of a public record request that is unclear, the authority may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the authority shall not be required to respond to it.

#### NEW SECTION

**WAC 257-02-140 Fees.** No fee shall be charged for inspection of public records. The authority will charge a fee of fifteen cents per page for providing copies of public records. This charge is to reimburse the authority for costs incident to such copying. Postal charges will be added when applicable. No copies of records will be provided to the requestor until all such charges have been paid. The executive director or his or her designee is authorized to waive any of the foregoing copying costs for requests that require only a nominal number of copies.

#### NEW SECTION

**WAC 257-02-160 Statement of reasons for denial of public records request.** When the authority refuses, in whole or in part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record that is withheld.

#### NEW SECTION

**WAC 257-02-180 Protection of public records.** In order to protect the public records of the authority, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the authority's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated authority employee.

(3) No public records may be marked or defaced in any manner during inspection.

(4) Public records which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the public records officer or designee.

(5) Access to file cabinets, shelves, and other storage areas with public records is restricted to authority employees, unless other arrangements are made with the executive director or designee.

#### NEW SECTION

**WAC 257-02-200 Exemptions.** (1) The authority reserves the right to determine that a public record requested

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in accordance with the procedures outlined in WAC 257-02-050 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The justification for the deletion shall be explained fully in writing by the public records officer or designee.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

## WSR 04-15-140

### PROPOSED RULES

## UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. TR-040151—Filed July 21, 2004, 9:12 a.m.]

### Original Notice.

Preproposal statement of inquiry was filed as WSR 04-05-103.

Title of Rule and Other Identifying Information: WAC 480-62-218 Point protection. The proposal would add to rules governing railroad operations a rule addressing point protection. The proposed rule requires railroads to protect the leading end of train movements to add safety for employees that might be present on the tracks ahead of the movement, vehicles using road crossings, and trains on connected tracks.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on September 29, 2004, at 9:30 a.m.

Date of Intended Adoption: September 29, 2004.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@wutc.wa.gov, fax (360) 586-1150, by August 11, 2004. Please include Docket No. TR-040151 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung by September 27, 2004, TTY (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Point protection requires that a train crewmember who controls a locomotive, or who can provide information to the person who does, is able to see ahead of the direction in which the train is moving to make sure the way is clear. Railroads have operating rules that require employees to provide point protection. These rules, however, are not enforceable by the Federal Railroad Administration (FRA) or the commission. The proposed rule requires railroads to follow procedures modeled after railroad operating rules to ensure that people, vehicles, and other trains are less likely to be struck by trains.

When a locomotive is shoving a train, the engineer in the cab cannot perform point protection. In those circumstances and when safety generally requires it, the proposed rule would require that a crewmember be in a position to see ahead of the train. This requirement is always necessary when the train will occupy a highway crossing at grade. Additionally, the crewmember must be in a position to warn vehicular traffic at crossings unless he or she confirms that crossing gates are in a fully lowered position, or that no traffic is approaching or stopped at the crossing.

When a locomotive is pulling forward, the engineer in the cab performs the lookout function, so a rule is unnecessary. However, when the locomotive is moved by remote control and no one is in the cab, the dangers presented by a pulling movement are the same as in a shoving movement. Accordingly, the rules for shoving movements are made applicable to pulling movements in remote control operations.

When railroads establish zones that no one can enter other than a remote control operator, a point protection rule is unnecessary. Therefore, the proposed rule includes an exception to point protection to allow this type of operation. However, in order to ensure clarity about how these zones should operate, point protection remains required at highway crossings at grade and where a train can enter mainline tracks except under certain circumstances.

Reasons Supporting Proposal: As the FRA stated in a recent report, failure to provide point protection is the leading cause of train accidents in conventional switching operations, as well as a contributing factor in accidents in remote control operations. The proposed rule will allow the commission to enforce existing, but currently unenforceable, railroad safety procedures concerning point protection. Additional inspections and enforcement are expected to reduce safety violations and decrease the hazards of rail operations for railroad employees and the public.

Statutory Authority for Adoption: RCW 80.01.040, 81.04.160.

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

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Mike Rowswell, Rail Safety Manager, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1265; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not result in or impose an increase in costs for any businesses in the railroad industry. Because there will not be any increase in costs resulting from the proposed rule, a small business economic impact statement is not required under RCW 19.85.030(1).

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW

34.05.328 applies. The proposed rule is not a significant legislative rule of the sort referenced in RCW 34.05.328(5).

July 21, 2004

Carole J. Washburn  
Executive Secretary

### NEW SECTION

**WAC 480-62-218 Point protection.** (1) The following definitions apply to this section:

"Shove" means to back up or push cars with a locomotive rather than pulling them.

"Drop" and "kick" mean to release cars from a train or locomotive and allow them to coast or roll free.

(2) When cars or engines are shoved, a crew member must take an easily seen position on the leading car or engine, or be ahead of the movement, to provide protection. This requirement does not apply when it is reasonably certain, through the use of technology or other means, that neither people nor equipment are in the way and that switches are properly lined. Cars or engines must not be shoved to block other tracks until it is safe to do so.

(3) When railroad cars are shoved, kicked or dropped over road crossings at grade, a crew member must be on the ground at the crossing to warn traffic until the crossing is occupied. Movements over the crossing may only be made on the crew member's signal.

(4) The warning required in subsection (3) of this section is not required when crossing gates are in the fully lowered position, or it is clearly seen that no traffic is approaching or stopped at the crossing.

(5) Movements performed under remote-control operations are to be considered "shoving" movements, regardless of the direction or position of the remote-control locomotive, except when the primary remote-control operator is riding the leading locomotive.

(6) When a remote-control zone has been activated in accordance with a railroad's own rules, the railroad may relieve the remote-control operator of the requirements of this rule. However, the railroad must provide point protection in accordance with subsections (2) and (3) of this section at road crossings at grade or where a car or engine that is being moved could block mainline tracks except:

(a) When it is reasonably certain, through the use of technology or other means, that neither people nor equipment are in the way and switches are properly lined.

(b) When crossing gates are in the fully lowered position, or it is clearly seen that no traffic is approaching or stopped at the crossing.

(7) The requirements of this section apply to a railroad unless and until it has filed with the Federal Railroad Administration, pursuant to 49 CFR Sec. 217, operating rules that materially modify the requirements of Sections 6.5 and 6.32.1 of the General Code of Operating Rules (Fourth Ed., effective April 2, 2000).

### WSR 04-15-141

### PROPOSED RULES UTILITIES AND

### TRANSPORTATION COMMISSION

[Docket No. UG-011073—Filed July 21, 2004, 9:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-17-048.

Title of Rule and Other Identifying Information: Chapter 480-93 WAC, Gas companies—Safety.

Hearing Location(s): Commission Hearing Room 206, 2nd Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on October 29, 2004, at 9:30 a.m.

Date of Intended Adoption: October 27, 2004.

Submit Written Comments to: Carole J. Washburn, Executive Secretary, P.O. Box 47250, Olympia, WA 98504-7250 or e-mail records@wutc.wa.gov, fax (360) 586-1150, by August 27, 2004. Please include Docket No. UG-011073 in your communication.

Assistance for Persons with Disabilities: Contact Mary DeYoung, by Monday, October 25, 2004, TDD (360) 586-8203 or (360) 664-1133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules are intended to implement the requirements of Executive Order 97-02, requiring agencies to review significant rules for need; effectiveness and efficiency; clarity; intent and statutory authority; cost and fairness. The proposal repeals some of the existing rules that are no longer necessary, adds rules to clarify existing federal rules which the commission adopts by reference, and includes new rules that are more stringent than federal rules, such as adding "new construction" as an activity included as a covered task. The proposed rules include new rules for defining "timeframes" used throughout the chapter, and addressing protection of exposed plastic pipe.

WAC 480-93-002, proposal deletes this rule and incorporates language in WAC 480-93-007.

WAC 480-93-005, the proposed rule modifies the existing rule by eliminating definitions not pertinent to the commission's jurisdiction, clarifying terms used throughout the chapter, such as "operator," adding a definition for the term "business district," and adding a definition for the term "Master Meter," as is defined in 49 C.F.R. §191.3.

WAC 480-93-007, a new proposed rule incorporating language from WAC 480-93-002.

WAC 480-93-008, a new proposed rule that addresses applicability of the rules.

WAC 480-93-009, a new proposed rule that provides for severability of rules.

WAC 480-93-010, proposal deletes this rule and incorporates language in WAC 480-93-999.

WAC 480-93-012, a new proposed rule that specifies timeframes identified in various rules.

WAC 480-93-015, the proposed rule requires "sniff tests" be conducted at least once monthly and equipment used to perform the test be calibrated in accordance with manufacturer's recommendation. If there is no manufacturer's recommendation, equipment must be tested at least annually.

PROPOSED

WAC 480-93-017, rewritten for clarity.

WAC 480-93-018, includes a requirement that pipeline companies update records within six months of completion of construction activity and make them available to company operation personnel.

WAC 480-93-020, this rule is rewritten for clarity and incorporates the requirements of WAC 480-93-030.

WAC 480-93-030, proposal deletes this rule and incorporates language in WAC 480-93-020.

WAC 480-93-040, rewritten for clarity.

WAC 480-93-080, the proposed rule changes the requalification requirement for Appendix C welders from one year to six months, and requires that welders carry identification cards. The rule also disallows Appendix C welders from welding high pressure, large diameter pipes.

WAC 480-93-082, proposal deletes this rule.

WAC 480-93-100, the proposed rule requires companies to identify emergency valves, install such valves in business districts, and near churches, schools, hospitals and emergency buildings, and maintain a written maintenance program detailing the valve selection process, when they will be inspected, and maintenance and operating procedures.

WAC 480-93-110, the proposed rule requires companies to maintain detailed written cathodic protection (CP) procedures. In addition, the rule has been rewritten to clarify state and federal requirements, and adds remedial action timeframes. In addition, the proposed rule requires companies to have a written internal CP program that includes monitoring, and that CP tests be taken when steel pipe is exposed. The proposed [rule] also requires annual monitoring of pipelines that are less than ten feet in length and have been CP protected due to corrosion or leakage, rather than every ten years as required by federal rules.

WAC 480-93-111, proposal deletes this rule and incorporates language in WAC 480-93-110.

WAC 480-93-112, proposal deletes this rule and incorporates language in WAC 480-93-110.

WAC 480-93-115, rewritten for clarity.

WAC 480-93-120, proposal deletes this rule and incorporates language in WAC 480-93-124.

WAC 480-93-124, the proposed rule requires companies to place markers at all railroad, road, irrigation, and drainage ditch crossings, river crossings, creeks, and at all fence lines where a pipeline crosses private property, or where a pipeline or pipeline facility is exposed. In addition the proposed rule requires companies to replace markers within forty-five days of discovery. Companies must also maintain records that identify class locations and where markers are required.

WAC 480-93-130, proposal deletes rule.

WAC 480-93-140, the proposed rule requires companies to follow the manufacturer's recommended installation and maintenance practices of service regulators to insure proper and safe operation. In addition, companies must verify the set points at the initial turn-on.

WAC 480-93-150, proposal deletes rule.

WAC 480-93-155, rewritten for clarity.

WAC 480-93-160, rewritten for clarity.

WAC 480-93-170, rewritten for clarity.

WAC 480-93-175, rewritten for clarity.

WAC 480-93-178, a new proposed rule that requires companies to monitor above-ground temporary installations of plastic pipe. In addition, a new requirement is proposed to keep pipe separated from other utilities when buried, requires a weak-link when pulling pipe so it isn't damaged, and has a maximum ultraviolet light exposure limit.

WAC 480-93-180, rewritten for clarity.

WAC 480-93-183, proposal deletes rule.

WAC 480-93-184, proposal deletes rule.

WAC 480-93-185, rewritten for clarity.

WAC 480-93-186, the proposed rule requires companies to fix leaks and not regrade leaks numerous times. When a leak has been regraded and the same leak is later found at a more severe grade, the leak must be repaired.

WAC 480-93-18601, rewritten for clarity.

WAC 480-93-187, rewritten for clarity.

WAC 480-93-188, the proposed rule specifies that companies must follow the manufacturer's recommendation for calibration, and if an instrument does not have a manufacturer's recommendation for calibration, then it must be calibrated once each month. In addition, section (3)(a) of the rule has been modified to require gas leak surveys in "business districts," as defined in WAC 480-93-005.

WAC 480-93-190, proposal deletes rule and incorporates language in WAC 480-93-200.

WAC 480-93-200, the proposed rule incorporates WAC 480-93-190. The rule is rewritten for clarity and consistency with federal regulations, requires drug and alcohol forms be submitted to the commission, changes the telephonic incident reporting requirement for more serious incidents from six to two hours and reporting for other reportable incidents from six to twenty-four hours. In addition, companies must submit daily reports of construction and repair activities.

WAC 480-93-210, proposal deletes rule.

WAC 480-93-220, proposal deletes rule.

WAC 480-93-223, rewritten for clarity.

WAC 480-93-230, rewritten for clarity.

WAC 480-93-240, proposal makes no change to this rule.

WAC 480-93-999, rewritten to incorporate accurate references. This rule reflects each regulation or standard the commission is adopting, the effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and the availability in which the regulation is found. The commission adopts by reference the definition of the term "covered task" in 49 C.F.R. § 192.801(b), but adds "new construction" to the definition.

Reasons Supporting Proposal: The proposed rules are necessary and reasonable to ensure the safety of gas pipeline operations and to promote safety for the citizens of Washington state from the hazards of gas pipeline operations. In addition, a review of the existing rules and the commission's experience in inspecting pipeline facilities in the state has shown a need for consistency in practices among companies, as well as clarity, and to define the meaning of terms used in federal and state rules. Some of the proposed rules apply more stringent requirements than existing federal rules to address concerns the commission has identified in its experience in inspecting pipeline facilities.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, and 80.28.210.

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

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Name of Agency Personnel Responsible for Drafting: Sondra Walsh, Senior Policy Strategist, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1286; Implementation and Enforcement: Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

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

#### Small Business Economic Impact Statement

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

A copy of the statement may be obtained by contacting Washington Utilities and Transportation Commission, Records Center, Docket No. UG-011073, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1286, fax (360) 664-1150, e-mail swalsh@wutc.wa.gov.

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

July 21, 2004

Carole J. Washburn  
Executive Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

### WSR 04-15-152

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

(Midwifery Program)

[Filed July 21, 2004, 10:45 a.m.]

#### Original Notice.

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

Title of Rule and Other Identifying Information: Midwifery fees and renewal cycle, WAC 246-834-990. This proposal adjusts the midwifery fees to help defray the costs of running the program. RCW 43.70.250 requires the costs of all professional licensing programs to be borne by the members of the professions. With approximately one hundred midwives, expenses for the midwifery program exceed revenue from licensing fees and the existing fees fall short of meeting program expenses.

In anticipation of a larger deficit, the department had requested, and was denied, an I-601 exemption to increase fees to help cover program costs. To control costs, we are going to scale back program activity that doesn't affect public

safety. Additionally, we intend to increase fees within the I-601 exemption to maximize all potential revenue.

The midwifery program has a history of deficit since it was first regulated under the Department of Licensing. The legislature approved supplemental funding to keep the program functioning. The midwifery law was amended at one time to allow a limited fee increase on a regular basis. A fee increase in January 2002 raised renewal fees from \$495 to \$950. The proposed fee increase at that time, was to increase the renewal fees from \$495 to \$1250. The testimony received from the profession indicated that would be devastating to the profession and the department lowered the proposed fee to \$950 and adopted it. The fee increase was still so significant that many midwives let their licenses expire. Therefore, the amount of revenue projected was not received.

Hearing Location(s): Department of Health, Point Plaza East, Hearings Room 139A, 310 Israel Road S.E., Tumwater, WA 98501, on August 25, 2004, at 10:00 a.m.

Date of Intended Adoption: September 1, 2004.

Submit Written Comments to: Leann Yount, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4997, e-mail leann.yount@doh.wa.gov, website www.doh.wa.gov, fax (360) 236-4626, by August 18, 2004.

Assistance for Persons with Disabilities: Contact Leann Yount by August 18, 2004, TTY (800) 833-6833.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules set the licensure fees for midwifery program. RCW 43.70.250 requires the costs of all professional licensing programs to be borne by the members of the profession. Current fees do not adequately cover the licensure activities for this profession. The fee increase is within the fiscal growth factor limitations of 3.03%. The fee increases will not eliminate the program deficit; however it will help defray some program costs. In addition to the fee increase, the department is cutting back certain activities to control costs that do not affect public safety. These changes will help assure the department can continue licensing midwives.

Reasons Supporting Proposal: The proposal adjusts the midwifery fees to help defray the cost of running the program.

Statutory Authority for Adoption: RCW 43.70.250 and 18.50.135.

Statute Being Implemented: Chapter 18.50 RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department intends to increase licensing fees within the I-601 exemption to maximize all potential revenue to assist with program costs. It is the law of the state of Washington that the cost of each professional license be fully borne by the members of that profession. By raising the fee we will come closer to meeting program expenses.

Name of Proponent: The Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting: Leann Yount, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4997; Implementation and Enforcement: Kendra

PROPOSED

Pitzler, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4723.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025(3) agencies are not required to prepare an SBEIS if the rule change adjusts fees according to legislative standards, per RCW 34.05.310 (4)(f).

A cost-benefit analysis is not required under RCW 34.05.328. A preliminary cost benefit analysis is not required for rules that adjust fees pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

July 20, 2004  
M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 01-23-101, filed 11/21/01, effective 1/21/02)

**WAC 246-834-990 Midwifery fees and renewal cycle.**

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following fees are nonrefundable:

Title of Fee	Fee
Initial application	\$((500.00)) <u>515.00</u>
National examination administration (initial/retake)	((100.00)) <u>103.00</u>
State examination (initial/retake)	((150.00)) <u>154.50</u>
Renewal	((950.00)) <u>978.75</u>
Late renewal penalty	300.00
Duplicate license	25.00
Certification of license	25.00
Application fee—Midwife-in-training program	((950.00)) <u>978.75</u>
Expired license reissuance	300.00

**WSR 04-15-153**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Optometry)  
[Filed July 21, 2004, 10:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 03-04-043.

Title of Rule and Other Identifying Information: WAC 246-851-160 and 246-851-170, optometrist continuing education.

Hearing Location(s): Red Lion Hotel, Yakima Center, 607 East Yakima Avenue, Yakima, WA 98901, (509) 248-5900, on September 17, 2004, at 11:00 a.m.

Date of Intended Adoption: September 17, 2004.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, e-mail judy.Haenke@doh.wa.gov, fax (360) 586-4359, by September 10, 2004.

Assistance for Persons with Disabilities: Contact Judy Haenke, Program Manager, by September 10, 2004, TTY (1-800) 833-6388 or 711 for Relay.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule WAC 246-851-170 combines two current rules related to independent activities including writing reports and preprogrammed educational materials such as videotapes, CD's and internet courses.

The proposed rule allows for up to ten credit hours for reports on professional optometric literature and twenty-five credit hours for preprogrammed educational materials in any two-year reporting period. The combined total of the reports and preprogrammed materials per reporting period cannot exceed twenty-five credit hours. The proposed rule does not add additional continuing education requirements for licensees. It does not repeal continuing education course categories. The proposed rule amends the maximum number of hours that can be obtained in the reports on professional literature and preprogrammed educational materials categories from forty-five to twenty-five.

Independent study is viewed as a valid method for obtaining required hours. The consensus of those involved in the development of this rule is that a well-rounded continuing education program should include opportunities for interaction and exchanges with course presenters and peers. Reducing the independent activity hours to twenty-five will cause licensees to broaden their continuing educational activities to include more interactive exchanges.

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: RCW 18.53.040(2).

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

Name of Proponent: Board of Optometry, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

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

Small Business Economic Impact Statement

**1. Briefly Describe the Proposed Rule:** Proposed rule WAC 246-851-170 is a combination of two current rules, both relating to approved optometric continuing education. This combined rule is related to independent activities and includes writing reports and preprogrammed educational materials such as videotapes, CD's and Internet courses.

The proposed rule allows for up to ten credit hours for reports on professional optometric literature and twenty-five credit hours for preprogrammed educational materials in any two-year reporting period. The combined total of the reports and preprogrammed materials per reporting period cannot exceed twenty-five credit hours.

PROPOSED

Currently, the two rules allow for up ten credit hours for reports on professional optometric literature; up to ten hours for correspondence courses and preprogrammed material and up to twenty-five hours for preprogrammed materials that are offered by an approved college of optometry and require an examination in any two-year reporting period. Total currently allowed in these categories is forty-five credits in a two-year reporting period. Optometrists are required to submit a total of fifty hours of continuing education every two years. Under the current system, all but five hours could be obtained through independent, unsupervised activities.

The proposed rule does not add additional continuing education requirements for licensees. It does not repeal continuing education course categories. The proposed rule amends the maximum number of hours that can be obtained

in the reports on professional literature and preprogrammed educational materials categories from forty-five to twenty-five.

As currently written, a licensee could obtain forty-five of the required fifty hours through independent study. While independent study is viewed as a valid method for obtaining required hours, the consensus of those involved in the development of this rule is that a well-rounded continuing education program should include opportunities for interaction and exchanges with course presenters and peers.

**2. Is a Small Business Economic Impact Statement (SBEIS) Required for this Rule?** Yes.

**3. Which Industries Are Affected by this Rule?** The following SIC coded industries are affected by these rules because they hire staff that may require training.

SIC	Description	Total Units	Total Employment	Smallest 90%	Largest 10%
3827	Optical Instruments/lenses	4	10	N/A*	N/A*
3851	Ophthalmic goods	17	269	1.5	6
8042	Offices and clinics of optometrists	379	1627	3.7	13.5
8099	Health and allied services	93	1484	143.3	64.3

\*There are only 4 companies with a total of 10 employees.

**4. What Are the Costs of Complying with this Rule for Small Businesses (Those with Fifty or Fewer Employees) and for the Largest 10% of Businesses Affected?** The cost for complying with the rule would remain substantially the same since there are a variety of categories that are avail-

able with varying costs. Most significantly is the Board of Optometry annual post graduate seminar, which offers from 14-15 credit hours per year, or a total of thirty in a two-year reporting period. The costs of the seminar are paid out of the revenue from the optometry program. There are no additional costs to licensees.

WAC REFERENCE	CATEGORY	MAXIMUM HOURS*
WAC 246-851-130	Post-graduate education program (Brd of Optometry).	Not specified
WAC 246-851-140	Preparation for admission to optometric scientific groups or participation in local, county, state or federal standard review or planning organization.	5 credits/two yrs
WAC 246-851-150	Individual research, publications and small group study.	credits/two yrs
WAC 246-851-180	Credit for lecturing.	10 credits/two yrs
WAC 246-851-190	Credit for CPR training.	10 credits/two yrs
WAC 246-851-230	Credit for practice management courses.	10 credits/two yrs

\*Maximum number of hours allowed in a two-year period.

**Specific Cost Categories:**

- Reporting: There is no additional reporting requirement.
- Record keeping: There is no additional record-keeping requirement.
- Compliance costs: None.
- Professional services: No special services are required.
- Equipment: No equipment is required.
- Supplies: None.
- Labor: None.

**5. Does the Rule Impose a Disproportionate Impact on Small Businesses?** The rule does not impose disproportionate costs. The cost per employee to comply with the rules is substantially the same for each licensed optometrist. In addition, the cost to comply with the proposed rule is likely negligible because of the readily availability of substitute methods of fulfilling the continuing education requirements.

**6. If the Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts Were Taken to Reduce That Impact (or Why is it Not "Legal and Feasible" to Do So) By?** The rules do not impose a disproportionate impact on small businesses.

**7. How are Small Businesses Involved in the Development of This Rule?** Business, public, and licensee involvement was solicited through mailing from the Board of Optometry. A mailing was sent to optometrists and other stakeholders on the interested persons list including professional associations and educators. Opportunity for comments was provided during different stages of the development of the rule. This effort has produced a rule that is the least burdensome to practitioners.

A copy of the statement may be obtained by contacting Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.Haenke@doh.wa.gov.

PROPOSED

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Judy Haenke, P.O. Box 47870, Olympia, WA 98504, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.Haenke@doh.wa.gov.

July 6, 2004

Steven Saxe  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

**WAC 246-851-170 ((Credit for preprogrammed educational materials.)) Self-study educational activities.** ((Subject to approval by the board, continuing education credit may be granted for viewing and participation in the use of formal preprogrammed optometric educational materials. Preprogrammed educational materials include, but are not limited to:

(1) Correspondence courses taken through magazines or other publications, cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, other than those that qualify under subsection (2) of this section. No more than ten credit hours will be granted under this subsection to any licensee in any two-year reporting period. Requests for credit must be submitted to the board at least sixty days prior to the end of the reporting period and should include the title, date issued or released, author or source and the length of time spent viewing, listening or responding to the material.

(2) Cassettes, videodiscs, videotapes, teaching machines, computer software, CD-ROM, diskettes or internet, which are offered by a board-approved school or college of optometry or other entity or organization approved by the board for credit under this section and require successful completion of an examination for certification of completion. No more than twenty-five credit hours will be granted under this subsection to any licensee in any two-year reporting period.) The board may grant continuing education credit for participation in self-study educational activities. The board may grant a licensee a total of twenty-five credit hours under this section for any two-year reporting period. Self-study educational activities may include:

(1) Credit for reports. The board may grant continuing education credit for reports on professional optometric literature. Licensees must submit requests for credit at least sixty days before the end of the reporting period. The request must include a copy of the article, including publication source, date and author. The report must be typewritten and include at least ten descriptive statements from the article.

(a) Professional literature approved for these reports are:

- (i) Optometry and Physiological Optics;
- (ii) American Optometric Association News;
- (iii) Contact Lens Spectrum;
- (iv) Optometry;
- (v) Journal of Optometric Education;
- (vi) Journal of Optometric Vision Development;
- (vii) Optometric Management;
- (viii) Review of Optometry;
- (ix) Primary Care Optometry News;

(x) 20/20 Magazine; and

(xi) Other literature as approved by the board.

(b) Each report qualifies for one credit hour. The board may grant a licensee up to ten credit hours under this subsection if the combined total of twenty-five hours for all types of self-study CE is not exceeded.

(2) Credit for preprogrammed educational materials. The board may grant a licensee continuing education credit for viewing and participating in board-approved formal preprogrammed optometric educational materials. The preprogrammed materials must be approved by the Council on Optometric Practitioner Education (COPE), or offered by a board-approved school or college of optometry or other entity or organization approved by the board for credit under this section; and must require successful completion of an examination for certification. The preprogrammed educational materials include, but are not limited to:

(a) Correspondence courses offered through magazines or other sources;

(b) Cassettes;

(c) Videotapes;

(d) CD-ROM;

(e) Internet.

The board may grant a licensee up to twenty-five credit hours under this subsection if the combined total for all types of self-study CE does not exceed twenty-five hours in any two-year reporting period.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-851-160 Credit for reports.

WSR 04-15-156

PROPOSED RULES

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-05—Filed July 21, 2004, 10:51 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-15-172.

Title of Rule and Other Identifying Information: Rental car insurance limited agent license.

Hearing Location(s): Insurance Commissioner's Office, Room TR 120, 5000 Capitol Boulevard, Tumwater, WA 98501, on August 30, 2004, at 10:00 a.m.

Date of Intended Adoption: September 9, 2004.

Submit Written Comments to: Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 725-7041, fax (360) 586-3109, e-mail Kacys@oic.wa.gov, by August 27, 2004.

Assistance for Persons with Disabilities: Contact Lori Villaflores by August 27, 2004, TDD (360) 586-0241.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 48.115



RCW was enacted during the 2002 legislative session. This law gave the commissioner the authority to establish the process and fees for licensure of rental car companies and their agents. The law requires licensees to pay fees necessary to defray the cost of administering the law.

**Reasons Supporting Proposal:** These proposed regulations establish licensure requirements and set fees necessary to defray the cost of administering the law. These proposed regulations will ensure that the employees that offer these products to the public are trained in the products they are selling.

**Statutory Authority for Adoption:** RCW 48.02.060, 48.30.010, and chapter 48.115 RCW.

**Statute Being Implemented:** Chapter 48.115 RCW.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** These proposed regulations establish the process and fees for licensure of rental car companies and their agents. These proposed regulations will ensure that the employees that offer these products to the public are trained in the products they are selling.

**Name of Proponent:** Mike Kreidler, Insurance Commissioner, governmental.

**Name of Agency Personnel Responsible for Drafting:** Jon Hedegard, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7039; **Implementation:** Georgia Cooper, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7145; and **Enforcement:** Scott Jarvis, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Analysis provided in the cost-benefit analysis showed that the economic impact of these proposed regulations is not significant for rental car companies in general or for small business companies in particular. The proposed regulations protect both consumers and car rental companies.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 725-7041, fax (360) 586-3109, e-mail Kacys@oic.wa.gov.

July 21, 2004

Mike Kreidler

Insurance Commissioner

## Chapter 284-17B WAC

### RENTAL CAR AGENT

#### NEW SECTION

**WAC 284-17B-005 What definitions are important throughout the chapter? Definitions:**

(1) "Endorsee" means an unlicensed employee or agent of a rental car agent who meets the requirements of this chapter.

(2) "Person" means an individual or a business entity.

(3) "Rental agreement" means any written master, corporate, group, or individual agreement setting forth the terms and conditions governing the use of a rental car rented or leased by a rental car company.

(4) "Rental car" means any motor vehicle that is intended to be rented or leased for a period of thirty consecutive days or less by a driver who is not required to possess a commercial driver's license to operate the motor vehicle and the motor vehicle is either of the following:

(a) A private passenger motor vehicle, including a passenger van, recreational vehicle, minivan, or sports utility vehicle; or

(b) A cargo vehicle, including a cargo van, pickup truck, or truck with a gross vehicle weight of less than twenty-six thousand pounds.

(5) "Rental car agent" means any rental car company that is licensed to offer, sell, or solicit rental car insurance under this chapter.

(6) "Rental car company" means any person in the business of renting rental cars to the public, including a franchisee.

(7) "Rental car insurance" means insurance offered, sold, or solicited in connection with and incidental to the rental of rental cars, whether at the rental office or by preselection of coverage in master, corporate, group, or individual agreements that is:

(a) Nontransferable;

(b) Applicable only to the rental car that is the subject of the rental agreement;

(c) Limited to the following kinds of insurance:

(i) Personal accident insurance for renters and other rental car occupants, for accidental death or dismemberment, and for medical expenses resulting from an accident that occurs with the rental car during the rental period;

(ii) Liability insurance, including uninsured or underinsured motorist coverage, whether offered separately or in combination with other liability insurance, that provides protection to the renters and to other authorized drivers of a rental car for liability arising from the operation of the rental car during the rental period;

(iii) Personal effects insurance that provides coverage to renters and other vehicle occupants for loss of, or damage to, personal effects in the rental car during the rental period; and

(iv) Roadside assistance and emergency sickness protection insurance.

(8) "Renter" means any person who obtains the use of a vehicle from a rental car company under the terms of a rental agreement.

#### NEW SECTION

**WAC 284-17B-010 Who needs to be licensed as a car rental agent?** Any person in the business of renting cars to the public and offering rental car insurance must either:

(1) Be licensed under chapter 284-17 WAC; or

(2) Comply with chapter 48.115 RCW and this chapter.

#### NEW SECTION

**WAC 284-17B-015 How can I apply for a rental car agent license?** Forms and instructions may be obtained by

either calling the office of insurance commissioner or downloading them from the website: [www.insurance.wa.gov/](http://www.insurance.wa.gov/). To apply for a rental car agent license, the following must be submitted:

(1) A rental car agent application signed by the applicant, an officer of the applicant, or owner of the rental car-company;

(2) A copy of articles of incorporation;

(3) A certificate of good standing from the secretary of state;

(4) Underwriting insurer appointment form, INS 18;

(5) The insurer's certification form as described in RCW 48.115.015 (2)(a) signed by the appointing authority;

(6) A list of all locations in Washington identifying the manager or direct supervisor at each;

(7) A list of the names of all endorsees to its rental car agent license;

(8) Certification by the rental car company that the listed endorsees have met the training requirements in RCW 48.115.020(4) and are authorized to offer, sell, and solicit insurance in connection with the rental of vehicles as described in RCW 48.115.005(7).

(9) The training and education program and materials as described in RCW 48.115.020(4) and all brochures and other written materials provided to renters as described in RCW 48.115.025; and

(10) Initial fees:

a. License fee for two years:	\$130 for business with under 50 employees
	\$375 for business with 50 or more employees
b. Appointment fee:	\$20 for each underwriting insurer
c. Location fee:	\$35 for each additional location. Location fees are not required for locations where there are no endorsees due to waiver or approved alternate arrangement under WAC 284-17B-080

**NEW SECTION**

**WAC 284-17B-020 Do I have continuing reporting and recordkeeping requirements?** (1) Yes. The list of names of all endorsees to the rental car agent license must be updated quarterly on a calendar year basis and submitted at the time of license renewal. The rental car company must retain each list for a period of three years from submission. At any time, endorsee lists must be provided to the commissioner upon request.

(2) The agent must maintain records of each transaction which allows it to identify the endorsee for one year.

**NEW SECTION**

**WAC 284-17B-025 How is a rental car agent license renewed?** Rental agent licenses are issued for a period of two

years. A renewal notice will be mailed to each licensed rental car agent every other year from the date of issuance. The renewal notice must be submitted with the rental car company certification form and applicable fee:

<i>Date Fees are Received</i>	<i>Fee Every Other Year</i>
	<b>50 OR MORE EMPLOYEES</b>
Prior to or on renewal date:	\$375 with \$35 per each additional location
1-30 days late	\$562.50 with \$35 per each additional location
31-60 days late	\$749.75 with \$35 per each additional location
61 or more days late	New license is required
	<b>UNDER 50 EMPLOYEES</b>
Prior to or on renewal date:	\$130 with \$35 per additional location
1-30 days late	\$195 with \$35 per each additional location
31-60 days late	\$260 with \$35 per each additional location
61 or more days late	New license is required

**NEW SECTION**

**WAC 284-17B-030 Can the rental car agent endorse someone to act on behalf of the agent?** Yes. An endorsee may act on behalf of the rental car agent. The endorsee may act only in the offer, sale, or solicitation of rental car insurance. A rental car agent is responsible for, and must supervise, all actions of its endorsees related to the offering, sale, or solicitation of rental car insurance.

**NEW SECTION**

**WAC 284-17B-035 Who can be a rental car agent endorsee?** An employee or agent of a rental car agent may be an endorsee under the authority of the rental car agent license, if all of the following conditions are met:

(1) The employee or agent is eighteen years of age or older;

(2) The employee or agent is a trustworthy person and has not committed any act set forth in RCW 48.17.530;

(3) The employee or agent has completed a training and education program; and

(4) The employee or agent has a current employment relationship with the rental car company.

**NEW SECTION**

**WAC 284-17B-040 Is the rental car agent required to provide training and education to its endorsees?** Yes. The rental car agent must provide training and education to its endorsees as described in RCW 48.115.020(4).

PROPOSED

NEW SECTION

**WAC 284-17B-045 What activities are prohibited for rental car agents?** A rental car agent must comply with RCW 48.115.030.

NEW SECTION

**WAC 284-17B-050 How should a rental car agent account for premiums?** A rental car agent is required to treat money collected from renters purchasing rental car insurance as funds received in a fiduciary capacity, unless:

- (1) The charges for rental car insurance coverage are itemized and related to a rental transaction; and
- (2) The insurer has consented in writing that premiums do not need to be segregated from funds received by the rental car agent. This written statement must be signed by an officer of the insurer.

NEW SECTION

**WAC 284-17B-055 What information must be included in the rental agreement?** (1) The rental agreement must be in writing and include the following:

- (a) Acknowledgment of the receipt of the brochures and written materials;
  - (b) Evidence of the rental car insurance coverage stated on the face of the rental agreement;
  - (c) A separately itemized list of all costs;
  - (d) A statement disclosing that when the rental car insurance is not the primary source of coverage the renter's personal insurance will serve as the primary source of coverage; and
  - (e) A statement limiting the period of the rental agreement to thirty consecutive days or less.
- (2) For transactions conducted by electronic means, the rental car agent must comply with the requirements of subsection (1) of this section. Acknowledgment of the receipt of all documents required by this section may be made by either written or digital signature.

NEW SECTION

**WAC 284-17B-060 What information must be included in the written material or brochure?** The brochure and written material must clearly, conspicuously, and in plain language:

- (1) Summarize, clearly and correctly, the material terms, exclusions, limitations, and conditions of coverage offered to renters, including the identity of the insurer;
- (2) Describe the process for filing a claim including a toll-free telephone number to report a claim;
- (3) Provide the rental car agent's name, address, telephone number, and license number, and the commissioner's consumer hotline number;
- (4) Inform the renter that the rental car insurance may duplicate coverage provided by the renter's personal automobile insurance policy, homeowners' insurance policy, or by another source of coverage;

(5) Inform the renter that the purchase of the rental car insurance is not required to rent a car from the rental car agent; and

(6) Inform the renter that the rental car agent and the endorsees are not qualified to evaluate the adequacy of the renter's existing insurance coverages.

(7) The policy or certificate of coverage and rates must be filed and approved by OIC as outlined in RCW 48.18.100 and 48.19.040.

(8) If the written material includes a certificate of coverage or policy, the form number and edition, if applicable, of the approved certificate of coverage or policy must be identified on the printed material. The insurer must certify that the policy or certificate of coverage and the rates have been approved and that the wording on the written material is exactly as approved.

NEW SECTION

**WAC 284-17B-065 What information must be available to prospective renters?** Approved written material must be readily available to prospective renters at every location where rental car insurance is offered.

NEW SECTION

**WAC 284-17B-070 Should changes to brochures or written materials be submitted to the commissioner?** Yes, all changes to brochures and written materials must be submitted to and approved by the commissioner prior to use.

NEW SECTION

**WAC 284-17B-075 Does the commissioner have authority to suspend, fine, or revoke my license or refuse to license me?** Yes, the commissioner may fine, suspend, revoke, or refuse to issue a license to a rental car agent or applicant. See RCW 48.115.035.

NEW SECTION

**WAC 284-17B-080 Can the commissioner waive requirements or allow alternative mechanisms for the reporting or training and education requirements?** Yes. The commissioner may waive or accept alternate arrangements for some or all of the reporting requirements in WAC 284-17B-020 and the endorsee training and education requirements in WAC 284-17B-040 when the endorsees receive no compensation in any form based on the offering or sale of rental car insurance. A request for an alternative arrangement or waiver must be in writing. The request must detail why the reporting or training and education requirement is unduly burdensome due to cost or the nature of the business structure. The request must detail how consumers will be adequately protected under the proposed alternate arrangement or the proposed waiver. A new request must be filed at the time of license renewal.

## WSR 04-15-160

## PROPOSED RULES

PARKS AND RECREATION  
COMMISSION

[Filed July 21, 2004, 10:59 a.m.]

Continuance of WSR 04-14-080.

**Title of Rule and Other Identifying Information:** The Washington State Parks and Recreation Commission has determined the need to reschedule the hearing on the proposal to adopt rules related to public harvesting of seaweed. The continuance will allow the commission to further coordinate with the Department of Natural Resources in researching technical issues including the commission's authority and manner of enforcing such new provisions of chapter 352-32 WAC, Public use of state park areas.

**Hearing Location(s):** Courtyard by Marriott Richland Columbia, 480 Columbia Point Drive, Richland, WA 99352, (509) 942-9500, on October 14, 2004, at 8:00 a.m.

**Date of Intended Adoption:** October 14, 2004.

**Submit Written Comments to:** Robert Fimbel, P.O. Box 42650, Tumwater, WA 90850-2650 [98504-2650], e-mail Rob.Fimbel@parks.wa.gov, fax (360) 902-8517, by September 23, 2004.

**Assistance for Persons with Disabilities:** Contact Pauli Larson by October 4, 2004, TTY (360) 664-3133 or (360) 902-8505.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The Washington State Parks and Recreation Commission is responsible for protecting those natural resources under its jurisdiction while simultaneously monitoring appropriate public enjoyment of renewable resources. This proposed rule-making action is intended to provide a definition of seaweed, clarify the application of statutes and regulations under the jurisdiction of the state Department of Natural Resources to inform the public of the director's authority to take special actions to reduce seaweed harvest to prevent environmental damage and to specify the method of posting restrictions and closures of state park areas for seaweed harvesting.

**Reasons Supporting Proposal:** As specified in RCW 79.96.210, the Department of Natural Resources in cooperation with the Department of Fish and Wildlife may establish seaweed harvest limits. The state Parks and Recreation Commission coordinates the regulations related to natural resource harvesting on state park properties with these agencies. The adoption of this proposed rule will further support coordination of resources protection, consistency in publishing education and public information materials and in the uniformity of enforcement of seaweed harvesting regulations, between these state agencies.

**Statutory Authority for Adoption:** RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070.

July 21, 2004

Jim French

Chief of Policy and  
Financial Research

## WSR 04-15-161

## PROPOSED RULES

## LIQUOR CONTROL BOARD

[Filed July 21, 2004, 11:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-08-105.

**Title of Rule and Other Identifying Information:** New WAC in chapters 314-20 and 314-24 WAC to define an authorized representative, per SSB 6655 passed during the 2004 legislative session.

New WAC in chapters 314-20 and 314-24 WAC, to set the fee for a certificate of approval license, per SSB 6655 passed during the 2004 legislative session.

Revise the following existing WAC to reference the new privilege authorized by SSB 6655 passed during the 2004 legislative session: WAC 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted, 314-24-220 Licensing and operation of bonded wine warehouses, 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted, 314-20-030 Packages—Classification, 314-20-140 Beer importers—Certain duties, and 314-20-170 Holders of certificates of approval.

**Hearing Location(s):** Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA, on September 1, 2004, at 10:00 a.m.

**Date of Intended Adoption:** September 14, 2004.

**Submit Written Comments to:** Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by September 6, 2004.

**Assistance for Persons with Disabilities:** Contact Teresa Berntsen by August 3, 2004, TTY (800) 855-2880 or (360) 664-1648.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of this rule making is to implement SSB 6655 passed during the 2004 legislative session, which will take effect January 1, 2005. Currently only out-of-state manufacturers can ship beer and wine into Washington for resale. SSB 6655 allows an authorized representative to ship in beer and wine (an authorized representative is someone who has an agreement with one or more out-of-state breweries or wineries to sell their beer or wine in Washington). Currently companies or persons who ship foreign-produced beer or wine into Washington state are not required to license and register with the Liquor Control Board. SSB 6655 requires such persons or companies to get a certificate of approval, just like suppliers of United States product.

SSB 6655 allows the Liquor Control Board to set the certificate fee at a level that will allow the agency to cover the costs of administering this program. New rules need to be made and existing rules need to be revised.

**Statutory Authority for Adoption:** RCW 66.08.030, chapter 160, Laws of 2004.

**Statute Being Implemented:** Chapter 160, Laws of 2004.

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

**Name of Proponent:** [Liquor Control Board], governmental.

Name of Agency Personnel Responsible for Drafting: Teresa Berntsen, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1648; Implementation and Enforcement: Lorraine Lee, 3000 Pacific Avenue S.E., Olympia, WA, (360) 664-1600.

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

A cost-benefit analysis is not required under RCW 34.05.328. The Washington State Liquor Control Board is not a listed agency in RCW 34.05.328.

July 21, 2004  
Merritt D. Long  
Chairman

#### NEW SECTION

**WAC 314-20-001 Definitions. (1) Per RCW 66.04.010(2), an "authorized representative" means a person who:**

**(a) Is required to have a federal basic permit issued by the alcohol and tobacco tax and trade bureau;**

**(b) Has his/her business located in the United States outside of the state of Washington;**

**(c) Acquires ownership of beer that is produced anywhere outside Washington by a brewery which does not hold a certificate of approval issued by the board, for transportation into and resale in the state of Washington.**

**(d) Is appointed by the brewery referenced in (c) of this subsection as its exclusive authorized representative for marketing and selling its products within the United States, in accordance with a written agreement between the authorized representative and the brewery. The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products.**

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

**AMENDATORY SECTION** (Amending WSR 04-06-007, filed 2/20/04, effective 3/22/04)

**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, or beer certificate of approval holder 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.

**AMENDATORY SECTION** (Amending WSR 98-07-097 [98-18-097], filed 9/2/98, effective 10/3/98)

**WAC 314-20-030 Packages—Classification.** (1) No manufacturer, distributor, or importer, or beer certificate of approval holder shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

(a) If less than 1 pint, in fluid ounces, or fractions of a pint;

(b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;

(c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75 gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: Provided, however, That the board may, in its discretion, authorize other container and/or barrel size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: Provided further, That the board may, in its discretion, authorize a brewery with spirit, beer and wine restaurant privileges to dispense beer directly from con-

ditioning tanks/vessels to the spirit, beer and wine restaurant area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW 66.24.290 and provided written approval by the board has been obtained.

AMENDATORY SECTION (Amending Rule 53, filed 6/13/63)

**WAC 314-20-140 Beer importers—Certain duties.**

No beer importer shall import or transport or cause to be transported into the state of Washington any brand of beer manufactured within or outside of the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the brewer manufacturing such beer has obtained from the Washington state liquor control board a certificate of approval as provided in section 23-F of the Washington State Liquor Act (RCW 66.24.270).

NEW SECTION

**WAC 314-20-145 Beer certificate of approval fee.**

The fee for a beer certificate of approval license is \$200 per year. The certificate of approval holder must pay the \$200 fee for each privilege as described below:

- Manufacturer of beer produced in the United States but outside of Washington State, shipping beer to licensed Washington beer distributors or importers.
- Authorized representative for beer produced in the United States but outside of Washington State, shipping beer to licensed Washington beer distributors or importers.
- Authorized representative for beer produced outside of the United States, shipping beer to licensed Washington beer distributors or importers.

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

AMENDATORY SECTION (Amending WSR 00-17-065, filed 8/9/00, effective 9/9/00)

**WAC 314-20-170 Holders of certificates of approval.**

Each ~~((brewer holding a))~~ beer certificate of approval holder may ship beer only to licensed beer importers or distributors. ~~((f-))~~ As required by RCW 66.24.270 ~~((see 23-F of the Washington State Liquor Act))~~ and by the written agreement embodied in the application for certificate of approval, ~~((f-))~~ each brewer holding a certificate of approval shall file the report(s) required by WAC 314-19-015 ~~((f-f-))~~

All reports shall be made upon forms prescribed ~~((f-))~~ and furnished by the Washington state liquor control board.

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

NEW SECTION

**WAC 314-24-001 Definitions. (1) Per RCW 66.04.010(2), an "authorized representative" means a person who:**

- (a) Is required to have a federal basic permit issued by the alcohol and tobacco tax and trade bureau;
- (b) Has his/her business located in the United States outside of the state of Washington;
- (c) Acquires ownership of wine that is produced anywhere outside Washington by a winery which does not hold a certificate of approval issued by the board, for transportation into and resale in the state of Washington.
- (d) Is appointed by the winery referenced in (c) of this subsection as its exclusive authorized representative for marketing and selling its products within the United States, in accordance with a written agreement between the authorized representative and the winery. The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.

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

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted.**

No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

(1) A request for certificate of label approval must be submitted to the board on forms prescribed by the board, together with the following:

- (a) Two labels of the brand and type for which approval is requested for wines under seven percent alcohol by volume; and
- (b) One copy of the federal certificate of label approval for such wine which has been issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(2) Any change in label or product which requires reissuance of federal approval under the provisions of 27 CFR Part 4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) Every producer, importer, bottler, ~~((of))~~ distributor, or wine certificate of approval holder ~~((of wine))~~ shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of wine upon its premises for the purpose of analysis in order to determine whether the wine conforms to the quality standards set by the board in WAC 314-24-060 and conforms with commercial standards.

PROPOSED

(4) No label shall be used that is misleading.

(5) 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.

#### NEW SECTION

##### WAC 314-24-117 Wine certificate of approval fee.

The fee for a wine certificate of approval license is \$200 per year. The certificate of approval holder must pay the \$200 fee for each privilege as described below:

- Manufacturer of wine produced in the United States but outside of Washington State, shipping wine to licensed Washington wine distributors or importers.
- Authorized representative for wine produced in the United States but outside of Washington State, shipping wine to licensed Washington wine distributors or importers.
- Authorized representative for wine produced outside of the United States, shipping wine to licensed Washington wine distributors or importers.

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

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-24-220 Licensing and operation of bonded wine warehouses.** (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a bonded wine warehouse licensee. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use. Wine not under federal excise tax bond shall be identified as federally tax-paid and physically separated on the premises to the extent required under the license holder's federal basic permit.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a certificate of approval holder (~~United States winery outside the state of Washington holding a Washington certificate of approval~~). The wine may or may not be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine distributor or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Removals of wine from a bonded wine warehouse may be made only for shipment (a) to a licensed independent Washington wine distributor; (b) to another licensed bonded wine warehouse; (c) to the liquor control board; (d) out of state; (e) for return to the producing winery; or (f) to a producing domestic winery licensee. For purposes of this section, "producing domestic winery licensee" means the licensed Washington winery that produced the wine and its licensed agents. For purposes of this section, a "licensed agent" shall be an accredited representative, licensed pursuant to chapter 314-44 WAC, of only one producing domestic winery at the time of removal by such agent. A producing domestic winery licensee may take possession of wine from a bonded wine warehouse, after accepting an order therefor, and deliver the wine to a purchasing retail or special occasion licensee only by transporting the wine directly from the bonded wine warehouse to the licensed premises of the purchasing retail or special occasion licensee; provided, however, that in no event may a producing domestic winery licensee remove, in the aggregate, during any one calendar year, more than two thousand cases of wine for delivery directly to retail and special occasion licensees. Producing domestic winery licensees shall maintain records of removals and deliveries of wine from bonded wine warehouses and shall file with the liquor control board annually reports of the quantity of wine removed and delivered directly to retail and special occasion licensees. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine distributors, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

PROPOSED

**WSR 04-15-164  
PROPOSED RULES**

**TRANSPORTATION IMPROVEMENT BOARD**

[Filed July 21, 2004, 11:29 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 04-12-064.

**Title of Rule and Other Identifying Information:** Modifying the methodology used when allocating funds in the arterial improvement program, pedestrian safety and mobility program, and the transportation partnership program.

**Hearing Location(s):** The Senior Center, 401 West 2nd Street, Grandview, WA, (509) 882-9230, on September 16, 2004, at 9:00 a.m.

**Date of Intended Adoption:** September 16, 2004.

**Submit Written Comments to:** Stevan Gorcester, Executive Director, P.O. Box 40901, Olympia, WA 98504-0901, e-mail SteveG@tib.wa.gov, fax (360) 586-1165, by September 9, 2004.

**Assistance for Persons with Disabilities:** Contact Eileen Bushman by September 9, 2004, (360) 586-1146.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** Through surveys and customer comments, the Transportation Improvement Board (TIB) has identified several changes to the management of its programs. Streamlining the allocation methodology allows local agency customers to better understand how the TIB funds are allocated. The new methodology was developed in consultation with local agency representatives and does not significantly change the net distribution to the regions. The distribution will be based on population and functionally classified lane miles within the urban area of the region. A third factor, the needs factor, will no longer be included in the calculation that determines the distribution to regions in the arterial improvement program. Removes fixed distribution factors from the pedestrian safety and mobility program and the transportation partnership program for a methodology based on population and functionally classified lane miles.

Makes changes to: WAC 479-12-130 Apportionment of funds to arterial improvement program regions, 479-12-430 Apportionment of funds to pedestrian safety and mobility program regions, and 479-14-130 Apportionment of funds to transportation partnership program regions.

**Reasons Supporting Proposal:** Simplification and streamlining the existing distribution process makes it easier for customers to understand how funds are distributed.

**Statutory Authority for Adoption:** Chapter 47.26 RCW.

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

**Name of Proponent:** Washington State Transportation Improvement Board, governmental.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Richard Struna, 505 Union Avenue S.E., Suite 350, Olympia, WA 98501-1428, (360) 586-1155; **Enforcement:** Stevan Gorcester, 505 Union Avenue S.E., Suite 350, Olympia, WA 98501-1428, (360) 586-1139.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Customers are local government entities.

A cost-benefit analysis is not required under RCW 34.05.328. Not required under RCW 34.05.328(5).

July 16, 2004

Richard Struna  
Financial Officer

**AMENDATORY SECTION** (Amending WSR 99-24-038, filed 11/23/99, effective 12/24/99)

**WAC 479-12-130 Apportionment of funds to arterial improvement program regions.** ~~((Beginning 1995, every four years, the board shall determine the distribution formula to apportion unobligated arterial trust account funds to each urban region. The distribution formula shall be defined in the following manner:~~

~~(1) One third of the ratio shall be the population the urban areas of each region bears to the total population of all urban areas of the state as last determined by the office of financial management;~~

~~(2) One third of the ratio shall be the vehicle to mile ratio traveled on the classified arterial system within the urban areas of each region, compared to the total vehicle to mile ratio traveled on all classified urban arterial systems;~~

~~(3) One third of the ratio shall be an actual or historical indicator of needs within the region as determined by the board.~~

~~The distribution of funds within each region shall be administered so as to permit complete arterial improvement program projects in each arterial classification to be authorized and funded.)~~ Apportionment of funds to arterial improvement program regions shall be defined in the following manner:

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of all urban areas of the state as last determined by the office of financial management;

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

**AMENDATORY SECTION** (Amending WSR 03-16-077, filed 8/4/03, effective 9/4/03)

**WAC 479-12-430 Apportionment of funds to pedestrian safety and mobility program regions.** Of the funds obligated to pedestrian safety and mobility projects within urban areas, the amount apportioned to projects in a region ~~((will be within plus or minus five percent of the ratio which the population of urban areas in a region bears to the state-wide population for urban areas as last determined by the office of financial management.))~~ shall be defined in the following manner:

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of



all urban areas of the state as last determined by the office of financial management;

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

Of the funds obligated to pedestrian safety and mobility projects within small cities, the amount apportioned to projects in a region will be within plus or minus five percent of the ratio which the population of cities under five thousand in a region bears to the statewide population for cities under five thousand as last determined by the office of financial management.

**AMENDATORY SECTION** (Amending WSR 00-22-001, filed 10/19/00, effective 11/19/00)

**WAC 479-14-130 Apportionment of funds to transportation partnership program regions.** Of the funds in the program, ~~((forty percent will be allocated to projects on a statewide basis and then, at least fifteen percent will be allocated to projects in the east region, at least fifteen percent to projects in the west region, and approximately thirty percent to projects in the Puget Sound region))~~ the amount apportioned to projects in a region shall be defined in the following manner:

(1) One-half of the ratio shall be the population of the urban areas of each region divided by the total population of all urban areas of the state as last determined by the office of financial management;

(2) One-half of the ratio shall be the amount of functionally classified lane miles of the arterial system within the urban areas of each region, divided by the total lane miles for the entire functionally classified urban arterial system;

(3) A region's allocation can be adjusted by up to five percent. Beginning 2004, regional allocations will be reviewed every five years to compensate for changes in project participation.

Regionally significant transportation projects submitted for funding by the TIB and approved by the legislature are exempt from the regional distribution formula.



**WSR 04-15-012**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed July 8, 2004, 2:43 p.m.]

Title of Rule and Other Identifying Information: Repealing WAC 388-519-0120 Spenddown—Medically indigent program.

**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 THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, AND RECEIVED BY 5:00 p.m., September 20, 2004.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is repealing this rule because the medically indigent program was eliminated by the legislature in the 2003-05 state operating budget (chapter 25, Laws of 2003 1st sp.s.).

Reasons Supporting Proposal: Repealing this rule, which supports a program that no longer exists, will eliminate the potential for confusion and misunderstanding.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, chapter 25, Laws of 2003 1st sp.s.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Wendy Forslin, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1343.

July 1, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-519-0120	Spenddown—Medically indigent program.
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**EXPEDITED**



**WSR 04-15-001****PERMANENT RULES  
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 7, 2004, 1:20 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repealing 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?

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-0531.

Statutory Authority for Adoption: ESHB 2933 (chapter 3, Laws of 2004), RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 04-11-085 on May 18, 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 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 0, Repealed 1.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**REPEALER**

The following section of the Washington Administrative Code is repealed:

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?
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**WSR 04-15-002****PERMANENT RULES  
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 7, 2004, 1:27 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To correct Washington Administrative Code (WAC) cross references that are outdated due to the adoption of new rules for the SSI-related Medicaid programs per WSR 03-20-076, 03-20-077, 03-20-078, and 03-20-079.

Citation of Existing Rules Affected by this Order: Amending WAC 388-475-1050 and 388-475-1250.

Statutory Authority for Adoption: RCW 74.08.090, 34.05.353.

Other Authority: Section 1902 (a)(10)(A)(ii) of the Social Security Act.

Adopted under notice filed as WSR 04-09-091 on April 20, 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 0, Amended 2, 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.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 02-01-073, filed 12/14/01, effective 1/14/02)

**WAC 388-475-1050 Healthcare for workers with disabilities (HWD)—Program requirements.** This section describes requirements a person must meet to be eligible for the healthcare for workers with disabilities (HWD) program.

(1) To qualify for the HWD program, a person must:

(a) Meet the general requirements for a medical program described in WAC 388-503-0505 (3)(a) through (f);

(b) Be age sixteen through sixty-four;

(c) Meet the federal disability requirements described in WAC 388-475-1150;

(d) Have net income at or below two hundred twenty percent of the federal poverty level (FPL) (see WAC 388-478-0075 for FPL amounts for medical programs); and

(e) Be employed full or part time (including self-employment) as described in WAC 388-475-1200.

(2) To determine net income, the department applies the following rules to total gross household income in this order:

(a) Deduct income exclusions described in WAC ((388-450-0020)) 388-475-0800, 388-475-0820, 388-475-0840, and 388-475-0860; and

(b) Follow the CN income rules described in:

(i) WAC ((388-450-0005 (3) and (4), Income—Ownership and availability)) 388-475-0600, SSI-related medical—Definition of income;

PERMANENT

(ii) WAC ((~~388-450-0085, Self-employment income—Allowable expenses~~)) ~~388-475-0650, SSI-related medical—Available income~~;

(iii) WAC ((~~388-450-0150 (1), (2), (3), and (5), SSI-related income allocation~~)) ~~388-475-0700 (1) through (5), SSI-related medical—Income eligibility~~;

(iv) WAC ((~~388-450-0210 (4)(b), (e), and (h), Countable income for medical programs~~);) ~~388-475-0750, SSI-related medical—Countable unearned income; and~~

(v) WAC 388-506-0620, SSI-related medical clients(~~;~~ and

~~(vi) WAC 388-511-1130, SSI-related income availability~~)).

(3) The HWD program does not require an asset test.

(4) Once approved for HWD coverage, a person must pay his/her monthly premium in the following manner to continue to qualify for the program:

(a) The department calculates the premium for HWD coverage according to WAC 388-475-1250;

(b) If a person does not pay four consecutive monthly premiums, the person is not eligible for HWD coverage for the next four months and must pay all premium amounts owed before HWD coverage can be approved again; and

(c) Once approved for HWD coverage, a person who experiences a job loss can choose to continue HWD coverage through the original twelve months of eligibility, if the following requirements are met:

(i) The job loss results from an involuntary dismissal or health crisis; and

(ii) The person continues to pay the monthly premium.

**AMENDATORY SECTION** (Amending WSR 02-01-073, filed 12/14/01, effective 1/14/02)

**WAC 388-475-1250 Healthcare for workers with disabilities (HWD)—Premium payments.** This section describes how the department calculates the premium amount a person must pay for healthcare for workers with disabilities (HWD) coverage. This section also describes program requirements regarding the billing and payment of HWD premiums.

(1) When determining the HWD premium amount, the department counts only the income of the person approved for the program. It does not count the income of another household member.

(2) When determining countable income used to calculate the HWD premium, the department applies the following rules:

(a) Income is considered available and owned when it is:  
(i) Received; and

(ii) Can be used to meet the person's needs for food, clothing, and shelter, except as described in WAC ((~~388-511-1130~~)) ~~388-475-0600(5), 388-475-0650, and 388-475-0700(1)~~.

(b) Loans and certain other receipts are not considered to be income as described in 20 C.F.R. Sec. 416.1103, e.g., direct payment by anyone of a person's medical insurance premium or a tax refund on income taxes already paid.

(3) The HWD premium amount equals a total of the following (rounded down to the nearest whole dollar):

(a) Fifty percent of unearned income above the medically needy income level (MNIL) described in WAC 388-478-0070; plus

(b) Five percent of total unearned income; plus

(c) Two point five percent of earned income after first deducting sixty-five dollars.

(4) When determining the premium amount, the department will use the current income amount until a change in income is reported and processed.

(5) A change in the premium amount is effective the month after the change in income is reported and processed.

(6) For current and ongoing coverage, the department will bill for HWD premiums during the month following the month in which coverage is approved.

(7) For retroactive coverage, the department will bill the HWD premiums during the month following the month in which coverage is requested and necessary information is received.

(8) If initial coverage for the HWD program is approved in a month that follows the month of application, the first monthly premium includes the costs for both the month of application and any following month(s).

(9) As described in WAC 388-475-1050 (4)(b), the department will close HWD coverage after four consecutive months for which premiums are not paid in full.

(10) If a person makes only a partial payment toward the cost of HWD coverage for any one month, the person remains one full month behind in the payment schedule.

(11) The department first applies payment for current and ongoing coverage to any amount owed for such coverage in an earlier month. Then it applies payment to the current month and then to any unpaid amount for retroactive coverage.

## WSR 04-15-003

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 7, 2004, 1:28 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To design a medical care services management pilot project for clients who receive general assistance benefits that will maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0110.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.09.035, 74.09.522, and ESSB 5404 (section 209(15), chapter 25, Laws of 2003 1st sp.s.).

Adopted under notice filed as WSR 04-09-090 on April 20, 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 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

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

**WAC 388-505-0110 Medical assistance coverage for adults not covered under family medical programs.** (1) An adult who does not meet the institutional status requirements as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for categorically needy (CN) coverage under this chapter. Persons excluded from this section have rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for CN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has CN countable income and resources that do not exceed the income and resource standards in WAC 388-478-0080; and

(c) Is sixty-five years of age or older, or meets the blind and/or disability criteria of the federal SSI program.

(2) An adult not meeting the conditions of subsection (1)(b) is eligible for CN medical coverage if the person:

(a) Is a current beneficiary of Title II of the Social Security Act (SSA) benefits who:

(i) Was a concurrent beneficiary of Title II and Supplemental Security Income (SSI) benefits;

(ii) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

(iii) Would be eligible for SSI benefits if certain cost-of-living (COLA) increases are deducted from the client's current Title II benefit amount:

(A) All Title II COLA increases under P.L. 94-566, section 503 received by the client since their termination from SSI/SSP; and

(B) All Title II COLA increases received during the time period in subsection (1)(d)(iii)(A) of this section by the client's spouse or other financially responsible family member living in the same household.

(b) Is an SSI beneficiary, no longer receiving a cash benefit due to employment, who meets the provisions of section 1619(b) of Title XVI of the SSA;

(c) Is a currently disabled client receiving widow's or widower's benefits under section 202 (e) or (f) of the SSA if the disabled client:

(i) Was entitled to a monthly insurance benefit under Title II of the SSA for December 1983; and

(ii) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the SSA for January 1984;

(iii) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client;

(iv) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the SSA;

(v) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent COLA increases provided under section 215(i) of the SSA, were disregarded;

(vi) Is fifty through fifty-nine years of age; and

(vii) Filed an application for Medicaid coverage before July 1, 1988.

(d) Was receiving, as of January 1, 1991, Title II disabled widow or widower benefits under section 202 (e) or (f) of the SSA if the person:

(i) Is not eligible for the hospital insurance benefits under Medicare Part A;

(ii) Received SSI/SSP payments in the month before receiving such Title II benefits;

(iii) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(iv) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under section 202 (e) or (f) of the SSA, and any subsequent COLA increases provided under section 215(i) of the act were disregarded.

(e) Is a disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under section 202(d) of the SSA if the client:

(i) Is at least eighteen years old;

(ii) Lost SSI/SSP benefits on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(iii) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the DAC and any subsequent ~~((COL))~~ COLA increases provided under section 215(i) of the SSA were disregarded.

(f) Is a client who:

(i) In August 1972, received:

(A) Old age assistance (OAA);

(B) Aid to blind (AB);

(C) Aid to families with dependent children (AFDC); or

(D) Aid to the permanently and totally disabled (APTD);

and

(ii) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(iii) Is eligible ~~((or))~~ for OAA, AB, AFDC, SSI, or APRD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(3) An adult who does not meet the institutional status requirement as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for medically needy (MN) coverage under this chapter. Persons excluded from this section have

rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for MN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has MN countable income that does not exceed the income standards in WAC 388-478-0070, or meets the excess income spenddown requirements in WAC 388-519-0110; and

(c) Meets the countable resource standards in WAC 388-478-0070; and

(d) Is sixty-five years of age or older or meets the blind and/or disability criteria of the federal SSI program.

(4) MN coverage is available for an aged, blind, or disabled ineligible spouse of an SSI recipient. See WAC 388-519-0100 for additional information.

(5) An adult may be eligible for the alien emergency medical program as described in WAC 388-438-0110.

(6) An adult is eligible for the state-funded general assistance - expedited Medicaid disability (GA-X) program when they:

(a) Meet the requirements of the cash program in WAC 388-400-0025 and 388-478-0030; or

(b) Meet the SSI-related disability standards but cannot get the SSI cash grant due to immigration status or sponsor deeming issues.

Clients may be eligible for GA cash benefits and CN medical coverage due to different sponsor deeming requirements.

(7) An adult is eligible for the state-funded medical care services (MCS) program when the person is eligible for GAU or ADATSA program coverage as described in WAC ((388-478-0030-

~~(8) An adult is eligible for the state-funded medical indigent (MI) program when the person meets the requirements listed in WAC 388-438-0100)) 388-400-0025 and 388-800-0048. GAU clients residing in counties designated as mandatory managed care plan counties must enroll in a plan, pursuant to WAC 388-538-063.~~

## NEW SECTION

**WAC 388-538-063 Mandatory enrollment in managed care for GAU clients.** (1) The purpose of this section is to describe the managed care requirement for general assistance unemployable (GAU) clients mandated by the Laws of 2003, chapter 25, section 209 (15).

(2) The only sections of chapter 388-538 WAC that apply to GAU clients described in this section are incorporated by reference into this section.

(3) To receive medical assistance administration (MAA) paid medical care, GAU clients must enroll in a managed care plan as required by WAC 388-505-0110(7) when they reside in a county designated as a mandatory managed care plan county.

(4) GAU clients are exempt from mandatory enrollment in managed care if they:

(a) Are American Indian or Alaska Native (AI/AN); and

(b) Meet the provisions of 25 U.S.C. 1603 (c)-(d) for federally recognized tribal members and their descendants.

(5) In addition to subsection (4), MAA will exempt a GAU client from mandatory enrollment in managed care or end an enrollee's enrollment in managed care in accordance with WAC 388-538-130(3) and 388-538-130(4).

(6) On a case-by-case basis, MAA may grant a GAU client's request for exemption from managed care or a GAU enrollee's request to end enrollment when, in MAA's judgment:

(a) The client or enrollee has a documented and verifiable medical condition; and

(b) Enrollment in managed care could cause an interruption of treatment that could jeopardize the client's or enrollee's life or health or ability to attain, maintain, or regain maximum function.

(7) MAA enrolls GAU clients in managed care effective on the earliest possible date, given the requirements of the enrollment system. MAA does not enroll clients in managed care on a retroactive basis.

(8) Managed care organizations (MCOs) that contract with MAA to provide services for GAU clients must meet the qualifications and requirements in WAC 388-538-067 and 388-538-095 (3)(a), (b), (c), and (d).

(9) MAA pays MCOs capitated premiums for GAU enrollees based on legislative allocations for the GAU program.

(10) GAU enrollees are eligible for the scope of care as described in WAC 388-529-0200 for medical care services (MCS). Other scope of care provisions that apply:

(a) A client is entitled to timely access to medically necessary services as defined in WAC 388-500-0005;

(b) MCOs cover the services included in the managed care contract for GAU enrollees. MCOs may, at their discretion, cover services not required under the MCO's contract for GAU enrollees;

(c) MAA pays providers on a fee-for-service basis for the medically necessary, covered medical care services not covered under the MCO's contract for GAU enrollees;

(d) Even if a service is covered by MAA on a fee-for-service basis, it is the MCO, and not MAA, from whom a GAU enrollee must obtain prior authorization before receiving the service; and

(e) A GAU enrollee may obtain emergency services in accordance with WAC 388-538-100.

(11) MAA does not pay providers on a fee-for-service basis for services covered under the MCO's contract for GAU enrollees, even if the MCO has not paid for the service, regardless of the reason. The MCO is solely responsible for payment of MCO-contracted health care services that are:

(a) Provided by an MCO-contracted provider; or

(b) Authorized by the MCO and provided by nonparticipating providers.

(12) The following services are not covered for GAU enrollees unless the MCO chooses to cover these services at no additional cost to MAA:

(a) Services that are not medically necessary;

(b) Services not included in the medical care services scope of care;



(c) Services, other than a screening exam as described in WAC 388-538-100(3), received in a hospital emergency department for nonemergency medical conditions; and

(d) Services received from a nonparticipating provider requiring prior authorization from the MCO that were not authorized by the MCO.

(13) A provider may bill a GAU enrollee for noncovered services described in subsection (12), if the requirements of WAC 388-502-0160 and 388-538-095(5) are met.

(14) The grievance and appeal process found in WAC 388-538-110 applies to GAU enrollees described in this section.

(15) The fair hearing process found in chapter 388-02 WAC and WAC 388-538-112 applies to GAU enrollees described in this section.

**WSR 04-15-004**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed July 7, 2004, 1:29 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopting amended and new rules in chapter 388-424 WAC, and repealing WAC 388-424-0005 (see below for a list of WAC affected by this order). These rule changes are necessary to conform to changes in federal law and to address gaps and ambiguities in the current rules.

New sections WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0007 Citizenship and alien status—Armed services or veteran status, 388-424-0008 Citizenship and alien status—Work quarters, 388-424-0009 Citizenship and alien status—Social Security number (SSN) requirements, and 388-424-0016 Citizenship and alien status—Immigrant eligibility restrictions for state medical benefits; and repealing WAC 388-424-0005 The effect of citizenship and alien status on eligibility for benefits; and amending WAC 388-424-0010 Citizenship and alien status—Immigrant eligibility restrictions for TANF and medical benefits, including Medicaid and SCHIP, 388-424-0015 Citizenship and alien status—Immigrant eligibility restrictions for the SFA, GA, and ADATSA programs, 388-424-0020 How does my alien status impact my eligibility for federally-funded Washington Basic Food program benefits?, and 388-424-0025 How does my alien status impact my eligibility for state-funded benefits under the Washington Basic Food program?

Citation of Existing Rules Affected by this Order: Repealing WAC 388-424-0005; and amending WAC 388-424-0010, 388-424-0015, 388-424-0020, and 388-424-0025.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-10-100 on May 4, 2004.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 388-424-0001 is changed:

- To make clear that, under the definition of "qualified aliens," children of abused spouses are included in a parent's petition;
- To substitute the definition of "victim of trafficking" in federal statute (P.L. 106-386) for the definition in the proposed rule;
- To clarify that only victims of trafficking who have been certified or approved by ORR are treated as refugees; and
- To reflect that under federal law (P.L. 108-193) derivative beneficiaries of certified trafficking victims are eligible for federal benefits.

(2) The term "public interest" is deleted from the reference to "parolees" in WAC 388-424-0006.

(3) WAC 388-424-0008 is changed to clarify that the given definition of "federal means tested benefits" is specifically applicable toward the counting of Social Security work quarters.

(4) WAC 388-424-0009 is changed to clarify that all qualified aliens must apply for an SSN, even if not work-authorized, and that the department is obligated to assist in their application.

Number of Sections Adopted in Order to Comply with Federal Statute: New 4, 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 4, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 4, Repealed 1.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

**WSR 04-15-005**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed July 7, 2004, 1:37 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement the Uniform Money Services Act, chapter 287, Laws of 2003, chapter 19.230 RCW specifically to facilitate licensing, monitoring, investigation and examination of money services businesses as required by the act. This permanent rule is to replace the emergency rule filed as WSR 04-07-182.

Statutory Authority for Adoption: RCW 19.230.310 and 43.320.040.

Adopted under notice filed as WSR 04-11-110 on May 19, 2004.

Changes Other than Editing from Proposed to Adopted Version: The requirement that money transmitters notify the department of the addition of authorized delegates before those delegates begin operating is removed. The initial license fee is prorated according to the month the license is issued.

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 23, 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 22, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 7, 2004.

Helen P. Howell  
Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

**WSR 04-15-006**  
**PERMANENT RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed July 7, 2004, 3:10 p.m., effective August 7, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To establish official pay dates for state officers and employees for calendar year 2005.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 04-08-126 on April 7, 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 1, 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.

Date Adopted: July 5, 2004.

Roselyn Marcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-11-073, filed 5/20/03, effective 6/20/03)

**WAC 82-50-021 Official lagged, semimonthly pay dates established.** Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((2003 and)) 2004 and 2005:

((CALENDAR YEAR 2003  
Friday, January 10, 2003  
Friday, January 24, 2003  
Monday, February 10, 2003  
Tuesday, February 25, 2003  
Monday, March 10, 2003  
Tuesday, March 25, 2003  
Thursday, April 10, 2003  
Friday, April 25, 2003  
Friday, May 9, 2003  
Friday, May 23, 2003  
Tuesday, June 10, 2003  
Wednesday, June 25, 2003  
Thursday, July 10, 2003  
Friday, July 25, 2003  
Monday, August 11, 2003  
Monday, August 25, 2003  
Wednesday, September 10, 2003  
Thursday, September 25, 2003  
Friday, October 10, 2003  
Friday, October 24, 2003  
Monday, November 10, 2003  
Tuesday, November 25, 2003  
Wednesday, December 10, 2003  
Wednesday, December 24, 2003

CALENDAR YEAR 2004  
Friday, January 9, 2004  
Monday, January 26, 2004  
Tuesday, February 10, 2004  
Wednesday, February 25, 2004  
Wednesday, March 10, 2004  
Thursday, March 25, 2004  
Friday, April 9, 2004  
Monday, April 26, 2004  
Monday, May 10, 2004  
Tuesday, May 25, 2004  
Thursday, June 10, 2004  
Friday, June 25, 2004  
Friday, July 9, 2004  
Monday, July 26, 2004  
Tuesday, August 10, 2004  
Wednesday, August 25, 2004  
Friday, September 10, 2004  
Friday, September 24, 2004  
Friday, October 8, 2004  
Monday, October 25, 2004  
Wednesday, November 10, 2004  
Wednesday, November 24, 2004  
Friday, December 10, 2004  
Thursday, December 23, 2004)

CALENDAR YEAR 2004  
Friday, January 9, 2004  
Monday, January 26, 2004  
Tuesday, February 10, 2004  
Wednesday, February 25, 2004  
Wednesday, March 10, 2004  
Thursday, March 25, 2004  
Friday, April 9, 2004

CALENDAR YEAR 2005  
Monday, January 10, 2005  
Tuesday, January 25, 2005  
Thursday, February 10, 2005  
Friday, February 25, 2005  
Thursday, March 10, 2005  
Friday, March 25, 2005  
Monday, April 11, 2005

PERMANENT

CALENDAR YEAR 2004

- Monday, April 26, 2004
- Monday, May 10, 2004
- Tuesday, May 25, 2004
- Thursday, June 10, 2004
- Friday, June 25, 2004
- Friday, July 9, 2004
- Monday, July 26, 2004
- Tuesday, August 10, 2004
- Wednesday, August 25, 2004
- Friday, September 10, 2004
- Friday, September 24, 2004
- Friday, October 8, 2004
- Monday, October 25, 2004
- Wednesday, November 10, 2004
- Wednesday, November 24, 2004
- Friday, December 10, 2004
- Thursday, December 23, 2004

CALENDAR YEAR 2005

- Monday, April 25, 2005
- Tuesday, May 10, 2005
- Wednesday, May 25, 2005
- Friday, June 10, 2005
- Friday, June 24, 2005
- Monday, July 11, 2005
- Monday, July 25, 2005
- Wednesday, August 10, 2005
- Thursday, August 25, 2005
- Friday, September 9, 2005
- Monday, September 26, 2005
- Friday, October 7, 2005
- Tuesday, October 25, 2005
- Thursday, November 10, 2005
- Wednesday, November 23, 2005
- Friday, December 9, 2005
- Friday, December 23, 2005

Date Adopted: July 8, 2004.

E. C. Matt  
Secretary

**WSR 04-15-015**

**PERMANENT RULES**

**PERSONNEL RESOURCES BOARD**

[Filed July 8, 2004, 2:53 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Per RCW 41.06.420, the board has rule-making authority to establish a requirement for entry-level management training for employees appointed to supervisory or managerial positions. The following rules will be part of the employee training and development chapter of the new civil service rules (Title 357 WAC).

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-12-087 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: Under WSR 04-12-087 we proposed WAC 357-34-080, this section was NOT adopted. Also, in WAC 357-34-055 the proposed version differs from the adopted version in that the language was rearranged and we added the word "permanent."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, 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 4, Amended 0, Repealed 0.

NEW SECTION

**WAC 357-34-055 Are employees appointed to a supervisory or management position required to complete any special supervisory or managerial training?** Employees appointed to a permanent supervisory or management position must successfully complete entry-level supervisory or managerial training. (See WAC 357-34-075 for exceptions to this requirement).

NEW SECTION

**WAC 357-34-070 When must employees appointed to supervisory or management positions be enrolled in the required training?** Employees appointed to a permanent supervisory or management position must be enrolled in the required training within six (6) months of the date of their appointment, or if a program is not available, as soon as possible after it becomes available. When training opportunities are available, the employer may suspend the entry-level training requirement for up to a maximum of an additional six (6) months in cases where the ability of the employer to perform its responsibilities would be adversely affected by the absence of the employee from the work site.

NEW SECTION

**WAC 357-34-075 Under what circumstances may the employer waive the requirement for an employee to complete supervisory or managerial training?** The employer may waive the requirement for entry-level supervisory or managerial training in cases where:

- (1) The employee has at least one year of experience in a supervisory or management position at some point prior to the present appointment and has demonstrated experience and competence as a substitute for training; or
- (2) The employee can demonstrate that before this appointment the employee completed training that satisfies the requirements of WAC 357-34-060 and WAC 357-34-065.

NEW SECTION

**WAC 357-34-085 Who is responsible for designating positions as supervisor or management positions for the purpose of identifying which positions are covered by the training requirement?** For purposes of WAC 357-34-055, each employer must designate individual positions, or groups of positions, as being supervisor or management positions. The employer's designations are subject to review by the director.

PERMANENT

## WSR 04-15-016

## PERMANENT RULES

## PERSONNEL RESOURCES BOARD

[Filed July 8, 2004, 2:54 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Purpose: Per RCW 41.06.170, the board has the authority to define the exemption criteria for student, part-time and temporary employees, part-time professional consultants, and inmates. The following rules will be part of the general provisions chapter of the new civil service rules (Title 357 WAC).

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-12-088 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: Under WSR 04-12-088, WAC 357-04-055(4) read "Patient and resident help in general government residential and correctional facilities; and..." The adopted version removes the words "and correctional" and adds a new subsection (5) which reads "Inmate help in general government correctional facilities; and..."

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 5, 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 5, Amended 0, Repealed 0.

Date Adopted: July 8, 2004.

E. C. Matt  
Secretary

NEW SECTION**WAC 357-04-035 Who defines exempt status for student, part-time, or temporary employees and part-time professional consultants for higher education employers?**

In accordance with RCW 41.06.070, the board defines exemptions for student, part-time or temporary employees and part-time professional consultants. Higher education employers must use the definitions in WAC 357-04-040, 357-04-045, and 357-04-050 as the criteria for identifying positions in these categories of employment that are exempt from civil service rules.

NEW SECTION**WAC 357-04-040 Which student employees of higher education employers are exempt from civil service rules?**

(1) Students who are participating in a documented and

approved internship program which consists of an academic component and work experience are exempt.

(2) Students who are employed through the state or federal work/study programs are exempt.

(3) Students are exempt if they are employed by the institution at which they are enrolled (or by a related board) and meet any one of the following conditions:

(a) The student works five hundred sixteen hours or less (516 or less) in any six consecutive months. Hours worked in a temporary position(s) during the summer and other breaks in the academic year are not counted in the five hundred sixteen (516) hours. The position is exempt only if the student does not take the place of a classified employee who was laid off due to lack of funds or lack of work; and the student does not fill a position that is currently or was formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer.

(b) The student is employed in a position directly related to his/her major field of study to provide a training opportunity; or

(c) The student is elected or appointed to a student body office or student organization position such as student officers or student news staff members.

NEW SECTION**WAC 357-04-045 Which part-time or temporary employees of higher education employers are exempt from civil service rules?**

Persons employed to work one thousand fifty hours or less (1050 hours or less) in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, are exempt from civil service rules.

Employees who are either exempt under this subsection or exceptions authorized under WAC 357-19-440, and who work more than three hundred fifty (350) hours in any twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the three-hundred fifty (350) hours.

Temporary appointment under the provisions of this section may be subject to remedial action in accordance with WAC 357-19-450, if the number of hours worked exceeds one thousand fifty hours (1050 hours) in any twelve (12) consecutive month period from the original date of hire or October 1, 1989, whichever is later. Overtime and time worked as a student employee under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (1050) hours.

NEW SECTION**WAC 357-04-050 Which part-time professional consultants of higher education employers are exempt from civil service rules?**

Part-time professional consultants who are retained by a higher education employer on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed through an independent contractual relationship for advisory purposes

and who do not perform administrative or supervisory duties are exempt from civil service rules.

### NEW SECTION

**WAC 357-04-055 Who defines exempt status for student, part-time, or temporary employees; part-time professional consultants; and inmates for general government employers and what types of positions are exempt?** In accordance with RCW 41.06.070, the board defines exemptions for student, part-time or temporary employees; part-time professional consultants; and inmates. The following types of general government employees are exempt from civil service rules:

- (1) Part-time local health officers;
- (2) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties;
- (3) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide a training opportunity, and all temporary employees not in federal grant-in-aid programs;
- (4) Patient and resident help in general government residential facilities;
- (5) Inmate help in general government correctional facilities; and
- (6) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director to be equivalent.

### **WSR 04-15-017**

#### **PERMANENT RULES**

#### **PERSONNEL RESOURCES BOARD**

[Filed July 8, 2004, 2:54 p.m., effective July 1, 2005.]

Effective Date of Rule: July 1, 2005.

Purpose: This rule describes the duties of the Washington Personnel Resources Board and will be included in the general provisions chapter of the new civil service rules (Title 357 WAC).

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 04-12-086 on June 2, 2004.

Changes Other than Editing from Proposed to Adopted Version: Under WSR 04-12-086, WAC 357-04-065 (3)(a) stated that the board is responsible for establishing procedures for employee appeals. The adopted version of this section deletes this language.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: July 8, 2004.

E. C. Matt  
Secretary

### NEW SECTION

#### **WAC 357-04-065 What are the duties of the board?**

The board is composed of three members appointed by the governor and confirmed by the senate as provided in RCW 41.06.110.

(1) The board must annually elect a chair and vice chair from among its members to serve one year.

(2) The board must conduct business in accordance with RCW 41.06.120.

(3) The board is responsible for:

(a) Adopting rules that establish goals for the classification plan, define criteria for exemption from the civil service rules, and establish a training requirement for employees appointed to a supervisory or management position.

(b) Hearing and determining employee appeals in accordance with chapter 357-52 WAC.

(c) Prioritizing and adopting class studies and salary adjustments under the provisions of RCW 41.06.152(2).

### **WSR 04-15-018**

#### **PERMANENT RULES**

#### **DEPARTMENT OF PERSONNEL**

[Filed July 8, 2004, 2:56 p.m., effective August 8, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SHB 1268 removed most rule-making authority and classification and compensation plan adoption from the Washington Personnel Resources Board and shifted it to the director of the Department of Personnel effective July 1, 2004. These modifications are necessary to implement this change.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-178 Higher education system or higher education rules, 356-05-210 Law enforcement personnel, 356-05-220 Noncompetitive positions, 356-05-305 Premium payment, 356-05-370 Salary range, 356-05-375 Scheduling plan, 356-05-477 Washington general service, 356-05-479 Washington management service, 356-06-003 Scope, 356-06-040 Classified service, 356-06-065 Incumbent status for position converted by the board from exempt to classified, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibili-

ties—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-14-010 Compensation plan—General provision, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-062 Compensation plan—Fiscal impact, 356-15-010 Compensation plan appendix—Preparation—Provision, 356-15-020 Work period designations, 356-15-060 Shift premium provisions and compensation, 356-15-125 Assignment pay provisions, 356-15-130 Special pay ranges, 356-22-036 College recruitment program—General provisions, 356-22-230 Examinations—Noncompetitive, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-39-010 Chapter purpose, 356-39-020 Human resource development—Statewide philosophy/definition, 356-46-070 Agencies—Reports on employee status changes—Requirements, 356-46-090 Personnel department—Reciprocity with other jurisdictions, 356-46-100 Rules—Amendments—Notice, 356-46-125 Drug testing—Limitations—Uses, 356-56-010 Application of rules, 356-56-035 Definitions, and 356-56-070 Incumbent status for positions converted by the board from exempt to classified; and repealing WAC 356-06-080 Powers—Duties of the board.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-11-114 on May 19, 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 40, 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 40, Repealed 1.

Date Adopted: July 8, 2004.

E. C. Matt  
Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

## WSR 04-15-020

### PERMANENT RULES

#### DEPARTMENT OF PERSONNEL

[Filed July 8, 2004, 2:57 p.m., effective August 8, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SHB 1268 removed most rule-making authority and classification and compensation plan adoption from the Washington Personnel Resources Board and shifted it to

the director of the Department of Personnel effective July 1, 2004. These modifications are necessary to implement this change.

Citation of Existing Rules Affected by this Order: Amending WAC 251-01-160 Executive head exemption, 251-01-201 Higher education system or higher education rules, 251-01-305 Principal assistant exemption, 251-01-310 Probationary period, 251-01-382 Salary range, 251-04-030 Scope, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption, 251-05-040 Method of operation, 251-06-010 Classification plan—Preparation, 251-06-020 Classification plan—Adoption, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-005 Compensation plans—General, 251-08-007 Compensation plans—Content, 251-08-031 Compensation plans—Adoption, 251-08-070 Salary—Limits, 251-08-112 Salary—Reallocation, 251-08-160 Payroll certification, 251-09-080 Standby pay, 251-09-090 Special pay—Purpose, 251-09-094 Special pay—Requirements, 251-09-100 Hazardous conditions pay, 251-19-070 Appointment—Alternate, 251-19-140 Apprenticeship programs, 251-22-165 Workers' compensation—Leave, 251-22-240 Suspended operation, 251-23-010 Affirmative action—Authority, and 251-24-010 Employee development—Authority, purpose objective; and repealing WAC 251-04-050 Powers—Duties of the board.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 04-11-115 on May 19, 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 31, 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 31, Repealed 1.

Date Adopted: July 8, 2004.

E. C. Matt  
Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

## WSR 04-15-039

### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed July 12, 2004, 12:33 p.m., effective August 12, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 260-36-030 to allow under specific circumstances individuals to be licensed both as veterinarians and trainers.

Citation of Existing Rules Affected by this Order: Amending WAC 260-36-030.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 04-11-071 on May 18, 2004.

Changes Other than Editing from Proposed to Adopted Version: The changes from the proposed language [to] the adopted language include the following: (1) Changed the reference to "commission veterinarian" to "official veterinarian." (2) Removed subsection (4) regarding horses trained by licensed veterinarian/trainer to be tested at any time. This provision is already in WAC 260-70-590.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 1, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 8, 2004.

July 12, 2004

R. M. Lechner  
Executive Secretary

**AMENDATORY SECTION** (Amending WSR 91-24-085, filed 12/4/91, effective 1/4/92)

**WAC 260-36-030 Veterinarians((s)) and platers((s, and dentists))—License required((—Ineligible as trainers)).** The license fee for veterinarians((s)) and platers ((and dentists)) shall be for one year and shall be (((\$15.00. They)) fifteen dollars. Veterinarians and platers must be approved by the commission before practicing their professions on the grounds of an association. ((The veterinarians and dentists shall not be eligible to hold a license to train horses while holding said occupational license.)) Veterinarians licensed by the commission may apply for a trainer's license subject to the following conditions:

(1) The individual licensed by the commission as a veterinarian and trainer may treat, using veterinary methods, only those horses for which he/she is the trainer of record.

(2) The individual licensed by the commission as a veterinarian and trainer shall not practice veterinary medicine on any horse other than for which he/she is the trainer of record.

(3) During an emergency on the grounds of the racing association the individual licensed by the commission as a veterinarian and trainer may respond and assist at the scene of the emergency. Any veterinary treatment provided at the

scene shall be reported in writing to the official veterinarian. The report shall include at a minimum the names of horses treated and treatment rendered.

## WSR 04-15-046

### PERMANENT RULES

#### DEPARTMENT OF ECOLOGY

[Filed July 13, 2004, 11:20 a.m., effective August 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To set permit fees for wastewater and stormwater dischargers for fiscal years 2005 and 2006. Create new fee subcategory for shipyard - in water vessel repair. Redefine animal unit. Revise existing definition for noncontact cooling water with additives. Add new definitions for median household income, gross revenue for business, and disturbed acres. Restructure fee categories for industrial and construction stormwater general permits. Establish new fees for municipal separate stormsewer system permits (Phase 2 Stormwater).

Statutory Authority for Adoption: RCW 90.48.465 Water pollution control.

Adopted under notice filed as WSR 04-08-104 on April 6, 2004.

Changes Other than Editing from Proposed to Adopted Version: Ecology made some adjustments to the proposed fees for industrial stormwater general permits. Because of public comments received, fees for two industrial subcategories were not scaled back so they would be lower than existing amounts (fiscal year 2004). The other industrial stormwater subcategory fees were reduced approximately 20% from what was originally proposed.

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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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.

Date Adopted: July 12, 2004.

Linda Hoffman  
Director

**AMENDATORY SECTION** (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

**WAC 173-224-030 Definitions.** "Administrative expenses" means those costs associated with issuing and administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

"Aggregate production" means the mining or quarrying of sand, gravel, or rock, or the production of concrete, or asphalt or a combination thereof.

"Aluminum and magnesium reduction mills" means the electrolytic reduction of alumina or magnesium salts to produce aluminum or magnesium metal.

~~("Animal unit" means one slaughter or feeder steer and 25 swine. Dairy cows are determined in the following manner: Jersey breed (nonmixed) = 0.9 milking cow, 0.9 dry cow, 0.22 heifers, and 0.22 calves; other breeds = 1.4 milking cow, 1.0 dry cow, 0.8 heifers, 0.5 calves.)~~

"Animal unit" means the following:

<u>Animal Type</u>	<u>Number of Animals per Animal Unit</u>
<u>Dairy Cows</u>	
<u>Jersey Breed</u>	
<u>Milking Cow</u>	<u>0.900</u>
<u>Dry Cow</u>	<u>0.900</u>
<u>Heifer</u>	<u>0.220</u>
<u>Calf</u>	<u>0.220</u>
<u>Other Breeds</u>	
<u>Milking Cow</u>	<u>1.400</u>
<u>Dry Cow</u>	<u>1.000</u>
<u>Heifer</u>	<u>0.800</u>
<u>Calf</u>	<u>0.500</u>
<u>Feedlot Beef</u>	<u>0.877</u>
<u>Horses</u>	<u>0.500</u>
<u>Sheep</u>	<u>0.100</u>
<u>Swine for breeding</u>	<u>0.375</u>
<u>Swine for slaughter</u>	<u>0.110</u>
<u>Laying hens &amp; pullets &gt; 3 months</u>	<u>0.004</u>
<u>Broilers &amp; pullets &lt; 3 months</u>	<u>0.002</u>

For those concentrated animal feeding operations not listed on the above table, the department will use 1,000 pounds of live animal weight and the weight of the type of animal in determining the number of animal units.

"Annual permit fee" means the fee charged by the department for annual expenses associated with activities specified in RCW 90.48.465. This annual fee is based on the state's fiscal year (July 1 - June 30).

"bbls/d" means barrels per day of feedstock for petroleum refineries.

"bins/yr" means total standard bins used during the last complete calendar year by a facility in the crop preparing industry. The bins measure approximately 47.5 inches x 47.4 inches x 29.5 inches and hold approximately 870 pounds of fruit.

"Chemical pulp mill w/chlorine bleaching" means any pulp mill that uses chlorine or chlorine compounds in their bleaching process.

"Combined food processing waste treatment facility" means a facility that treats wastewater from more than one separately permitted food processor and receives no domestic

wastewater or waste from industrial sources other than food processing.

"Combined industrial waste treatment" means a facility which treats wastewater from more than one industry in any of the following categories: Inorganic chemicals, metal finishing, ore concentration, organic chemicals, or photofinishers.

"Combined sewer overflow (CSO)" means the event during which excess combined sewage flow caused by inflow is discharged from a combined sewer, rather than conveyed to the sewage treatment plant because either the capacity of the treatment plant or the combined sewer is exceeded.

"Concentrated animal feeding operation" means an "animal feeding operation" that meets the criteria in Appendix B of 40 CFR 122 as presently enacted and any subsequent modifications thereto.

"Contaminants of concern" means a chemical for which an effluent limit is established (this does not include pH, flow, temperature, or other "nonchemical parameters"). Petroleum constituents will be considered as one contaminant of concern even if more than one effluent limit is established (e.g., Total Petroleum Hydrocarbons and BTEX).

"Crane" means a machine used for the hoisting and lifting of ship hulls.

"Crop preparing" means the preparation of fruit for wholesale or retail sale by washing and/or other processes in which the skin of the fruit is not broken and in which the interior part of the fruit does not come in direct contact with the wastewater.

"cu. yds/yr" means the total production from an aggregate production facility in cubic yards during the most recent completed calendar year.

"Department" means the department of ecology.

"Director" means the director of the department of ecology.

"Disturbed acres" means the total area which will be disturbed during all phases of the construction project or common plan of development or sale. This includes all clearing, grading, and excavating, and any other activity which disturbs the surface of the land.

"Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with any ground water infiltration or surface waters that may be present.

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

"Existing operations" means those industrial operations requiring a wastewater discharge permit before July 1, 1993.

"EPA" means the United States Environmental Protection Agency.

"Fin fish rearing and hatching" means the raising of fin fish for fisheries enhancement or sale, by means of hatcheries, net pens, or other confined fish facilities.

"Flavor extraction" means the recovery of flavors or essential oils from organic products by steam distillation.

"Food processing" means the preparation of food for human or animal consumption or the preparation of animal

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byproducts, excluding crop preparing. This category includes, but is not limited to, fruit and vegetable processing, meat and poultry products processing, dairy products processing, beer production, rendering and animal feed production. Food processing wastewater treatment plants that treat wastes from only one separately permitted food processor must be treated as one facility for billing purposes.

"Gross revenue for business" means the gross income from Washington business activities as reported to the Washington state department of revenue.

"Hazardous waste clean up sites" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action other than RCRA corrective action sites.

"Industrial facility" means any facility not included in the definition of municipal/domestic facility.

"Industrial gross revenue" means the annual amount of the sales of goods and services produced using the processes regulated by the wastewater discharge permit.

"Industrial storm water" means an operation required to be covered under ecology's NPDES and state waste discharge baseline general permit for storm water discharges associated with industrial activities or modifications to that permit or having an individual wastewater permit for storm water only.

"MGD" means permitted flow expressed in million gallons per day.

"Manufacturing" means the making of goods and articles by hand or especially, by machinery into a manufactured product.

"Median household income" means the most recent available census data, updated yearly based on inflation rates as measured by the Federal Bureau of Labor Statistics and published as the Consumer Price Index.

"Metal finishing" means the preparation of metal surfaces by means of electroplating, electroless plating, anodizing, coating (chromating, phosphating and coloring), chemical etching and milling, and printed circuit board manufacture.

"Municipal/domestic facility" means a publicly owned facility treating domestic wastewater together with any industrial wastes that may be present, or a privately-owned facility treating solely domestic wastewater.

"Municipal gross revenue" means gross receipts from monthly, bimonthly, and/or quarterly user charges for sewer services received from all classes of customers;

Included in these user charges are user charges and fees based on wastewater constituents' strengths and characteristics including high-strength surcharges and charges based on biochemical oxygen demand, suspended solids, oil and grease, toxicants, heavy metals, and flow, etc.

Municipal gross revenue includes charges for receipt and treatment of septic tank wastes, holding tank wastes, chemical toilet wastes, etc.

Municipal gross revenue includes all amounts received from other municipalities for sewage interception, treatment, collection, or disposal.

Gross revenue excludes:

Amounts derived by municipalities directly from taxes levied for the support or maintenance of sewer services.

Late charges, penalties for nontimely payment by customers, interest on late payments, and all other penalties and fines.

Permit fees and compliance monitoring fees for wastewater discharge permits issued by municipalities with local pretreatment programs. Permit fees which are charged to cover the cost of providing sewer service are not excluded from municipal gross revenue.

Receipts by a municipality of special assessments or installments thereof and interests and penalties thereon, and charges in lieu of assessments.

Connection charges.

Revenues from sales of by-products such as sludge, processed wastewater, etc.

"Municipality" means a city, town, county, district, association, or other public body created by or in accordance with state law and that has jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under 33 U.S.C. Sec. 1288. State government agencies are not included in this definition.

"Noncontact cooling water with additives" means water used for cooling that (~~comes into contact with corrosives~~) does not come into direct contact with any raw materials, intermediate product, waste product or finished product, but which may contain chemicals or additives added by the permittee to control corrosion or fouling of the cooling system.

"Noncontact cooling water without additives" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product, and which does not contain chemicals added by the permittee. The noncontact cooling water fee without additives category applies to those facilities which discharge only noncontact cooling water and which have no other wastewater discharges required to be permitted under RCW 90.48.160, 90.48.162, and 90.48.260.

"Nonferrous metals forming" means the manufacturing of semifinished products from pure metal or metal alloys other than iron or steel or of metals not otherwise classified in WAC 173-224-040(2).

"Nonoperating aggregate site" means a location where previous mining or processing has occurred; that has not been fully reclaimed; that has no current mining or processing, and that may include stockpiles of raw materials or finished products. The permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off-site for processing, use, or sale and still be considered a nonoperating site. This definition can be found in ecology's *National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations.*

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the department under Section 402 of the federal Clean Water Act and RCW 90.48.260.

"Person" means any political subdivision, government agency, municipality, industry, public or private corporation,

partnership, association, firm, individual, or any other entity whatever.

"Portable facility" means a facility that is designed for mobility and is moved from site to site for short term operations. A portable facility applies only to an asphalt batch plant, portable concrete batch plant and portable rock crusher.

"RCRA" means Resource Conservation Recovery Act clean up sites required to have a wastewater discharge permit resulting from a corrective action under relevant federal authorities or under chapters 70.105 and 70.105D RCW including chapters 173-303 and 173-340 WAC, and are not subject to cost recovery.

"Residential equivalent" means a single-family residence or a unit of sewer service that yields an amount of gross revenue equal to the annual user charge for a single-family residence. In cases where the permit holder does not maintain data on gross revenue, user charges, and/or the number of single-family residences that it serves, "residential equivalent" means an influent flow of two hundred fifty gallons per day.

"Sewer service" means the activity of receiving sewage deposited into and carried off by a system of sewers, drains, and pipes to a common point, or points, for disposal or for transfer to treatment for disposal, and activities involving the interception, transfer, storage, treatment, and/or disposal of sewage, or any of these activities.

"State waste discharge permit" means a permit required under RCW 98.48.260.

"Storm water" means an industrial operation or construction activity discharging storm water runoff as defined in 40 CFR 122.26 (b)(14) or facilities that are permitted as a significant contributor of pollutants as allowed in the federal Clean Water Act at Section 402 (p)(2)(E).

"Tons/yr." means the total production from an asphalt production facility in tons during the most recent completed calendar year.

"Vegetable/bulb washing" means the washing, packing, and shipping of fresh vegetables and bulbs when there is no cooking or cutting of the product before packing.

**AMENDATORY SECTION** (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

**WAC 173-224-040 Permit fee schedule.** (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

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((industrial facility categories	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
Aluminum Alloys	\$13,292.00	\$13,729.00
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	78,385.00	80,964.00
b. State Permit	39,194.00	40,483.00
Aluminum Forming	39,875.00	41,187.00
Aggregate Production—Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	2,287.00	2,362.00
2. Nonoperating aggregate site (fee per site)	94.00	97.00
b. Asphalt Production		
1. 0—< 50,000 tons/yr.	953.00	984.00
2. 50,000—< 300,000 tons/yr.	2,288.00	2,363.00
3. 300,000 tons/yr. and greater	2,861.00	2,955.00
c. Concrete Production		
1. 0—< 25,000 cu. yds/yr.	953.00	984.00
2. 25,000—< 200,000 cu. yds/yr.	2,288.00	2,363.00
3. 200,000 cu. yds/yr. and greater	2,861.00	2,955.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	2,287.00	2,362.00
2. Asphalt	2,287.00	2,362.00

		FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
((industrial facility categories			
3.	Concrete	2,287.00	2,362.00
<b>Aggregate Production—General Permit Coverage</b>			
a.	Mining Activities		
1.	Mining, screening, washing and/or crushing	1,600.00	1,653.00
2.	Nonoperating aggregate site (fee per site)	67.00	69.00
b.	Asphalt Production		
1.	0—< 50,000 tons/yr.	668.00	690.00
2.	50,000—< 300,000 tons/yr.	1,601.00	1,654.00
3.	300,000 tons/yr. and greater	2,001.00	2,067.00
e.	Concrete Production		
1.	0—< 25,000 cu. yds/yr.	668.00	690.00
2.	25,000—< 200,000 cu. yds/yr.	1,601.00	1,654.00
3.	200,000 cu. yds/yr. and greater	2,001.00	2,067.00
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d.	Portable Operations		
1.	Rock Crushing	1,601.00	1,654.00
2.	Asphalt	1,601.00	1,654.00
3.	Concrete	1,601.00	1,654.00
<b>Aquaculture</b>			
a.	Finfish hatching and rearing—Individual Permit	3,987.00	4,118.00
b.	Finfish hatching and rearing—General Permit Coverage	2,793.00	2,885.00
e.	Shellfish hatching	138.00	142.00
<b>Aquatic Pest Control</b>			
a.	Irrigation Districts	300.00	310.00
b.	Mosquito Control Districts	300.00	310.00
e.	Noxious	300.00	310.00
d.	Nuisance Weed Control Only	300.00	310.00
e.	Oyster Growers	300.00	310.00
f.	Rotenone Control	300.00	310.00
<b>Boat Yards—Individual Permit Coverage</b>			
a.	With storm water only discharge	340.00	351.00
b.	All others	681.00	704.00
<b>Boat Yards—General Permit Coverage</b>			
a.	With storm water only discharge	237.00	245.00
b.	All others	478.00	494.00
<b>Coal Mining and Preparation</b>			
a.	< 200,000 tons per year	5,314.00	5,489.00
b.	200,000—< 500,000 tons per year	11,964.00	12,357.00
e.	500,000—< 1,000,000 tons per year	21,266.00	21,966.00
d.	1,000,000 tons per year and greater	39,875.00	41,187.00
<b>Combined Industrial Waste Treatment</b>			
a.	< 10,000 gpd	2,658.00	2,746.00
b.	10,000—< 50,000 gpd	6,644.00	6,863.00

	FY 2003		FY 2004
	annual permit fee	annual permit fee and beyond	annual permit fee and beyond
(Industrial facility categories)			
e. 50,000 < 100,000 gpd	13,292.00	13,729.00	
d. 100,000 < 500,000 gpd	26,584.00	27,458.00	
e. 500,000 gpd and greater	39,875.00	41,187.00	
Combined Food Processing Waste Treatment Facilities			
	12,725.00	13,144.00	
Combined Sewer Overflow System			
a. < 50 acres	2,658.00	2,746.00	
b. 50 < 100 acres	6,644.00	6,863.00	
e. 100 < 500 acres	7,978.00	8,240.00	
d. 500 acres and greater	10,634.00	10,983.00	
Commercial Laundry			
	340.00	351.00	
Concentrated Animal Feeding Operation			
a. < 200 Animal Units	137.00	141.00	
b. 200 < 400 Animal Units	340.00	351.00	
e. 400 < 600 Animal Units	681.00	704.00	
d. 600 < 800 Animal Units	1,022.00	1,055.00	
e. 800 Animal Units and greater	1,363.00	1,409.00	
Crop Preparing—Individual Permit Coverage			
a. 0 < 1,000 bins/yr.	265.00	274.00	
b. 1,000 < 5,000 bins/yr.	531.00	549.00	
e. 5,000 < 10,000 bins/yr.	1,063.00	1,098.00	
d. 10,000 < 15,000 bins/yr.	2,128.00	2,198.00	
e. 15,000 < 20,000 bins/yr.	3,521.00	3,636.00	
f. 20,000 < 25,000 bins/yr.	4,917.00	5,079.00	
g. 25,000 < 50,000 bins/yr.	6,579.00	6,795.00	
h. 50,000 < 75,000 bins/yr.	7,310.00	7,551.00	
i. 75,000 < 100,000 bins/yr.	8,506.00	8,786.00	
j. 100,000 < 125,000 bins/yr.	10,634.00	10,983.00	
k. 125,000 < 150,000 bins/yr.	13,292.00	13,729.00	
l. 150,000 bins/yr. and greater	15,950.00	16,475.00	
Crop Preparing—General Permit Coverage			
a. 0 < 1,000 bins/yr.	185.00	191.00	
b. 1,000 < 5,000 bins/yr.	372.00	384.00	
e. 5,000 < 10,000 bins/yr.	745.00	770.00	
d. 10,000 < 15,000 bins/yr.	1,489.00	1,538.00	
e. 15,000 < 20,000 bins/yr.	2,465.00	2,546.00	
f. 20,000 < 25,000 bins/yr.	3,442.00	3,556.00	
g. 25,000 < 50,000 bins/yr.	4,605.00	4,756.00	
h. 50,000 < 75,000 bins/yr.	5,117.00	5,285.00	
i. 75,000 < 100,000 bins/yr.	5,954.00	6,145.00	
j. 100,000 < 125,000 bins/yr.	7,444.00	7,689.00	
k. 125,000 < 150,000 bins/yr.	9,305.00	9,611.00	
l. 150,000 bins/yr. and greater	11,165.00	11,532.00	

Dairies \$.50 per Animal Unit not to exceed \$954.00 for FY 2003 and \$985.00 for FY 2004 and beyond

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((industrial facility categories	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
<b>Facilities Not Otherwise Classified—Individual Permit Coverage</b>		
a. <1,000 gpd	1,329.00	1,373.00
b. 1,000—<10,000 gpd	2,658.00	2,746.00
e. 10,000—<50,000 gpd	6,645.00	6,864.00
d. 50,000—<100,000 gpd	10,634.00	10,983.00
e. 100,000—<500,000 gpd	21,160.00	21,857.00
f. 500,000—<1,000,000 gpd	26,583.00	27,457.00
g. 1,000,000 gpd and greater	39,875.00	41,187.00
<b>Facilities Not Otherwise Classified—General Permit Coverage</b>		
a. <1,000 gpd	932.00	963.00
b. 1,000—<10,000 gpd	1,860.00	1,992.00
e. 10,000—<50,000 gpd	4,653.00	4,806.00
d. 50,000—<100,000 gpd	7,444.00	7,689.00
e. 100,000—<500,000 gpd	14,885.00	15,375.00
f. 500,000—<1,000,000 gpd	18,607.00	19,219.00
g. 1,000,000 gpd and greater	27,913.00	28,831.00
<b>Flavor Extraction</b>		
a. Steam Distillation	137.00	141.00
<b>Food Processing</b>		
a. <1,000 gpd	1,328.00	1,372.00
b. 1,000—<10,000 gpd	3,388.00	3,499.00
e. 10,000—<50,000 gpd	6,048.00	6,247.00
d. 50,000—<100,000 gpd	9,503.00	9,816.00
e. 100,000—<250,000 gpd	13,292.00	13,729.00
f. 250,000—<500,000 gpd	17,479.00	18,055.00
g. 500,000—<750,000 gpd	21,930.00	22,652.00
h. 750,000—<1,000,000 gpd	26,583.00	27,457.00
i. 1,000,000—<2,500,000 gpd	32,750.00	33,827.00
j. 2,500,000—<5,000,000 gpd	36,551.00	37,754.00
k. 5,000,000 gpd and greater	39,875.00	41,187.00
<b>Fuel and Chemical Storage</b>		
a. <50,000 bbls	1,329.00	1,373.00
b. 50,000—<100,000 bbls	2,658.00	2,746.00
e. 100,000—<500,000 bbls	6,644.00	6,863.00
d. 500,000 bbls and greater	13,292.00	13,729.00
<b>Hazardous Waste Clean Up Sites</b>		
a. Leaking Underground Storage Tanks (LUST)		
1. State Permit	3,487.00	3,601.00
2. NPDES Permit Issued pre 7/1/94	3,487.00	3,601.00
3. NPDES Permit Issued post 7/1/94	6,972.00	7,202.00
b. Non-LUST Sites		
1. 1 or 2 Contaminants of concern	6,817.00	7,041.00
2. >2 Contaminants of concern	13,632.00	14,081.00
<b>Ink Formulation and Printing</b>		

PERMANENT

	FY 2003		FY 2004
	annual permit fee	annual permit fee and- beyond	annual permit fee and- beyond
( <del>Industrial facility categories</del> )			
a. Commercial Print Shops	2,044.00	2,112.00	
b. Newspapers	3,409.00	3,521.00	
e. Box Plants	5,453.00	5,632.00	
d. Ink Formulation	6,917.00	7,041.00	
<b>Inorganic Chemicals Manufacturing</b>			
a. Lime Products	6,644.00	6,863.00	
b. Fertilizer	8,000.00	8,263.00	
e. Peroxide	10,634.00	10,983.00	
d. Alkaline Earth Salts	13,292.00	13,729.00	
e. Metal Salts	18,606.00	19,218.00	
f. Acid Manufacturing	26,583.00	27,452.00	
g. Chlor-alkali	53,167.00	54,916.00	
<b>Iron and Steel</b>			
a. Foundries	13,292.00	13,729.00	
b. Mills	26,606.00	27,482.00	
<b>Metal Finishing</b>			
a. <1,000 gpd	1,599.00	1,646.00	
b. 1,000 <10,000 gpd	2,657.00	2,745.00	
e. 10,000 <50,000 gpd	6,643.00	6,862.00	
d. 50,000 <100,000 gpd	13,291.00	13,728.00	
e. 100,000 <500,000 gpd	26,581.00	27,456.00	
f. 500,000 gpd and greater	39,873.00	41,185.00	
<b>Noncontact Cooling Water With Additives Individual Permit Coverage</b>			
a. <1,000 gpd	832.00	859.00	
b. 1,000 <10,000 gpd	1,161.00	1,199.00	
e. 10,000 <50,000 gpd	2,494.00	2,576.00	
d. 50,000 <100,000 gpd	5,817.00	6,008.00	
e. 100,000 <500,000 gpd	9,968.00	10,295.00	
f. 500,000 <1,000,000 gpd	14,124.00	14,589.00	
g. 1,000,000 <2,500,000 gpd	18,278.00	18,879.00	
h. 2,500,000 <5,000,000 gpd	22,427.00	23,165.00	
i. 5,000,000 gpd and greater	26,583.00	27,457.00	
<b>Noncontact Cooling Water With Additives General Permit Coverage</b>			
a. <1,000 gpd	583.00	602.00	
b. 1,000 <10,000 gpd	1,163.00	1,201.00	
e. 10,000 <50,000 gpd	1,745.00	1,803.00	
d. 50,000 <100,000 gpd	4,073.00	4,207.00	
e. 100,000 <500,000 gpd	6,977.00	7,207.00	
f. 500,000 <1,000,000 gpd	9,887.00	10,213.00	
g. 1,000,000 <2,500,000 gpd	12,794.00	13,215.00	
h. 2,500,000 <5,000,000 gpd	15,699.00	16,216.00	
i. 5,000,000 gpd and greater	18,607.00	19,219.00	
<b>Noncontact Cooling Water Without Additives Individual Permit Coverage</b>			
a. <1,000 gpd	666.00	688.00	

		FY-2003 annual permit fee	FY-2004 annual permit fee and beyond
((industrial facility categories			
b.	1,000 < 10,000 gpd	1,329.00	1,373.00
e.	10,000 < 50,000 gpd	1,995.00	2,061.00
d.	50,000 < 100,000 gpd	4,635.00	4,806.00
e.	100,000 < 500,000 gpd	7,978.00	8,240.00
f.	500,000 < 1,000,000 gpd	11,297.00	11,668.00
g.	1,000,000 < 2,500,000 gpd	14,621.00	15,102.00
h.	2,500,000 < 5,000,000 gpd	17,943.00	18,533.00
i.	5,000,000 gpd and greater	21,266.00	21,966.00
<b>Nonecontact Cooling Water Without Additives—General Permit Coverage</b>			
a.	<1,000 gpd	466.00	481.00
b.	1,000 < 10,000 gpd	932.00	963.00
e.	10,000 < 50,000 gpd	1,396.00	1,442.00
d.	50,000 < 100,000 gpd	3,256.00	3,364.00
e.	100,000 < 500,000 gpd	5,583.00	5,766.00
f.	500,000 < 1,000,000 gpd	7,909.00	8,169.00
g.	1,000,000 < 2,500,000 gpd	10,235.00	10,572.00
h.	2,500,000 < 5,000,000 gpd	12,561.00	12,974.00
i.	5,000,000 gpd and greater	14,885.00	15,375.00
<b>Nonferrous Metals Forming</b>			
		13,292.00	13,729.00
<b>Ore Mining</b>			
a.	Ore Mining	2,658.00	2,746.00
b.	Ore mining with physical concentration processes	5,315.00	5,490.00
e.	Ore mining with physical and chemical concentration processes	21,266.00	21,966.00
<b>Organic Chemicals Manufacturing</b>			
a.	Fertilizer	13,292.00	13,729.00
b.	Aliphatic	26,583.00	27,457.00
e.	Aromatic	39,875.00	41,187.00
<b>Petroleum Refining</b>			
a.	<10,000 bbls/d	26,582.00	27,457.00
b.	10,000 < 50,000 bbls/d	52,705.00	54,439.00
e.	50,000 bbls/d and greater	106,337.00	109,836.00
<b>Photofinishers</b>			
a.	<1,000 gpd	1,063.00	1,098.00
b.	1,000 gpd and greater	2,658.00	2,746.00
<b>Power and/or Steam Plants</b>			
a.	Steam Generation—Nonelectric	5,314.00	5,489.00
b.	Hydroelectric	5,314.00	5,489.00
e.	Nonfossil Fuel	7,977.00	8,239.00
d.	Fossil Fuel	21,266.00	21,966.00
<b>Pulp, Paper and Paper Board</b>			
a.	Fiber Recyclers	13,291.00	13,728.00
b.	Paper Mills	26,583.00	27,457.00
e.	Groundwood Pulp Mills		
f.	<300 tons per day	39,875.00	41,187.00

PERMANENT

	FY-2003 annual permit fee	FY-2004 annual permit fee and beyond
((industrial facility categories		
2. > 300 tons per day	79,750.00	82,373.00
d. Chemical Pulp Mills w/o Chlorine Bleaching	106,331.00	109,829.00
e. Chemical Pulp Mills w/Chlorine Bleaching	119,622.00	123,557.00
<b>Radioactive Effluents and Discharges (RED)</b>		
a. < 3 waste streams	25,730.00	26,557.00
b. 3 - < 8 waste streams	44,657.00	46,126.00
e. 8 waste streams and greater	73,552.00	75,972.00
<b>RCRA Corrective Action Sites</b>		
	18,682.00	19,297.00
<b>Seafood Processing</b>		
a. < 1,000 gpd	1,329.00	1,373.00
b. 1,000 - < 10,000 gpd	3,388.00	3,499.00
e. 10,000 - < 50,000 gpd	6,048.00	6,247.00
d. 50,000 - < 100,000 gpd	9,503.00	9,816.00
e. 100,000 gpd and greater	13,292.00	13,729.00
<b>Shipyards</b>		
a. Per crane, travel lift, small boat lift	2,658.00	2,746.00
b. Per drydock under 250 ft in length	2,658.00	2,746.00
e. Per graving dock	2,658.00	2,746.00
d. Per marine way	3,987.00	4,118.00
e. Per scroolift	3,987.00	4,118.00
f. Per drydock over 250 ft in length	5,315.00	5,490.00
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.		
<b>Solid Waste Sites (nonstorm water)</b>		
a. Nonputrescible	5,315.00	5,490.00
b. < 50 acres	10,633.00	10,982.00
e. 50 - < 100 acres	21,266.00	21,966.00
d. 100 - < 250 acres	26,583.00	27,457.00
e. 250 acres and greater	39,875.00	41,187.00
<b>Storm Water (Unless specifically categorized elsewhere.)</b>		
a. Individual Industrial Permits		
1. < 50 acres	2,658.00	2,746.00
2. 50 - < 100 acres	5,315.00	5,490.00
3. 100 - < 500 acres	7,977.00	8,239.00
4. 500 acres and greater	10,634.00	10,983.00
b. Facilities covered under the Industrial Storm Water General Permit	353.00	364.00
e. Construction activities covered under the Industrial Storm Water General Permit	353.00	364.00
<b>Textile Mills</b>		
	53,167.00	54,916.00
<b>Timber Products</b>		
a. Log Storage	2,658.00	2,746.00
b. Veneer	5,315.00	5,490.00
e. Sawmills	10,634.00	10,983.00



((industrial facility categories	FY 2003 annual permit fee	FY 2004 annual permit fee and beyond
d. Hardwood, Plywood	18,606.00	19,218.00
e. Wood Preserving	25,526.00	26,366.00
<b>Vegetable/Bulb Washing Facilities</b>		
a. <1,000 gpd	87.00	90.00
b. 1,000 - <5,000 gpd	177.00	183.00
c. 5,000 - <10,000 gpd	349.00	361.00
d. 10,000 - <20,000 gpd	705.00	728.00
e. 20,000 and greater	1,166.00	1,204.00
<b>Vehicle Maintenance and Freight Transfer</b>		
a. <0.5 acre	2,658.00	2,746.00
b. 0.5 - <1.0 acre	5,315.00	5,490.00
c. 1.0 acre and greater	7,977.00	8,239.00
<b>Water Plants - Individual Permit Coverage</b>	3,324.00	3,434.00
<b>Water Plants - General Permit Coverage</b>	2,326.00	2,403.00
<b>Wineries</b>		
a. <500 gpd	271.00	280.00
b. 500 - <750 gpd	544.00	562.00
c. 750 - <1,000 gpd	1,089.00	1,124.00
d. 1,000 - <2,500 gpd	2,174.00	2,246.00
e. 2,500 - <5,000 gpd	3,469.00	3,583.00
f. 5,000 gpd and greater	4,761.00	4,918.00))

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2005 ANNUAL PERMIT FEE	FY 2006 ANNUAL PERMIT FEE AND BEYOND
<u>Aluminum Alloys</u>	<u>\$14,145.00</u>	<u>\$14,516.00</u>
<u>Aluminum and Magnesium Reduction Mills</u>		
a. <u>NPDES Permit</u>	<u>83,417.00</u>	<u>85,603.00</u>
b. <u>State Permit</u>	<u>41,710.00</u>	<u>42,803.00</u>
<u>Aluminum Forming</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Aggregate Production - Individual Permit Coverage</u>		
a. <u>Mining Activities</u>		
1. <u>Mining, screening, washing and/or crushing</u>	<u>2,434.00</u>	<u>2,498.00</u>
2. <u>Nonoperating aggregate site (fee per site)</u>	<u>100.00</u>	<u>103.00</u>
b. <u>Asphalt Production</u>		
1. <u>0 - &lt; 50,000 tons/yr.</u>	<u>1,014.00</u>	<u>1,041.00</u>
2. <u>50,000 - &lt; 300,000 tons/yr.</u>	<u>2,435.00</u>	<u>2,499.00</u>
3. <u>300,000 tons/yr. and greater</u>	<u>3,045.00</u>	<u>3,125.00</u>
c. <u>Concrete Production</u>		
1. <u>0 - &lt; 25,000 cu. yds/yr.</u>	<u>1,014.00</u>	<u>1,041.00</u>
2. <u>25,000 - &lt; 200,000 cu. yds/yr.</u>	<u>2,435.00</u>	<u>2,499.00</u>
3. <u>200,000 cu. yds/yr. and greater</u>	<u>3,045.00</u>	<u>3,125.00</u>

	FY 2005 ANNUAL PERMIT FEE	FY 2006 ANNUAL PERMIT FEE AND BEYOND
<u>INDUSTRIAL FACILITY CATEGORIES</u>		
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>		
d. <u>Portable Operations</u>		
1. <u>Rock Crushing</u>	2,434.00	2,498.00
2. <u>Asphalt</u>	2,434.00	2,498.00
3. <u>Concrete</u>	2,434.00	2,498.00
<u>Aggregate Production - General Permit Coverage</u>		
a. <u>Mining Activities</u>		
1. <u>Mining, screening, washing and/or crushing</u>	1,703.00	1,748.00
2. <u>Nonoperating aggregate site (fee per site)</u>	71.00	73.00
b. <u>Asphalt Production</u>		
1. <u>0 - &lt; 50,000 tons/yr.</u>	711.00	730.00
2. <u>50,000 - &lt; 300,000 tons/yr.</u>	1,704.00	1,749.00
3. <u>300,000 tons/yr. and greater</u>	2,130.00	2,186.00
c. <u>Concrete Production</u>		
1. <u>0 - &lt; 25,000 cu. yds/yr.</u>	711.00	730.00
2. <u>25,000 - &lt; 200,000 cu. yds/yr.</u>	1,704.00	1,749.00
3. <u>200,000 cu. yds/yr. and greater</u>	2,130.00	2,186.00
<u>The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.</u>		
d. <u>Portable Operations</u>		
1. <u>Rock Crushing</u>	1,704.00	1,749.00
2. <u>Asphalt</u>	1,704.00	1,749.00
3. <u>Concrete</u>	1,704.00	1,749.00
<u>Aquaculture</u>		
a. <u>Finfish hatching and rearing - Individual Permit</u>	4,243.00	4,354.00
b. <u>Finfish hatching and rearing - General Permit Coverage</u>	2,972.00	3,050.00
c. <u>Shellfish hatching</u>	146.00	150.00
<u>Aquatic Pest Control</u>		
a. <u>Irrigation Districts</u>	319.00	327.00
b. <u>Mosquito Control Districts</u>	319.00	327.00
c. <u>Noxious</u>	319.00	327.00
d. <u>Nuisance Weed Control Only</u>	319.00	327.00
e. <u>Oyster Growers</u>	319.00	327.00
f. <u>Rotenone Control</u>	319.00	327.00
<u>Boat Yards - Individual Permit Coverage</u>		
a. <u>With storm water only discharge</u>	362.00	371.00
b. <u>All others</u>	725.00	744.00
<u>Boat Yards - General Permit Coverage</u>		
a. <u>With storm water only discharge</u>	252.00	259.00
b. <u>All others</u>	509.00	522.00
<u>Coal Mining and Preparation</u>		
a. <u>&lt; 200,000 tons per year</u>	5,655.00	5,803.00
b. <u>200,000 - &lt; 500,000 tons per year</u>	12,731.00	13,065.00
c. <u>500,000 - &lt; 1,000,000 tons per year</u>	22,632.00	23,225.00

PERMANENT

INDUSTRIAL FACILITY CATEGORIES	FY 2005	FY 2006
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE AND BEYOND
d. <u>1,000,000 tons per year and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Combined Industrial Waste Treatment</u>		
a. <u>&lt; 10,000 gpd</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>10,000 - &lt; 50,000 gpd</u>	<u>7,071.00</u>	<u>7,256.00</u>
c. <u>50,000 - &lt; 100,000 gpd</u>	<u>14,145.00</u>	<u>14,516.00</u>
d. <u>100,000 - &lt; 500,000 gpd</u>	<u>28,290.00</u>	<u>29,031.00</u>
e. <u>500,000 gpd and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Combined Food Processing Waste Treatment Facilities</u>	<u>13,542.00</u>	<u>13,897.00</u>
<u>Combined Sewer Overflow System</u>		
a. <u>&lt; 50 acres</u>	<u>2,829.00</u>	<u>2,903.00</u>
b. <u>50 - &lt; 100 acres</u>	<u>7,071.00</u>	<u>7,256.00</u>
c. <u>100 - &lt; 500 acres</u>	<u>8,490.00</u>	<u>8,712.00</u>
d. <u>500 acres and greater</u>	<u>11,316.00</u>	<u>11,612.00</u>
<u>Commercial Laundry</u>	<u>362.00</u>	<u>371.00</u>
<u>Concentrated Animal Feeding Operation</u>		
a. <u>&lt; 200 Animal Units</u>	<u>145.00</u>	<u>149.00</u>
b. <u>200 - &lt; 400 Animal Units</u>	<u>362.00</u>	<u>371.00</u>
c. <u>400 - &lt; 600 Animal Units</u>	<u>725.00</u>	<u>744.00</u>
d. <u>600 - &lt; 800 Animal Units</u>	<u>1,087.00</u>	<u>1,115.00</u>
e. <u>800 Animal Units and greater</u>	<u>1,451.00</u>	<u>1,489.00</u>
<u>Crop Preparing - Individual Permit Coverage</u>		
a. <u>0 - &lt; 1,000 bins/yr.</u>	<u>282.00</u>	<u>289.00</u>
b. <u>1,000 - &lt; 5,000 bins/yr.</u>	<u>566.00</u>	<u>581.00</u>
c. <u>5,000 - &lt; 10,000 bins/yr.</u>	<u>1,131.00</u>	<u>1,161.00</u>
d. <u>10,000 - &lt; 15,000 bins/yr.</u>	<u>2,265.00</u>	<u>2,324.00</u>
e. <u>15,000 - &lt; 20,000 bins/yr.</u>	<u>3,746.00</u>	<u>3,844.00</u>
f. <u>20,000 - &lt; 25,000 bins/yr.</u>	<u>5,233.00</u>	<u>5,370.00</u>
g. <u>25,000 - &lt; 50,000 bins/yr.</u>	<u>7,001.00</u>	<u>7,184.00</u>
h. <u>50,000 - &lt; 75,000 bins/yr.</u>	<u>7,780.00</u>	<u>7,984.00</u>
i. <u>75,000 - &lt; 100,000 bins/yr.</u>	<u>9,052.00</u>	<u>9,289.00</u>
j. <u>100,000 - &lt; 125,000 bins/yr.</u>	<u>11,316.00</u>	<u>11,612.00</u>
k. <u>125,000 - &lt; 150,000 bins/yr.</u>	<u>14,145.00</u>	<u>14,516.00</u>
l. <u>150,000 bins/yr. and greater</u>	<u>16,974.00</u>	<u>17,419.00</u>
<u>Crop Preparing - General Permit Coverage</u>		
a. <u>0 - &lt; 1,000 bins/yr.</u>	<u>197.00</u>	<u>202.00</u>
b. <u>1,000 - &lt; 5,000 bins/yr.</u>	<u>396.00</u>	<u>406.00</u>
c. <u>5,000 - &lt; 10,000 bins/yr.</u>	<u>793.00</u>	<u>814.00</u>
d. <u>10,000 - &lt; 15,000 bins/yr.</u>	<u>1,585.00</u>	<u>1,627.00</u>
e. <u>15,000 - &lt; 20,000 bins/yr.</u>	<u>2,623.00</u>	<u>2,692.00</u>
f. <u>20,000 - &lt; 25,000 bins/yr.</u>	<u>3,664.00</u>	<u>3,760.00</u>
g. <u>25,000 - &lt; 50,000 bins/yr.</u>	<u>4,900.00</u>	<u>5,028.00</u>
h. <u>50,000 - &lt; 75,000 bins/yr.</u>	<u>5,445.00</u>	<u>5,588.00</u>
i. <u>75,000 - &lt; 100,000 bins/yr.</u>	<u>6,331.00</u>	<u>6,497.00</u>
j. <u>100,000 - &lt; 125,000 bins/yr.</u>	<u>7,922.00</u>	<u>8,130.00</u>

	<u>FY 2005</u> <u>ANNUAL</u> <u>PERMIT FEE</u>	<u>FY 2006</u> <u>ANNUAL</u> <u>PERMIT FEE AND</u> <u>BEYOND</u>
<b>INDUSTRIAL FACILITY CATEGORIES</b>		
k. <u>125,000 - &lt; 150,000 bins/yr.</u>	<u>9,902.00</u>	<u>10,161.00</u>
l. <u>150,000 bins/yr. and greater</u>	<u>11,881.00</u>	<u>12,192.00</u>
<u>Dairies \$ .50 per Animal Unit not to exceed \$1,015.00 for FY 2005 and \$1,042.00 for FY 2006 and beyond</u>		
<u>Facilities Not Otherwise Classified - Individual Permit Coverage</u>		
a. <u>&lt; 1,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
b. <u>1,000 - &lt; 10,000 gpd</u>	<u>2,829.00</u>	<u>2,903.00</u>
c. <u>10,000 - &lt; 50,000 gpd</u>	<u>7,072.00</u>	<u>7,257.00</u>
d. <u>50,000 - &lt; 100,000 gpd</u>	<u>11,316.00</u>	<u>11,612.00</u>
e. <u>100,000 - &lt; 500,000 gpd</u>	<u>22,519.00</u>	<u>23,109.00</u>
f. <u>500,000 - &lt; 1,000,000 gpd</u>	<u>28,289.00</u>	<u>29,030.00</u>
g. <u>1,000,000 gpd and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Facilities Not Otherwise Classified - General Permit Coverage</u>		
a. <u>&lt; 1,000 gpd</u>	<u>992.00</u>	<u>1,018.00</u>
b. <u>1,000 - &lt; 10,000 gpd</u>	<u>2,052.00</u>	<u>2,106.00</u>
c. <u>10,000 - &lt; 50,000 gpd</u>	<u>4,952.00</u>	<u>5,082.00</u>
d. <u>50,000 - &lt; 100,000 gpd</u>	<u>7,922.00</u>	<u>8,130.00</u>
e. <u>100,000 - &lt; 500,000 gpd</u>	<u>15,841.00</u>	<u>16,256.00</u>
f. <u>500,000 - &lt; 1,000,000 gpd</u>	<u>19,801.00</u>	<u>20,320.00</u>
g. <u>1,000,000 gpd and greater</u>	<u>29,705.00</u>	<u>30,483.00</u>
<u>Flavor Extraction</u>		
a. <u>Steam Distillation</u>	<u>145.00</u>	<u>149.00</u>
<u>Food Processing</u>		
a. <u>&lt; 1,000 gpd</u>	<u>1,414.00</u>	<u>1,451.00</u>
b. <u>1,000 - &lt; 10,000 gpd</u>	<u>3,605.00</u>	<u>3,699.00</u>
c. <u>10,000 - &lt; 50,000 gpd</u>	<u>6,436.00</u>	<u>6,605.00</u>
d. <u>50,000 - &lt; 100,000 gpd</u>	<u>10,113.00</u>	<u>10,378.00</u>
e. <u>100,000 - &lt; 250,000 gpd</u>	<u>14,145.00</u>	<u>14,516.00</u>
f. <u>250,000 - &lt; 500,000 gpd</u>	<u>18,602.00</u>	<u>19,089.00</u>
g. <u>500,000 - &lt; 750,000 gpd</u>	<u>23,338.00</u>	<u>23,949.00</u>
h. <u>750,000 - &lt; 1,000,000 gpd</u>	<u>28,289.00</u>	<u>29,030.00</u>
i. <u>1,000,000 - &lt; 2,500,000 gpd</u>	<u>34,852.00</u>	<u>35,765.00</u>
j. <u>2,500,000 - &lt; 5,000,000 gpd</u>	<u>38,898.00</u>	<u>39,917.00</u>
k. <u>5,000,000 gpd and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Fuel and Chemical Storage</u>		
a. <u>&lt; 50,000 bbls</u>	<u>1,415.00</u>	<u>1,452.00</u>
b. <u>50,000 - &lt; 100,000 bbls</u>	<u>2,829.00</u>	<u>2,903.00</u>
c. <u>100,000 - &lt; 500,000 bbls</u>	<u>7,071.00</u>	<u>7,256.00</u>
d. <u>500,000 bbls and greater</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>Hazardous Waste Clean Up Sites</u>		
a. <u>Leaking Underground Storage Tanks (LUST)</u>		
1. <u>State Permit</u>	<u>3,710.00</u>	<u>3,807.00</u>
2. <u>NPDES Permit Issued pre 7/1/94</u>	<u>3,710.00</u>	<u>3,807.00</u>
3. <u>NPDES Permit Issued post 7/1/94</u>	<u>7,420.00</u>	<u>7,614.00</u>

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2005 ANNUAL PERMIT FEE</u>	<u>FY 2006 ANNUAL PERMIT FEE AND BEYOND</u>
<b>b. Non-LUST Sites</b>		
<u>1. 1 or 2 Contaminants of concern</u>	<u>7,254.00</u>	<u>7,444.00</u>
<u>2. &gt; 2 Contaminants of concern</u>	<u>14,508.00</u>	<u>14,888.00</u>
<b><u>Ink Formulation and Printing</u></b>		
<u>a. Commercial Print Shops</u>	<u>2,176.00</u>	<u>2,233.00</u>
<u>b. Newspapers</u>	<u>3,628.00</u>	<u>3,723.00</u>
<u>c. Box Plants</u>	<u>5,803.00</u>	<u>5,955.00</u>
<u>d. Ink Formulation</u>	<u>7,254.00</u>	<u>7,444.00</u>
<b><u>Inorganic Chemicals Manufacturing</u></b>		
<u>a. Lime Products</u>	<u>7,071.00</u>	<u>7,256.00</u>
<u>b. Fertilizer</u>	<u>8,513.00</u>	<u>8,736.00</u>
<u>c. Peroxide</u>	<u>11,316.00</u>	<u>11,612.00</u>
<u>d. Alkaline Earth Salts</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>e. Metal Salts</u>	<u>19,800.00</u>	<u>20,319.00</u>
<u>f. Acid Manufacturing</u>	<u>28,284.00</u>	<u>29,025.00</u>
<u>g. Chlor-alkali</u>	<u>56,580.00</u>	<u>58,062.00</u>
<b><u>Iron and Steel</u></b>		
<u>a. Foundries</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>b. Mills</u>	<u>28,315.00</u>	<u>29,057.00</u>
<b><u>Metal Finishing</u></b>		
<u>a. &lt; 1,000 gpd</u>	<u>1,696.00</u>	<u>1,740.00</u>
<u>b. 1,000 - &lt; 10,000 gpd</u>	<u>2,828.00</u>	<u>2,902.00</u>
<u>c. 10,000 - &lt; 50,000 gpd</u>	<u>7,070.00</u>	<u>7,255.00</u>
<u>d. 50,000 - &lt; 100,000 gpd</u>	<u>14,144.00</u>	<u>14,515.00</u>
<u>e. 100,000 - &lt; 500,000 gpd</u>	<u>28,288.00</u>	<u>29,029.00</u>
<u>f. 500,000 gpd and greater</u>	<u>42,433.00</u>	<u>43,545.00</u>
<b><u>Noncontact Cooling Water With Additives - Individual Permit Coverage</u></b>		
<u>a. &lt; 1,000 gpd</u>	<u>885.00</u>	<u>908.00</u>
<u>b. 1,000 - &lt; 10,000 gpd</u>	<u>1,235.00</u>	<u>1,267.00</u>
<u>c. 10,000 - &lt; 50,000 gpd</u>	<u>2,654.00</u>	<u>2,724.00</u>
<u>d. 50,000 - &lt; 100,000 gpd</u>	<u>6,190.00</u>	<u>6,352.00</u>
<u>e. 100,000 - &lt; 500,000 gpd</u>	<u>10,606.00</u>	<u>10,884.00</u>
<u>f. 500,000 - &lt; 1,000,000 gpd</u>	<u>15,031.00</u>	<u>15,425.00</u>
<u>g. 1,000,000 - &lt; 2,500,000 gpd</u>	<u>19,451.00</u>	<u>19,961.00</u>
<u>h. 2,500,000 - &lt; 5,000,000 gpd</u>	<u>23,867.00</u>	<u>24,392.00</u>
<u>i. 5,000,000 gpd and greater</u>	<u>28,289.00</u>	<u>29,030.00</u>
<b><u>Noncontact Cooling Water With Additives - General Permit Coverage</u></b>		
<u>a. &lt; 1,000 gpd</u>	<u>620.00</u>	<u>636.00</u>
<u>b. 1,000 - &lt; 10,000 gpd</u>	<u>1,237.00</u>	<u>1,269.00</u>
<u>c. 10,000 - &lt; 50,000 gpd</u>	<u>1,858.00</u>	<u>1,907.00</u>
<u>d. 50,000 - &lt; 100,000 gpd</u>	<u>4,334.00</u>	<u>4,448.00</u>
<u>e. 100,000 - &lt; 500,000 gpd</u>	<u>7,425.00</u>	<u>7,620.00</u>
<u>f. 500,000 - &lt; 1,000,000 gpd</u>	<u>10,522.00</u>	<u>10,798.00</u>
<u>g. 1,000,000 - &lt; 2,500,000 gpd</u>	<u>13,615.00</u>	<u>13,972.00</u>

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>		<u>FY 2005</u> <u>ANNUAL</u> <u>PERMIT FEE</u>	<u>FY 2006</u> <u>ANNUAL</u> <u>PERMIT FEE AND</u> <u>BEYOND</u>
<u>h.</u>	<u>2,500,000 - &lt; 5,000,000 gpd</u>	<u>16,707.00</u>	<u>17,145.00</u>
<u>i.</u>	<u>5,000,000 gpd and greater</u>	<u>19,801.00</u>	<u>20,320.00</u>
<u>Noncontact Cooling Water Without Additives - Individual Permit Coverage</u>			
<u>a.</u>	<u>&lt; 1,000 gpd</u>	<u>709.00</u>	<u>728.00</u>
<u>b.</u>	<u>1,000 - &lt; 10,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
<u>c.</u>	<u>10,000 - &lt; 50,000 gpd</u>	<u>2,123.00</u>	<u>2,179.00</u>
<u>d.</u>	<u>50,000 - &lt; 100,000 gpd</u>	<u>4,952.00</u>	<u>5,082.00</u>
<u>e.</u>	<u>100,000 - &lt; 500,000 gpd</u>	<u>8,490.00</u>	<u>8,712.00</u>
<u>f.</u>	<u>500,000 - &lt; 1,000,000 gpd</u>	<u>12,022.00</u>	<u>12,337.00</u>
<u>g.</u>	<u>1,000,000 - &lt; 2,500,000 gpd</u>	<u>15,498.00</u>	<u>15,904.00</u>
<u>h.</u>	<u>2,500,000 - &lt; 5,000,000 gpd</u>	<u>19,095.00</u>	<u>19,595.00</u>
<u>i.</u>	<u>5,000,000 gpd and greater</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Noncontact Cooling Water Without Additives - General Permit Coverage</u>			
<u>a.</u>	<u>&lt; 1,000 gpd</u>	<u>496.00</u>	<u>509.00</u>
<u>b.</u>	<u>1,000 - &lt; 10,000 gpd</u>	<u>992.00</u>	<u>1,018.00</u>
<u>c.</u>	<u>10,000 - &lt; 50,000 gpd</u>	<u>1,486.00</u>	<u>1,525.00</u>
<u>d.</u>	<u>50,000 - &lt; 100,000 gpd</u>	<u>3,466.00</u>	<u>3,557.00</u>
<u>e.</u>	<u>100,000 - &lt; 500,000 gpd</u>	<u>5,941.00</u>	<u>6,097.00</u>
<u>f.</u>	<u>500,000 - &lt; 1,000,000 gpd</u>	<u>8,417.00</u>	<u>8,637.00</u>
<u>g.</u>	<u>1,000,000 - &lt; 2,500,000 gpd</u>	<u>10,892.00</u>	<u>11,177.00</u>
<u>h.</u>	<u>2,500,000 - &lt; 5,000,000 gpd</u>	<u>13,367.00</u>	<u>13,717.00</u>
<u>i.</u>	<u>5,000,000 gpd and greater</u>	<u>15,841.00</u>	<u>16,256.00</u>
<u>Nonferrous Metals Forming</u>			
		<u>14,145.00</u>	<u>14,516.00</u>
<u>Ore Mining</u>			
<u>a.</u>	<u>Ore Mining</u>	<u>2,829.00</u>	<u>2,903.00</u>
<u>b.</u>	<u>Ore mining with physical concentration processes</u>	<u>5,656.00</u>	<u>5,804.00</u>
<u>c.</u>	<u>Ore mining with physical and chemical concentration processes</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Organic Chemicals Manufacturing</u>			
<u>a.</u>	<u>Fertilizer</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>b.</u>	<u>Aliphatic</u>	<u>28,289.00</u>	<u>29,030.00</u>
<u>c.</u>	<u>Aromatic</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Petroleum Refining</u>			
<u>a.</u>	<u>&lt; 10,000 bbls/d</u>	<u>28,289.00</u>	<u>29,030.00</u>
<u>b.</u>	<u>10,000 - &lt; 50,000 bbls/d</u>	<u>56,089.00</u>	<u>57,558.00</u>
<u>c.</u>	<u>50,000 bbls/d and greater</u>	<u>113,164.00</u>	<u>116,129.00</u>
<u>Photofinishers</u>			
<u>a.</u>	<u>&lt; 1,000 gpd</u>	<u>1,131.00</u>	<u>1,161.00</u>
<u>b.</u>	<u>1,000 gpd and greater</u>	<u>2,829.00</u>	<u>2,903.00</u>
<u>Power and/or Steam Plants</u>			
<u>a.</u>	<u>Steam Generation - Nonelectric</u>	<u>5,655.00</u>	<u>5,803.00</u>
<u>b.</u>	<u>Hydroelectric</u>	<u>5,655.00</u>	<u>5,803.00</u>
<u>c.</u>	<u>Nonfossil Fuel</u>	<u>8,489.00</u>	<u>8,711.00</u>
<u>d.</u>	<u>Fossil Fuel</u>	<u>22,632.00</u>	<u>23,225.00</u>
<u>Pulp, Paper and Paper Board</u>			

PERMANENT

INDUSTRIAL FACILITY CATEGORIES

	<u>FY 2005</u>	<u>FY 2006</u>
	<u>ANNUAL</u>	<u>ANNUAL</u>
	<u>PERMIT FEE</u>	<u>PERMIT FEE AND</u>
		<u>BEYOND</u>

a.	<u>Fiber Recyclers</u>	<u>14,143.00</u>	<u>14,514.00</u>
b.	<u>Paper Mills</u>	<u>28,289.00</u>	<u>29,030.00</u>
c.	<u>Groundwood Pulp Mills</u>		
1.	<u>&lt; 300 tons per day</u>	<u>42,435.00</u>	<u>43,547.00</u>
2.	<u>&gt; 300 tons per day</u>	<u>84,869.00</u>	<u>87,093.00</u>
d.	<u>Chemical Pulp Mills</u> <u>w/o Chlorine Bleaching</u>	<u>113,157.00</u>	<u>116,122.00</u>
e.	<u>Chemical Pulp Mills</u> <u>w/Chlorine Bleaching</u>	<u>127,301.00</u>	<u>130,636.00</u>
<u>Radioactive Effluents and Discharges (RED)</u>			
a.	<u>&lt; 3 waste streams</u>	<u>27,362.00</u>	<u>28,079.00</u>
b.	<u>3 - &lt; 8 waste streams</u>	<u>47,524.00</u>	<u>48,769.00</u>
c.	<u>8 waste streams and greater</u>	<u>78,274.00</u>	<u>80,325.00</u>
<u>RCRA Corrective Action Sites</u>			
		<u>19,882.00</u>	<u>20,403.00</u>
<u>Seafood Processing</u>			
a.	<u>&lt; 1,000 gpd</u>	<u>1,415.00</u>	<u>1,452.00</u>
b.	<u>1,000 - &lt; 10,000 gpd</u>	<u>3,605.00</u>	<u>3,699.00</u>
c.	<u>10,000 - &lt; 50,000 gpd</u>	<u>6,436.00</u>	<u>6,605.00</u>
d.	<u>50,000 - &lt; 100,000 gpd</u>	<u>10,113.00</u>	<u>10,378.00</u>
e.	<u>100,000 gpd and greater</u>	<u>14,145.00</u>	<u>14,516.00</u>
<u>Shipyards</u>			
a.	<u>Per crane, travel lift, small boat lift</u>	<u>2,829.00</u>	<u>2,903.00</u>
b.	<u>Per drydock under 250 ft in length</u>	<u>2,829.00</u>	<u>2,903.00</u>
c.	<u>Per graving dock</u>	<u>2,829.00</u>	<u>2,903.00</u>
d.	<u>Per marine way</u>	<u>4,243.00</u>	<u>4,354.00</u>
e.	<u>Per sycrolift</u>	<u>4,243.00</u>	<u>4,354.00</u>
f.	<u>Per drydock over 250 ft in length</u>	<u>5,656.00</u>	<u>5,804.00</u>
g.	<u>In-water vessel maintenance</u>	<u>5,656.00</u>	<u>5,804.00</u>
<u>The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.</u>			
<u>Solid Waste Sites (nonstorm water)</u>			
a.	<u>Nonputrescible</u>	<u>5,656.00</u>	<u>5,804.00</u>
b.	<u>&lt; 50 acres</u>	<u>11,315.00</u>	<u>11,611.00</u>
c.	<u>50 - &lt; 100 acres</u>	<u>22,632.00</u>	<u>23,225.00</u>
d.	<u>100 - &lt; 250 acres</u>	<u>28,289.00</u>	<u>29,030.00</u>
e.	<u>250 acres and greater</u>	<u>42,435.00</u>	<u>43,547.00</u>
<u>Textile Mills</u>			
		<u>56,580.00</u>	<u>58,062.00</u>
<u>Timber Products</u>			
a.	<u>Log Storage</u>	<u>2,829.00</u>	<u>2,903.00</u>
b.	<u>Veneer</u>	<u>5,656.00</u>	<u>5,804.00</u>
c.	<u>Sawmills</u>	<u>11,316.00</u>	<u>11,612.00</u>
d.	<u>Hardwood, Plywood</u>	<u>19,800.00</u>	<u>20,319.00</u>
e.	<u>Wood Preserving</u>	<u>27,165.00</u>	<u>27,877.00</u>
<u>Vegetable/Bulb Washing Facilities</u>			

PERMANENT

<u>INDUSTRIAL FACILITY CATEGORIES</u>	<u>FY 2005</u>	<u>FY 2006</u>
	<u>ANNUAL PERMIT FEE</u>	<u>ANNUAL PERMIT FEE AND BEYOND</u>
a. < 1,000 gpd	93.00	95.00
b. 1,000 - < 5,000 gpd	189.00	194.00
c. 5,000 - < 10,000 gpd	372.00	382.00
d. 10,000 - < 20,000 gpd	750.00	770.00
e. 20,000 and greater	1,240.00	1,272.00
<u>Vehicle Maintenance and Freight Transfer</u>		
a. < 0.5 acre	2,829.00	2,903.00
b. 0.5 - < 1.0 acre	5,656.00	5,804.00
c. 1.0 acre and greater	8,489.00	8,711.00
<u>Water Plants - Individual Permit Coverage</u>	3,537.00	3,630.00
<u>Water Plants - General Permit Coverage</u>	2,476.00	2,541.00
<u>Wineries</u>		
a. < 500 gpd	288.00	296.00
b. 500 - < 750 gpd	579.00	594.00
c. 750 - < 1,000 gpd	1,158.00	1,188.00
d. 1,000 - < 2,500 gpd	2,314.00	2,375.00
e. 2,500 - < 5,000 gpd	3,692.00	3,789.00
f. 5,000 gpd and greater	5,067.00	5,200.00

(a) Facilities other than those in the aggregate production, ((crop preparing,)) shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized general partner;

(C) In the case of a general partnership, by an authorized partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions pro-

vided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using



the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

**(3) MUNICIPAL/DOMESTIC FACILITIES**

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
Residential Equivalents (RE)		
< 250,000	\$ 1.63	\$ 1.68
> 250,000	.99	1.02

~~(ii) Municipal storm water permit annual fee for only these entities listed below will be:~~

Name of Entity	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
King County	\$30,276.00	\$31,272.00
Snohomish County	30,276.00	31,272.00
Pierce County	30,276.00	31,272.00
Tacoma, City of	30,276.00	31,272.00
Seattle, City of	30,276.00	31,272.00
Department of Transportation	30,276.00	31,272.00
Clark County	30,276.00	31,272.00))

Residential Equivalents (RE)	FY 2005 Annual Permit Fee	FY 2006 Annual Permit Fee and Beyond
< 250,000	\$ 1.73	\$ 1.78
> 250,000	1.05	1.08

~~((Facilities listed in (a)(ii) of this subsection shall pay an annual fee for fiscal year 2000 and fiscal year 2001 regardless of the permit issuance date or the number of municipal storm water permits under which they are covered.))~~

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

(Permitted Flows	FY 2003 Annual Permit Fee	FY 2004 Annual Permit Fee and Beyond
.1 MGD and Greater	\$6,644.00	\$6,863.00
.05 MGD to <.1 MGD	2,658.00	2,746.00
.0008 MGD to <.05 MGD	1,329.00	1,373.00
<.0008 MGD	400.00	413.00))

Permitted Flows	FY 2005 Annual Permit Fee	FY 2006 Annual Permit Fee and Beyond
.1 MGD and Greater	\$7,071.00	\$7,256.00
.05 MGD to <.1 MGD	2,829.00	2,903.00
.0008 MGD to <.05 MGD	1,415.00	1,452.00
<.0008 MGD	426.00	437.00

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sew-

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age interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making

this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of their residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately-owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor;

or  
(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORM WATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

	<u>FY 2005 Annual Permit Fee</u>	<u>FY 2006 Annual Permit Fee &amp; Beyond</u>
a. <u>Individual Construction or Industrial Storm Water Permits</u>		
1. < 50 acres	\$2,829.00	\$2,903.00
2. 50 -< 100 acres	\$5,655.00	\$5,803.00

3.	<u>100 -&lt; 500 acres</u>	<u>\$8,489.00</u>	<u>\$8,711.00</u>
4.	<u>500 acres and greater</u>	<u>\$11,316.00</u>	<u>\$11,612.00</u>
<b>b. <u>Facilities Covered Under the Industrial Storm Water General Permit</u></b>			
1.	<u>Municipalities and state agencies</u>	<u>\$650.00</u>	<u>\$950.00</u>
2.	<u>New permit holders without historical gross revenue information</u>	<u>\$375.00</u>	<u>\$500.00</u>
3.	<u>The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year</u>		
	<u>Gross Revenue</u>		
	<u>Less than \$100,000</u>	<u>\$100.00</u>	<u>\$105.00</u>
	<u>\$100,000 -&lt; \$1,000,000</u>	<u>\$375.00</u>	<u>\$500.00</u>
	<u>\$1,000,000 -&lt; \$2,500,000</u>	<u>\$375.00</u>	<u>\$600.00</u>
	<u>\$2,500,000 -&lt; \$5,000,000</u>	<u>\$540.00</u>	<u>\$1,000.00</u>
	<u>\$5,000,000 -&lt; \$10,000,000</u>	<u>\$745.00</u>	<u>\$1,500.00</u>
	<u>\$10,000,000 and greater</u>	<u>\$905.00</u>	<u>\$1,800.00</u>

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the department. The documentation shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

**c. Construction Activities Covered Under the Construction Storm Water General Permit(s)**

1.	<u>Less than 5 acres disturbed area</u>	<u>\$350.00</u>	<u>\$375.00</u>
2.	<u>5 -&lt; 7 acres of disturbed area</u>	<u>\$400.00</u>	<u>\$610.00</u>
3.	<u>7 -&lt; 10 acres of disturbed area</u>	<u>\$550.00</u>	<u>\$825.00</u>
4.	<u>10 -&lt; 20 acres of disturbed area</u>	<u>\$750.00</u>	<u>\$1,125.00</u>
5.	<u>20 acres and greater of disturbed area</u>	<u>\$925.00</u>	<u>\$1,400.00</u>

**(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS**

(a) Except as provided for in (d) of this subsection, the municipal storm water permit annual fee for the entities listed below will be:

<u>Name of Entity</u>	<u>FY 2005 Annual Permit Fee</u>	<u>FY 2006 Annual Permit Fee and Beyond</u>
<u>King County</u>	<u>\$32,220.00</u>	<u>\$33,064.00</u>
<u>Snohomish County</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Pierce County</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Tacoma, City of</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Seattle, City of</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Washington Department of Transportation</u>	<u>32,220.00</u>	<u>33,064.00</u>
<u>Clark County</u>	<u>32,220.00</u>	<u>33,064.00</u>

(b) Municipal storm water general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: \$1.00 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities

and counties whose median household income is less than the state average will have their fee per housing unit reduced to \$.50 per housing unit inside the geographic area covered by the permit. Fees for these entities will begin in fiscal year 2006 and will not exceed \$33,064.00. The minimum annual fee will not be lower than \$1,500.00 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling \$.50 per housing unit.

(c) Other entities required to have permit coverage under a municipal storm water general permit will pay an annual fee beginning in fiscal year 2006 totaling \$1,500.00.

(d) Municipal storm water permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties whose median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit fee or \$30,000. For municipalities whose median household income is less than the state average, the fee shall be the

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higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal storm water general permit as determined in (c) of this subsection, the fiscal year 2006 annual fee for a permit written for a specific entity shall be \$7,500.

**AMENDATORY SECTION** (Amending WSR 02-12-059, filed 5/30/02, effective 6/30/02)

**WAC 173-224-050 Permit fee computation and payments.** (1) The department shall charge permit fees based on the permit fee schedule contained in WAC 173-224-040. The department may charge fees at the beginning of the year to which they apply. The department shall notify permit holders of fee charges by mailing billing statements. Permit fees must be received by the department within forty-five days after the department mails a billing statement. The department may elect to bill permit holders a prorated portion of the annual fee on a monthly, quarterly, or other periodic basis.

(2) Permit fee computation for individual permits. Computation of permit fees shall begin on the first day of each fiscal year. In the case of facilities or activities not previously covered by permits, fee computation begins on the issuance date of the permit excluding permits issued for aquatic pest control. Permits issued for aquatic pest control fee category shall pay the full annual fee assessment regardless of when permit coverage is granted. In the case of applicants for state waste discharge permits who are deemed to have a temporary permit under RCW 90.48.200, computation shall begin on the sixty-first day after the department accepts a completed application. In the case of NPDES permit holders who submit a new, updated permit application containing information that could change their assigned permit fee, computation and permit fee category reassignment begins upon acceptance of the application by the department. Any facility that obtains permit coverage but fails to operate will still be obligated to pay the annual permit fee assessment until the permit has been terminated by the department. Permits terminated during the fiscal year will have their fees prorated, excluding permits issued for aquatic pest control, as follows unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the full annual fee assessment regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less:

- (a) Permit coverage for up to three months will pay twenty-five percent of the annual permit fee;
- (b) Permit coverage for three to six months will pay fifty percent of the annual permit fee;
- (c) Permit coverage for six to nine months will pay seventy-five percent of the annual permit fee; and
- (d) Permit coverage for nine months or greater will pay one hundred percent of the annual permit fee.

(3) Permit fee computation for general permits. Computation of fees for permittees covered under a general permit, excluding those general permits issued for aquatic pest control, begins on the permit coverage date. Permits issued for aquatic pest control will pay the full annual fee assessment regardless of when the permit coverage begins. Any facility

that obtains permit coverage is obligated to pay the annual permit fee regardless of whether or not the facility has ever operated until the permit has been terminated by the department. Permits terminated during the fiscal year excluding permits issued for aquatic pest control will have their fees prorated as described in subsection (2)(a), (b), (c), (d) of this section unless it results in an annual fee assessment of less than one hundred dollars. Aquatic pest control permits issued during the fiscal year shall pay the annual fee assessment for that fiscal year regardless of when the permit termination is granted. Ecology will not process refunds of one hundred dollars or less.

(4) Permit fees for sand and gravel (aggregate) general permit holders will be assessed as in subsection (3) of this section and:

(a) Nonoperating aggregate sites. A facility conducting mining, screening, washing and/or crushing activities excluding portable rock crushing operations is considered nonoperating for fee purposes if they are conducting these activities for less than ninety cumulative days during a calendar year. A facility producing no asphalt and/or concrete during the calendar year is also considered nonoperating for fee purposes.

(b) Nonoperating sites that become active for only concrete and/or asphalt production will be assessed a prorated fee for the actual time inactive. For the actual time a concrete and/or asphalt facility is active excluding asphalt portable batch plants and concrete portable batch plants, fees will be based on total production of concrete and/or asphalt.

(c) Fees for continuously active sites that produce concrete and/or asphalt excluding asphalt portable batch plants and concrete portable batch plants, will be based on the average of the three previous calendar years production totals. Existing facilities must provide the department with the production totals for concrete and/or asphalt produced during the previous three calendar years or for the number of full calendar years of operation if less than three. New facilities with no historical asphalt and/or concrete production data will have their first year fee based on the production levels reported on the application for coverage under the National Pollutant Discharge Elimination System and State Waste Discharge Permit for Process Water, Storm Water, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries and Similar Mining Facilities including Stockpiles of Mined Materials, Concrete Batch Operations and Asphalt Batch Operations general permit. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(d) Asphalt portable batch plants, concrete portable batch plants and portable rock crushing operations will be assessed fees as in subsection (3) of this section. Each permitted operation must commit to being shut down for a minimum of twelve calendar months before the status can be changed to nonoperating.

(5) Fees for crop preparation general permit holders will be assessed as in subsection (3) of this section and will be

computed on the three previous calendar years production totals. Existing facilities must provide the department with the production totals in the manner described in WAC 173-224-040 (2)(d). New facilities with no historical production data will have their first year fee based on the estimated production level for that year. The second year fee will be determined based on the actual production during the first year and estimated production for the second year. The third year fee will be determined based on the average of actual production for the first two years and estimated for the third year. Fee calculation for subsequent years will be based on the average production values of previous years.

(6) Facilities with construction and industrial storm water general permit coverage will have their annual permit fees begin on the permit issuance date. Permit fee accrual will continue until the permit has been terminated by the department regardless if the activity covered under the permit has already ceased.

(7) Facilities with an existing NPDES and/or state wastewater discharge permit who also have obtained industrial and/or construction storm water general permit coverage shall only pay an annual fee based on the permit with the highest permit fee category assessment.

(8) Computation of fees shall end on the last day of the state's fiscal year, or in the case of a terminated permit, during the quarter the termination took place.

(9) The applicable permit fee shall be paid by check or money order payable to the "Department of Ecology" and mailed to the Wastewater Discharge Permit Fee Program, P.O. Box 5128, Lacey, Washington 98509-5128.

(10) In the event a check is returned due to insufficient funds, the department shall consider the permit fee to be unpaid.

(11) Delinquent accounts. Permit holders are considered delinquent in the payment of fees if the fees are not received by the first invoice billing due date. Delinquent accounts will be processed in the following manner:

(a) Municipal and government entities shall be notified by ~~((certified))~~ regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days may receive a permit revocation letter for nonpayment of fees.

(b) Nonmunicipal or nongovernment permit holders shall be notified by the department by ~~((certified))~~ regular mail that they have forty-five days to bring the delinquent account up-to-date. Accounts that remain delinquent after forty-five days will be turned over for collection. In addition, a surcharge totaling twenty percent of the delinquent amount owed will also be added. The surcharge is to recover the costs for collection. If the collection agency fails to recover the delinquent fees after twelve months, the permit holder may receive a permit revocation letter for nonpayment of fees.

**AMENDATORY SECTION** (Amending Order 94-21, filed 1/10/96, effective 2/10/96)

**WAC 173-224-090 Small business fee reduction.**  
Except as noted in subsection (6) of this section, a small busi-

ness required to pay a permit fee under an industrial facility category may receive a reduction of its permit fee.

(1) To qualify for the fee reduction, a business must:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);

(c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the waste discharge permit; and

(d) Pay an annual wastewater discharge permit fee greater than five hundred dollars.

(2) To receive a fee reduction, the permit holder must submit an application in a manner prescribed by the department demonstrating that the conditions of subsection (1) of this section have been met. The application shall bear a certification of correctness and be signed:

(a) In the case of a corporation, by an authorized corporate officer;

(b) In the case of a limited partnership, by an authorized general partner;

(c) In the case of a general partnership, by an authorized partner; or

(d) In the case of a sole proprietorship, by the proprietor.

(3) The department may verify the information contained in the application and, if it determines that the permit holder has made false statements, may deny the fee reduction request and revoke previously granted fee reductions.

(4) The permit fee for small businesses determined to be eligible under subsection (1) of this section shall be reduced to fifty percent of the assessed annual permit fee.

(5) If the annual gross revenue of the goods and services produced using the processes regulated by the waste discharge permit is one hundred thousand dollars or less, and the annual permit fee assessed imposes an extreme hardship to the business, the small business may request an extreme hardship fee reduction. The small business must provide sufficient evidence to support its claim of an extreme hardship. In no case will a permit fee be reduced below one hundred dollars.

(6) Facilities covered under the industrial storm water general permit are not eligible for a small business fee reduction under this section.

#### WSR 04-15-047

#### PERMANENT RULES

#### GAMBLING COMMISSION

[Order 432—Filed July 13, 2004, 11:36 a.m., effective August 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The commission adopted a petition for rule change submitted from Bonanza Press, requesting an amendment to WAC 230-30-033. The amendment would allow carry-over jackpots to be used in event pull-tab series.

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-033.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 04-09-088 on April 20, 2004, with a published date of May 5, 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 9, 2004.

July 13, 2004

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 410, filed 2/22/02, effective 7/1/02)

**WAC 230-30-033 Event pull-tab series—Definitions—Restrictions.** Charitable or nonprofit bingo operators may use event pull-tab series under the following definitions and restrictions.

#### Definitions.

(1) The following definitions apply to this section:

(a) "Event pull-tab series" means a pull-tab series that includes a predetermined number of pull-tabs which allow a player to advance to an event round;

(b) "Event round" means a secondary element of chance where the prizes are determined based on pull-tabs which match specific winning numbers drawn in a bingo game. The winning numbers must fall within numbers 1 through 75.

#### Manufacturing restrictions.

(2) The following manufacturing restrictions apply to this section:

(a) An event pull-tab series shall be manufactured meeting all standards of construction included in WAC 230-30-103;

(b) An event pull-tab series may include instant winning prizes in addition to event round prizes;

(c) The flare shall clearly set out the following:

(i) All prizes available, in accordance with WAC 230-30-106;

(ii) The number of chances available to advance to the event round;

(iii) How the event round winner is to be determined; and

(iv) The number of winning pull-tabs at the instant winner level, and the number of winning pull-tabs at the event round level.

#### Operational restrictions.

(3)(a) The event pull-tab series must be played in a charitable or nonprofit bingo hall and must be played and completed within one bingo session;

(b) Prior to putting an event pull-tab series into play, the operator must fully disclose, in plain view, when the event round (which involves the second element of chance) will take place;

(c) Event pull-tab series must be available for purchase until immediately prior to the event round, unless the game has been completely sold out;

(d) A licensed manager must be present at all times an event pull-tab series is in play, including sales of tickets and selection of winners;

(e) Event pull-tab tickets may be sold by floor workers (for example, from aprons). This method of selling pull-tabs only applies to an event pull-tab series. Detailed accounting records shall be maintained as prescribed by commission staff to track the event pull-tab tickets issued to each floor worker.

(f) ~~((The following))~~ Event pull-tab series that offer a carry-over jackpot shall meet the requirements set forth in WAC 230-30-045.

(g) Substitute flares and bonus pull-tab series are prohibited for use with event pull-tab series((:

(i) Substitute flares;

(ii) Bonus pull-tab series; and

(iii) Carry-over jackpots)).

WSR 04-15-057

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 13, 2004, 4:53 p.m., effective August 13, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 388-400-0005 Who is eligible for temporary assistance for needy families?, 388-400-0010 Who is eligible for state family assistance?, 388-400-0025 General assistance unemployable—General eligibility requirements, 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-438-0110 The alien emergency medical (AEM) program, 388-450-0100 Allocating income—Definitions, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?, 388-450-0156 When am I exempt from deeming?, 388-462-0020 Breast and cervical cancer treatment program (BCCTP) for women—Client eligibility, 388-505-0210 Children's medical eligibility, 388-532-720 TAKE CHARGE—Client eligibility, and 388-800-0048 Who is eligible for ADATSA? These rules are amended in order to conform to proposed changes in citizenship and alien status in chapter 388-424 WAC, including the repeal of WAC 388-424-0005.

Citation of Existing Rules Affected by this Order: Amending 388-400-0005, 388-400-0010, 388-400-0025, 388-400-0040, 388-438-0110, 388-450-0100, 388-450-0106, 388-450-0116, 388-450-0156, 388-462-0020, 388-505-0210, 388-532-720, and 388-800-0048.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 04-10-099 on May 24 [4], 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 0, Amended 13, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 13, Repealed 0.

Date Adopted: July 7, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

## WSR 04-15-089

### PERMANENT RULES

### SECRETARY OF STATE

[Filed July 16, 2004, 11:31 a.m., effective August 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose is to update all of the statutory references in Title 434 WAC from Title 29 RCW to Title 29A RCW after the legislature passed a bill reorganizing Title 29 RCW into Title 29A RCW. The only changes to the rule are to amend the citations to the appropriate section in Title 29A RCW.

Citation of Existing Rules Affected by this Order: Amending Title 434 WAC.

Statutory Authority for Adoption: RCW 29A.04.610.

Adopted under notice filed as WSR 04-10-084 on May 4, 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 62, 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 62, 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 62, Repealed 0.

Date Adopted: July 16, 2004.

Steve Excell  
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

**WAC 434-208-060 Filing of electronic facsimile documents.** In addition to those documents specified by RCW ((29-04-230)) 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

- (1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (2) Any minor party or independent candidate filing material except nominating petitions;
- (3) Lists of presidential electors selected by political parties or independent candidates;
- (4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;
- (5) Resolutions from cities, towns, and other districts calling for a special election;
- (6) Filling of vacancies on the ticket by a major political party;
- (7) Voter registration form.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination.** Prior to May 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW ((29-13-010 and 29-13-020)) 29A.04.320 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility. Responses should be received prior to June 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot.

Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW (~~(29-30-020)~~) 29A.36.120. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-070 Method for billing expense for printing and distributing ballot materials.** As provided by RCW (~~(29-30-130)~~) 29A.36.220, the cost of printing ballots, ballot cards, and instructions and the delivery of materials to the precinct election officers shall be an election cost that shall be borne as determined under RCW (~~(29-13-045 and 29-13-047)~~) 29A.04.410 and 29A.04.420. These costs shall include all expenses associated with, but not limited to, the printing of election related materials including costs associated with the ordering, administration, design, typesetting, layout, and printing of ballots, ballot cards, instructions, election signs, sample ballots, official tally sheets, and other related materials. Costs associated with the delivery of supplies include, but are not limited to, the transportation and delivery of election materials and voting devices; plus costs associated with coordinating the delivery and return of these items. Each jurisdiction or entity shall be responsible for its proportionate share of these election printing costs. Counties may choose to compute election costs utilizing the state auditor's allocation formula.

**AMENDATORY SECTION** (Amending WSR 00-11-042, filed 5/11/00, effective 6/11/00)

**WAC 434-230-170 Electronic voting devices—Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW (~~(29-27-020)~~) 29A.36.010 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

**AMENDATORY SECTION** (Amending WSR 00-11-042, filed 5/11/00, effective 6/11/00)

**WAC 434-230-210 Paper ballots—Ballot form.** Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW (~~(29-30-020)~~) 29A.36.120. Immediately following shall be the names of all candidates for that position, together with the political party designation certified by the secretary of state as provided in RCW (~~(29-27-020)~~) 29A.36.010 or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds



the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

**AMENDATORY SECTION** (Amending WSR 00-11-042, filed 5/11/00, effective 6/11/00)

**WAC 434-230-220 Same party designations used for primary and general elections.** The party designations certified by the secretary of state in RCW ((~~29-27-020~~) 29A.36.010 for primary elections shall be used on all general election ballots.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-238-030 Request for mail ballot election.** At any nonpartisan, special election, not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW ((~~29-13-010 or 29-13-020~~) 29A.04.320 or 29A.04.330, or it may be done by separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, that either (1) the request for the mail ballot special election is granted, or (2) that the request for the mail ballot special election is not granted, for reasons specified.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-238-060 Notice of election.** In any mail ballot election, the notice of election published pursuant to RCW ((~~29-27-080~~) 29A.52.350 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

- (a) The precincts that are voting by mail ballot only if not the entire election;
- (b) The location where voters may obtain replacement ballots; and
- (c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election, and any other dates and times such locations will be open.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-238-100 Depositing of ballots.** Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place for the deposit of ballots not returned by mail within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed by two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter ((~~29-45~~) 29A.44 RCW. The person designated by the auditor shall not be an employee of the jurisdiction for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The county auditor may designate additional dates and times during which any or all places of deposit may be open prior to election day. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the persons appointed to staff the place(s) of deposit. These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration if special circumstances are involved and documented by the persons staffing the place of deposit.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-238-110 Obtaining replacement ballots.** The county auditor may issue replacement ballots to a registered voter who claims that the original issued ballot is destroyed, spoiled, lost, or not received. The voter may obtain the ballot by telephone request, by mail, electronically, or in person at the county auditor's office. The county auditor shall keep a record of each replacement ballot provided under this subsection.

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW ((~~29-36-030~~) 29A.40.060.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-238-170 Logic and accuracy test.** At least three days before any mail ballot special election, if an electronic vote tallying system is to be used, the auditor shall conduct a logic and accuracy test of all programming. Wherever applicable, this test shall be conducted in accordance with RCW ((29-33-350)) 29A.12.130, except that the secretary of state need not be present.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-240-005 Authority and purpose.** This chapter is adopted pursuant to RCW ((29-36-150)) 29A.40.150 and chapter 34.04 RCW in order to establish uniform procedures governing the requesting, processing, and canvassing of absentee ballots.

**AMENDATORY SECTION** (Amending WSR 03-15-054, filed 7/11/03, effective 8/11/03)

**WAC 434-240-010 Definitions.** As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(6) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(7) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a health care facility on the day of a primary or election;

(8) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

(9) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

(10) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter ((29-10)) 29A.08 RCW and this chapter;

(11) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-253-043.

(12) "County auditor" shall be as defined by RCW ((29-01-043)) 29A.04.025, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

(13) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW ((29-07-160)) 29A.08.140 in which the county auditor has determined to conduct the voting by mail ballot.

**AMENDATORY SECTION** (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

**WAC 434-240-060 Termination of ongoing absentee voter status.** Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

(1) The cancellation of the voter's registration record;

(2) The written request of the voter;

(3) The death or disqualification of the voter;

(4) The return of an ongoing absentee ballot as undeliverable;

(5) Upon being placed on inactive status.

A service voter, as defined in RCW ((29-01-155)) 29A.04.163, who is a certified participant in the address confidentiality program authorized by chapter 40.24 RCW, shall maintain ongoing absentee voter status throughout the term of their program participation.

**AMENDATORY SECTION** (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

**WAC 434-240-320 Mail ballot precincts.** At any primary or election, general or special, the county auditor may,

in any precinct having fewer than two hundred active registered voters, excluding ongoing absentee voters, at the time of closing of voter registration as provided in chapter ((29.07)) 29A.08 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot. A mail ballot shall be issued to each active registered voter, as soon as they are available, for all elections in that precinct. The auditor shall send each inactive voter either a ballot or an application to receive a ballot. The auditor shall determine which of the two is to be sent. If the inactive voter returns a voted ballot, the ballot shall be counted and the voter's inactive status restored to active. If the inactive voter returns an application form, a ballot shall be sent and the voter's inactive status restored to active.

If the precinct exceeds two hundred registered voters, or the auditor determines to return to a polling place election environment, the auditor shall notify each registered voter, by mail, of this and shall provide the address of the polling place to be used.

Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure.** In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW ((29.45-050)) 29A.44.450 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: Provided, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed, after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the

unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be as required by law.

AMENDATORY SECTION (Amending WSR 02-02-066, filed 12/28/01, effective 1/28/02)

**WAC 434-257-010 Purpose.** These regulations are adopted ((pursuant to RCW 29.57-170)) to implement the provisions of chapter ((29.57)) 29A.16 RCW regarding the accessibility of polling places for all elections.

AMENDATORY SECTION (Amending WSR 02-02-066, filed 12/28/01, effective 1/28/02)

**WAC 434-257-030 Standards for accessible polling places.** A polling place is accessible if the standards of the state building code council are met or exceeded. If the standards cannot be met, alternative accommodations may be permitted under RCW ((29.57-090)) 29A.16.020. The following survey form may be used to determine if a polling place is accessible and meets or exceeds the standards of the state building code council. A poll site is fully accessible if all responses in each category are either "YES" or "N/A." A poll site is considered accessible but inconvenient if all "NO" responses in each category are only in shaded boxes and all responses in the unshaded boxes are either "YES" or "N/A."

PERMANENT

**CATEGORY I:  
PARKING**

YES NO N/A

1. Are there off-street parking spaces either permanently or temporarily designated for the people with disabilities?			
2. With regard to off-street parking:			
a. Are such parking spaces at least 96 inches wide with a 60 inch aisle? (One van accessible space 96 inches width with 96 inch aisle.)			
b. Are such parking spaces on level ground (with a slope no greater than a rise of 1 inch in 48 inches)?			
c. Is the parking area firm, stable, smooth and slip resistant?			
d. Are the parking spaces within the shortest possible accessible route of travel?			
e. Is there a curb-cut to connect these parking spaces to an accessible walk or to the building entrance?			
f. Are these parking spaces designated by post-mounted signs bearing the symbol of accessibility?			
3. Is there a relatively level passenger drop-off zone at least 8 feet wide with a curb-cut connecting it to an accessible walk or to the building entrance?			

**CATEGORY II:  
WALKWAYS OR PATHWAYS TO THE BUILDING**

YES NO N/A

1. Is the walkway or pathway to the building paved (concrete, asphalt, macadam, etc.)?			
2. Is the walkway or pathway to the building at least 44 inches wide?			
3. Are all curbs along the pathway to the building cut or ramped with at least 44 inch clear width and with slopes of no more than a 1 inch rise in 20 inches?			
4. Are all stairs or steps along the walkway or pathway to the building either ramped (with a slope of no more than a 1 inch rise in 12 feet) or else provided with a suitable alternative means of access?			
5. Do stair steps along the walkway or pathway to the building have nonslip surfaces and handrails?			
6. Is the walkway or pathway to the building entrance:			
a. Free of protrusions (such as fire hydrants, tree trunks, or other obstacles) which narrow the passage to less than 44 inches?			
b. Free of any abrupt edges or breaks in the surface where the difference is over 1/2 inch in height (such as where it crosses a driveway, parking lot, or another walkway, etc.)?			

PERMANENT

**CATEGORY II:  
WALKWAYS OR PATHWAYS TO THE BUILDING (cont'd)**

	YES	NO	N/A
c. Free of any overhanging objects (such as tree branches, signs, etc.) which hang lower than 79 inches?			
d. Free of any slopes or inclines greater than a 1 inch rise to 20 inches?			
e. Free of any grating with openings of over ½ inch wide?			
7. Are walkways always well lighted?			
8. Are provisions made to ensure that walkways are free of such hazards as ice, snow, leaves, or other debris on the day of election?			
9. Are there signs which identify the accessible route of travel if that route is different from the primary route of travel to the building?			

PERMANENT

**CATEGORY III:  
RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING**

	YES	NO	N/A
1. Are building stairs or steps which are over 30 inches high (either at the entrance or between the entrance and the voting area) provided either with a ramp, with an elevator, or with an alternative means of unassisted passage (such as a chair lift or an alternative route of travel)?			
2. With regard to ramps:			
a. Do all ramps have a slope no greater than a rise of 1 inch high for 20 inches of ramp?			
b. Are ramps provided with non-slip surfaces?			
c. For any ramp rising more than 6 inches or longer than 72 inches, is a hand rail provided? (Note: Any ramp with a slope of 1:20 does not need rails.)			
d. Are handrails 34 inches to 38 inches above the ramp surface?			
e. Can handrails be gripped (should be approx. 1 ½ inch from wall, but are not more than 2 inches)?			
f. Are ramps and landing areas with drop-offs provided with a least a 2 inch curb at the side to prevent slipping off the ramps?			
g. If there is a door at the top of the ramp, is there a level space of at least 5 feet by 5 feet where a wheelchair can rest while the door is opened?			

**CATEGORY III:  
RAMPS AND ELEVATORS ENTERING OR INSIDE THE BUILDING (Con't)**

	YES	NO	N/A
3. With regard to elevators (if elevators are the only accessible route):			
a. Is the elevator cab at least 54 inches by 68 inches wide?			
b. Do elevator doors provide at least 32 inches clear width?			
c. Are elevator controls less than 54 inches high (i.e. can a person in a chair operate the controls)?			
d. Are control panels marked with raised lettering?			
e. Is the elevator in close proximity to the entrance of the building?			

**CATEGORY IV:  
OTHER ARCHITECTURAL FEATURES**

	YES	NO	N/A
1. With regard to doors along the route of travel:			
a. Do all doors have an opening which clears at least 32 inches wide?			
b. Are all door thresholds less than 1/2 inch high?			
c. Are all doors equipped with arch or lever-type handles, push plates, or automatic openers (so that twisting a doorknob is not required)?			
d. Where automatic doors are used, does the door remain open at least 3 seconds?			
f. Are glass doors marked with safety seals?			
2. With regard to stairs along the route:			
a. Do stairs have a non-slip surface?			
b. Do stairs have handrails 34 to 38 inches above step level?			
e. Can handrails be gripped?			
c. Do all steps have risers (the little vertical walls at the back of each step)?			
e. Do all steps have tread areas at least 11 inches deep?			
g. Are all steps less than 7 inches in height?			

PERMANENT

**CATEGORY IV:  
OTHER ARCHITECTURAL FEATURES (cont'd)**

	YES	NO	N/A
g. Are stairs well lit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
h. Are stairs free of obstacles?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. With regard to corridors along the route: a. Is the corridor at least 44 inches wide?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the corridor free of obstacles or protrusions (such as boxes, water fountains, etc.) which extend more than 4 inches from the wall and higher than 17 inches? If so put a box or planter under obstacle so a person with a visual impairment can identify it with a cane.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Is there sufficient lighting at all points along the route?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the corridor have a non-slip surface?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are all rugs and mats securely fastened? If not try to remove them.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**CATEGORY V:  
FEATURES WITHIN THE VOTING AREA**

	YES	NO	N/A
1. Are instructions for voting printed in 12 point or larger type in simple language, and plainly displayed? Is Braille or larger print available upon request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there sufficient unobstructed space for the reasonable movement of voters in wheelchairs that still provides privacy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Can all necessary parts of the voting equipment be reached by a person seated in a chair or, at least, is an alternative means of casting a ballot provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are magnifying devices available for those who request them?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Is there adequate lighting in the voting area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is seating available for elderly or handicapped voters awaiting their turn to vote?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY OF ACCESSIBILITY BY CATEGORIES**

Please review the responses within each category on the previous pages and indicate below whether each category is:

- **INACCESSIBLE** (If there is a "NO" response in *any* unshaded box in the category.)
- **ACCESSIBLE BUT INCONVENIENT** (If all "NO" responses in the category are only in *shaded* boxes and all the responses in the *unshaded* boxes are either "YES" or "N/A".)
- **FULLY ACCESSIBLE** (If *all* responses in the category are either "YES" or "N/A".)

Category	Inaccessible	Accessible But Inconvenient	Fully Accessible
I. Parking			
II. Walkways or pathways to building			
III. Ramps and elevators entering or inside of the building			
IV. Other architectural features			
V. Voting area			
VI. Other			

**OVERALL DETERMINATION OF POLLING PLACE ACCESSIBILITY**

(mark one box only)

- If one or more of the categories above is marked "INACCESSIBLE", then the polling place is .....INACCESSIBLE
- If no category is marked "INACCESSIBLE", but one or more is marked "ACCESSIBLE BUT INCONVENIENT", then the polling place is .....ACCESSIBLE BUT INCONVENIENT
- If *all* categories above are marked "FULLY ACCESSIBLE", then the polling place is .....FULLY ACCESSIBLE

**DISPOSITION OF INACCESSIBLE POLLING PLACE**

- If the polling place is INACCESSIBLE:
- |   |                          |                          |
|---|--------------------------|--------------------------|
|   | Yes                      | No                       |
| a. Has an alternative accessible facility been sought?  | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are permanent or temporary alterations planned to render the polling place accessible in the coming elections? | <input type="checkbox"/> | <input type="checkbox"/> |

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-257-040 Use of public buildings as polling places.** A county auditor may request the legislative authority

of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter ((29-57)) 29A.16 RCW.

PERMANENT



The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

**AMENDATORY SECTION** (Amending WSR 02-02-066, filed 12/28/01, effective 1/28/02)

**WAC 434-257-150 Notice of accessibility.** Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters, in the notice of election published under RCW ((29-27-030 and 29-27-080)) 29A.52.310 and 29A.52.350.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-010 Intent.** It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators and assistant election administrators, and the training of county canvassing board members, and election observers as required by chapter ((29-60)) 29A.04 RCW.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-020 Definitions.** As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board may respond to the draft election review report in writing and/or may appeal the report to the election administration and certification board((-);

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, any response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor

and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW ((29-60-080)) 29A.04.580. Such a designee must be certified as required by chapter ((29-60)) 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW ((29-62-015));

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW ((29-60-010)) 29A.04.510;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-040 Election reviews—Secretary of state to designate.** Not later than August 1 the secretary of state shall notify, in writing, the counties selected for an election review. The notification may include tentative dates for the conduct of the reviews. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW ((29-60-070)) 29A.04.570 (1)(b).

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-080 Special review—Legislative district race.** A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a

mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last election review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW ((29-60-070)) 29A.04.570 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question;
- (6) The date on which the determination is made that a special review is required.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-140 Draft election review report.** As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW ((29-62-015)), and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;
- (3) A preliminary conclusion/evaluation of the county's election procedures.

The draft election review report is exempt from public inspection and copying, as provided by RCW 42.17.310.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-200 Standards for evaluating appeals.** In determining whether or not an appeal filed pursuant to RCW ((29-60-070)) 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

- (1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;
- (2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-260 Open book written test.** The certification and training program will prepare an open book written test on Title ((29)) 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

**AMENDATORY SECTION** (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

**WAC 434-260-330 Training program for election observers.** The secretary of state elections division shall prepare a training program for officially designated political party election observers. The training shall be made available upon receipt of a request, in writing, from the chair of the state central committee of any major political party. The training offered by this section does not replace the mandatory training for political party observers required by RCW ((29-33-340)) 29A.12.120.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-261-020 Counting center—Political party observers.** Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW ((29-33-340)) 29A.12.120.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and

by identification tags which will indicate the observer's name and the party represented.

**AMENDATORY SECTION** (Amending WSR 02-07-029, filed 3/12/02, effective 4/12/02)

**WAC 434-261-070 Manual inspection of ballots.** (1) Upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot and every voting position for unreadable ballots. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW ((~~29-51-115~~)) 29A.44.340 are being complied with.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or that contain marks or punches that differ from those specified in the voting instructions contained on or with the ballot but clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county may either:

- (a) Refer the ballots to the county canvassing board;
- (b) Duplicate the ballots if authorized by the county canvassing board as per WAC 434-261-090; or
- (c) Enhance the ballots if authorized by the county canvassing board and enhancement can be accomplished without permanently obscuring the original marks or punches of the voters as per WAC 434-261-080 and 434-261-085.

(4) In the case of punch card ballots, if two or more corners or attachment points are detached in a punch position, the vote is valid and the chad must be removed without duplication, enhancement, or reference to the county canvassing board. If less than two corners are detached, then subsection (3) of this section shall apply.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-005 Authority and purpose.** These rules are adopted pursuant to RCW ((~~29-04-080~~)) 29A.04.610 and chapter ((~~34-04~~)) 34.05 RCW in order to establish uniform procedures governing the canvass of primaries and elections, general and special, and to ensure the accurate and timely certification of those election returns.

**AMENDATORY SECTION** (Amending WSR 03-15-054, filed 7/11/03, effective 8/11/03)

**WAC 434-262-010 Definitions.** As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, spe-

cial, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absentee ballot totals, legislative district subtotals, if any, and county-wide totals. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW ((~~29-62-040~~)) 29A.60.200, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-015 Canvassing board—Delegation of authority.** The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW ((~~29-62-015~~)), shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters ((~~29-36 and 29-62~~)) 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of determining the validity of any special ballots referred to them by the county auditor, to anyone other than a person authorized by law to act on their behalf.

**AMENDATORY SECTION** (Amending WSR 03-15-054, filed 7/11/03, effective 8/11/03)

**WAC 434-262-020 Preliminary abstract of votes.** Following the election and prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must also list separately for votes cast by absentee ballot and those cast at the polls, votes cast for and against measures, votes cast for candidates, overvotes and undervotes, by precinct or groups of precincts in the event that precincts have been combined in accordance with RCW ((29-04.055)) 29A.16.060, for canvassing purposes. The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-025 Canvassing board—Notice of open public meeting.** All activities of the canvassing board shall be open to the public, although they may limit the number of persons observing any aspect of the process whenever, in their judgment, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

#### OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter ((29-62)) 29A.60 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-030 Auditor's abstract of votes.** No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter ((29-36)) 29A.40 RCW, together with all special and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee

ballot totals and all challenged and special ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC 434-262-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-070 Official county canvass report.** Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. The certification shall also state the total number of registered voters and votes cast in the county. The certification shall contain the oath required by RCW ((29-62.040)) 29A.60.200, signed by the county auditor and attested to by the chairman of the board of the county legislative authority, and shall have a space where the official seal of the county shall be attached. This certification, the auditor's abstract of votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the official county canvass report. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter ((29-64)) 29A.64 RCW, or upon order of the superior court, or by the county canvassing board reconvened specifically for that purpose. The vote totals contained therein shall constitute the official returns of that election.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.** Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW ((29-79.060)) 29A.72.080.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-291-130 Permissible costs in allocation of election expenses.** County auditors may include in the election costs to be allocated pursuant to RCW ((29-04.047 ((29-13.047))) 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the

time of regular employees (other than the county auditor) which is directly attributable the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

~~((10))~~ (9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

~~((11))~~ (10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

~~((12))~~ (11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-291-170 Reimbursement to counties for proportional share of election costs.** Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW ~~((29-13-047))~~ 29A.04.420.

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-324-060 Transmittal of signature cards to the secretary of state.** Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of chapter 29A.08 RCW ~~((29-07-120))~~ shall be accompanied by a properly executed certificate containing the following information: County, date, the number of cards, and the signature of the register of voters attesting to the authenticity of the cards.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-324-065 Exemption of transmittal of signature cards to the secretary of state.** Pursuant to the requirements of chapter 29A.08 RCW ~~((29-07-120))~~, a county auditor shall be exempted from transmitting voter reg-

istration cards required by RCW ~~((29-07-090 and 29-10-100))~~ 29A.08.240 and 29A.08.530, by providing the secretary of state access to electronic voter registration and electronic voter signature information, provided that access to the electronic data shall meet the specifications defined by the secretary of state and agreed to by the county auditor through interlocal agreement. If access to the electronic data is suspended by the county auditor, the county auditor shall provide a complete alphabetical copy of all voter registration records in that county. The records shall contain the voter's name, date of registration, voter registration number, and a facsimile of the voter's signature. The office of the county auditor shall pay for all costs incurred by the secretary of state in reestablishing a voter registration card file system.

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-324-085 Notice of new registration or transfer.** Whenever an individual registers to vote or transfers his/her registration record pursuant to RCW ~~((29-10-100))~~ 29A.08.530 or whenever a change in precinct boundaries requires that the existing record of a voter be moved from one precinct to another or be placed in a new precinct, the county auditor shall notify by nonforwardable, address correction requested mail, the individual or voter of such new registration, transfer, or change of precinct boundary acknowledging that the request of the individual or voter with respect to his record has been processed. Such notices and acknowledgment shall be provided on a form containing the following information: The voter's full name, address, county name, precinct name and/or number, voter ID number, the date the voter registered and a signature line for the voter.

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-324-095 Cancellation due to death.** Pursuant to RCW ~~((29-10-090))~~ 29A.08.510, the county auditor shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-324-110 Transmittal of cancellations to the secretary of state.** Pursuant to the requirements of RCW ~~((29-10-100))~~ 29A.08.530, the county auditor shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall contain the following information for each voter: Voter ID number, voter name, date of registration.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-324-115 Challenge of voter's registration.**

All county auditors shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing a registered voter to challenge the registration of another voter pursuant to RCW ((29-10-130)) 29A.08.830. A copy of the form shall be sent to the voter, whose voter registration has been challenged and to the challenger pursuant to RCW ((29-10-140)) 29A.08.840. The form shall be substantially similar to the following:

**VOTER'S REGISTRATION CHALLENGE FORM**

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. A SUMMARY OF THE ADMINISTRATIVE PROCEDURES WHICH WILL BE FOLLOWED WITH RESPECT TO THIS VOTER REGISTRATION CHALLENGE MAY BE FOUND ON THE REVERSE SIDE OF THIS FORM.

**REASON FOR CHALLENGE**

- The individual challenged is not a U.S. Citizen
- The individual challenged is not at least 18 years old
- The individual challenged is currently being denied his or her civil rights
- The individual challenged does not reside at the address at which he or she is registered and his or her actual residence is as follows:

.....  
Note: State law (RCW ((29-10-130)) 29A.08.830) requires that challenging party must provide the address at which the challenged party resides in order for a challenge based on residence to be considered.

**PROVISIONS RELATING TO VOTING RESIDENCE**

The State Constitution and state law provide that a voting residence shall not be lost if the voter is absent because of:

- A. State or Federal employment, including military service
- B. School attendance
- C. Business outside the state
- D. Confinement in prison

Note: Persons in the above categories have the legal right to continue to use their former residence for voting purposes and may continue to vote unless additional conditions or circumstances indicate they have forfeited that right in Washington. Any person instituting a voter registration challenge should be sure of the facts BEFORE signing the challenge affidavit.

**AFFIDAVIT OF CHALLENGER**

I, . . . . ., declare, under penalty of perjury, that I am a registered voter, that I hereby challenge the voter's registration of

. . . . . for the reason indicated above. I also state that I have read the above stated PROVISIONS RELATING TO VOTING RESIDENCE and that, to the best of my knowledge and belief, the above named individual does not fall into any of the protected categories.

.....  
DATE

.....  
SIGNATURE OF CHALLENGER

**VOTER'S REGISTRATION CHALLENGES  
A SUMMARY OF ADMINISTRATIVE PROCEDURES  
CHALLENGES FILED THIRTY OR MORE DAYS PRIOR TO A PRIMARY, SPECIAL OR GENERAL ELECTION**

State law (RCW ((29-10-140)) 29A.08.840) requires the county auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW ((29-10-130)) 29A.08.830, and to any other address that the auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a request that the voter appear at a hearing to be held within ten days of the mailing of the request, at the place and time specified, in order to assist the auditor in determining the validity of the challenge.

THE PERSON MAKING THE CHALLENGE MUST BE PROVIDED WITH A COPY OF THE NOTIFICATION AND REQUEST MAILED TO THE CHALLENGED VOTER.

If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating UNDER OATH the reasons they believe the challenge to be valid or invalid.

The county auditor shall determine the validity of the challenge based on his or her evaluation of the evidence presented by both parties to the challenge. The decision of the auditor is final, subject only to a petition for judicial review under chapter ((34-04)) 34.05 RCW.

**CHALLENGES FILED WITHIN THIRTY DAYS OF A PRIMARY, SPECIAL OR GENERAL ELECTION**

State law (RCW ((29-10-130)) 29A.08.830) provides that in the event the challenge is made within thirty days of an election, the voter and the precinct election officers within the voter's precinct are to be notified.

Both the challenged voter and the precinct election officers are also to be informed that in the event the voter attempts to vote at the ensuing election, he or she will be provided with a CHALLENGED BALLOT.

The validity of the challenge and the disposition of the challenged ballot will be determined by the county canvassing board and both the challenger and the challenged voter may either appear in person or submit affidavits in support of their respective positions.

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In the event the challenged voter does NOT vote at the ensuing election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the election.

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall be processed in the manner provided by RCW ((29-10-140)) 29A.08.840. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the challenge, the returned ballot shall be segregated from other absentee ballots and not processed until such a determination is made. In the event the challenge is made within thirty days of a primary or election and prior to the absentee ballots being separated from the return envelopes, the challenge and the returned ballot shall be forwarded to the canvassing board and processed in the manner provided by RCW ((29-10-127)) 29A.08.820. If the challenge is made within thirty days of a primary or election but after the ballots have been separated from the return envelopes, the challenge shall be processed by the county auditor in the manner provided by law for challenges made more than thirty days prior to the primary or election.

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-324-120 Contents of precinct list of registered voters.** The precinct list of registered voters as required by RCW ((29-48-030)) 29A.44.110 shall contain the name, residence address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names shall be listed alphabetically by surname. The list shall contain a space for each voter to sign his/her name and to verify his/her current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW ((29-51-070)) 29A.44.230. The county auditor may eliminate from precinct lists ongoing absentee voters and voters requesting absentee ballots for that election. If the names of such voters do not appear, the precinct list shall clearly indicate that the voters are not included on the list.

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-324-130 Contents of list of registered voters for the public.** Pursuant to the provisions of RCW ((29-04-100 and 29-04-120)) 29A.08.720 and 29A.08.740, the county auditor shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The county auditor shall, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer-prepared labels, microfilm duplicates, or

magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW ((29-04-120)) 29A.08.740 as now or hereafter amended.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-324-140 Requests for list of registered voters.** The county auditor shall require each person who requests a list of registered voters under the authority of RCW ((29-04-100)) 29A.08.720 and WAC 434-324-130 to sign a request on a form substantially similar to the sample included below.

**REQUEST FOR LIST OF REGISTERED VOTERS**

\_\_\_\_\_ County Auditor \_\_\_\_\_ Date

I request a listing of registered voters for the following precinct and/or taxing districts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- computer printed list
- mailing labels
- magnetic tape

I understand that the County Auditor is required by law to furnish copies of current registration lists of registered voters in his possession to any person, upon request, PROVIDED: That such lists be used only for political purposes and shall not be used for commercial purposes. (RCW ((29-04-100)) 29A.08.720)

I further understand that any violation of RCW ((29-04-100)) 29A.08.720 relating to the use of lists of registered voters is a felony and shall be punished by imprisonment in the state ((penitentiary)) penitentiary for a period of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment, in addition to possible civil penalties.

\_\_\_\_\_  
(Name of Requester (please print) (Witness)

\_\_\_\_\_  
(Address) (Approved by)

\_\_\_\_\_  
(Signature)

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-326-015 Voter registration at driver license facilities.** Pursuant to RCW ((29-07-260)) 29A.08.340 a person may register to vote or transfer a voter registration when he or she applies for or renews a driver license or state identification card. Nothing in these rules should be interpreted as allowing voter registration by mail.

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**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-063 Definition of official logic and accuracy test.** As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW ((29-33-350)) 29A.12.130.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-090 Logic and accuracy test certification—State primary and general election.** The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW ((29-33-350)) 29A.12.130. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC ((434-334-082 [434-333-082])) 434-333-082.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-110 Logic and accuracy test certification—Special election.** The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW ((29-33-350)) 29A.12.130. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC ((434-334-082 [434-333-082])) 434-333-082.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-369-005 Authority and purpose.** These rules are adopted under authority of RCW ((29-04-140)) 29A.76.040 pursuant to chapter ((34-04)) 34.05 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-369-010 Definitions.** As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in

the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW ((29-04-130)) 29A.76.040.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW ((29-04-130)) 29A.76.040 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW ((29-04-050)) 29A.16.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW ((29-04-130)) 29A.76.040 which indicate the census units or portions of census units contained in each precinct in that county.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-369-020 Precinct maps—Availability and distribution.** (1) Pursuant to the provisions of RCW ((29-04-130)) 29A.76.040, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county.

(2) On or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.



(3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-369-050 Precinct overlay maps—Preparation.** Pursuant to the provisions of RCW ((29.04.130)) 29A.76.040, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

(1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state; (2) each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and (3) each overlay map shall include the following identification in the lower left hand corner: (a) The name of the area covered by the map; (b) an arrow indicating north; and (c) the preparation date of the precinct overlay map.

**AMENDATORY SECTION** (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

**WAC 434-369-060 Census correspondence listings—Preparation.** Pursuant to the provisions of RCW ((29.04.130)) 29A.76.040, each county auditor shall prepare a census correspondence listing according to the following procedures: (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) (2) Record the number or numbers, as assigned pursuant to RCW ((29.04.050)) 29A.16.050(3), of each precinct which is wholly or partially coextensive with the census unit; (3) wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County _____		Map sheets _____	
Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-379-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, under RCW ((29.79.200)) 29A.72.230, the following statistical test may be employed:

- (1) Take an unrestricted random sample of the signatures submitted;
- (2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;
- (3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;
- (4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;
- (5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;
- (6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;
- (7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample

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from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW ((29-79-200)) 29A.72.230 or to the county auditors as provided in RCW ((29-79-230)) 29A.72.250.

**AMENDATORY SECTION** (Amending WSR 02-02-067, filed 12/28/01, effective 1/28/02)

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW ((29-15-150 or 29-15-160)) 29A.52.010 or 29A.24.140, within three business days after the close of the special filing period or selection by the party.

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the

secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

**AMENDATORY SECTION** (Amending WSR 98-19-063, filed 9/16/98, effective 10/17/98)

**WAC 434-840-005 Definitions.** For the purposes of this chapter:

(1) "Address confidentiality program" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, or shelter services to victims of sexual assault or domestic violence, who has been designated by the respective agency, and has been accepted and registered by the secretary of state to assist individuals in the completion of program participation applications.

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual address the agency is unable to fulfill its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW ((29-01-155)) 29A.04.163, with ongoing absentee ballot voter status, as provided under RCW ((29-36-013)) 29A.40.040.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation.

**WSR 04-15-092**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed July 16 2004, 4:28 p.m., effective August 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To permanently adopt the increased federal poverty level (FPL) standards for those department programs whose income standards are based on the federal FPL standards, as required by federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057, 74.04.050, and 74.09.530.

Adopted under notice filed as WSR 04-12-042 on May 28, 2004.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-15-088, filed 7/17/03, effective 7/17/03)

**WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level**

FAMILY SIZE	100% FPL						
	Benchmark	133% FPL	150% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$ 776	\$1032	\$1164	\$1436	\$1552	\$1707	\$1940
2	\$1041	\$1385	\$1562	\$1926	\$2082	\$2290	\$2603
3	\$1306	\$1737	\$1953	\$2416	\$2612	\$2873	\$3265
4	\$1571	\$2090	\$2357	\$2907	\$3142	\$3456	\$3928
5	\$1836	\$2442	\$2754	\$3397	\$3672	\$4039	\$4590
6	\$2101	\$2795	\$3152	\$3887	\$4202	\$4622	\$5253
7	\$2366	\$3147	\$3549	\$4377	\$4732	\$5205	\$5915
8	\$2631	\$3499	\$3947	\$4868	\$5262	\$5788	\$6578
9	\$2896	\$3852	\$4344	\$5358	\$5792	\$6371	\$7240
10	\$3161	\$4204	\$4742	\$5848	\$6322	\$6954	\$7903
<u>Add to the ten person standard for each person over ten:</u>							
	\$ 265	\$353	\$398	\$ 491	\$ 530	\$583	\$663

(FPL). (1) The department bases the income standard upon the Federal Poverty Level (FPL) for the following medical programs:

(a) Pregnant women's program up to one hundred eighty-five percent of FPL;

(b) Children's categorically needy program up to two hundred percent of FPL;

(c) Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and

(d) The state children's health insurance program (SCHIP) is over two hundred percent of FPL but ~~((under))~~ not over two hundred fifty percent of FPL.

(2) The department uses the FPL income standards to determine:

(a) The mandatory or optional Medicaid status of an individual; and

(b) Premium amount, if any, for a Medicaid child.

(3) There are no resource limits for the programs under this section.

(4) Beginning ((April 1, 2003)) April 1, 2004, the monthly FPL standards are:

((

FAMILY SIZE	100% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$749	\$1385	\$1497	\$1647	\$1871
2	\$1010	\$1869	\$2020	\$2222	\$2525
3	\$1272	\$2353	\$2544	\$2798	\$3180
4	\$1534	\$2837	\$3067	\$3374	\$3834
5	\$1795	\$3321	\$3590	\$3949	\$4488
6	\$2057	\$3805	\$4114	\$4525	\$5142
7	\$2319	\$4289	\$4637	\$5101	\$5796
8	\$2580	\$4773	\$5160	\$5676	\$6450
9	\$2842	\$5258	\$5684	\$6252	\$7105
10	\$3104	\$5742	\$6207	\$6828	\$7759
<u>Add to the ten person standard for each person over ten:</u>					
	\$262	\$485	\$524	\$576	\$655

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~~((3) There are no resource limits for the programs under this section.))~~

**WSR 04-15-093  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)  
[Filed July 16, 2004, 4:30 p.m., effective August 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 388-825-100 is revised and broken out into additional WAC sections for clarity and to limit the entities required to receive notification. The additional sections are new WAC 388-825-101, 388-825-102, 388-825-103, 388-825-104, and 388-825-105.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-100.

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

Other Authority: RCW 71A.16.040.

Adopted under notice filed as WSR 04-12-100 on June 2, 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 4, 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 4, Amended 1, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

**WAC 388-825-100 ((Notification.)) How will I be notified of department decisions?** (1) ~~((The department shall notify the client or applicant, the parent when the client or applicant is a minor, 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 388-825-030 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; 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)) Whenever possible, DDD will notify all parties affected by the decision by phone or in person.~~

(2) Written notifications will be mailed to you and at least one other person in the following priority:

(a) Your parent if you are under the age of eighteen;

(b) Your guardian or other legal representative;

(c) Other relatives;

(d) An advocacy agency such as Washington Protection and Advocacy System;

(e) A person who is not an employee of the department or to a person who contracts with the department.

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(3) If you are an adult and do not have a legal guardian, the department will ask you to identify someone else to receive these notices in addition to yourself.

#### NEW SECTION

**WAC 388-825-101** Why does the department need to send my notices to someone else? The department sends your notice to someone else, if needed, to have others assist you to understand the information and your appeal rights to department decisions.

#### NEW SECTION

**WAC 388-825-102** What if I do not want my notices sent to anyone else? (1) If you are an adult and do not have a legal guardian, you may request in writing that your notices be given only to you.

(2) The department will review your request and comply with your request unless it determines there to be a risk of your losing rights.

(3) You will be given appeal rights to a denial of this request.

#### NEW SECTION

**WAC 388-825-103** When will I receive written notice of decisions made by DDD? You will receive written notice from DDD of the following decisions:

(1) The denial or termination of eligibility under WAC 388-825-030 and 388-825-035;

(2) The authorization, denial, reduction, or termination of services or funds paid directly to you set forth in WAC 388-825-055 or the payment of SSP set forth in chapter 388-827 WAC that are authorized by DDD;

(3) The admission or readmission to, or discharge from a residential habilitation center.

#### NEW SECTION

**WAC 388-825-104** What information will the notice include? The notice from DDD will include:

(1) The decision;

(2) The reason for the decision;

(3) The effective date of the action;

(4) Appeal rights to the decision; and

(5) The name and phone number of a department person you can contact for further information.

#### NEW SECTION

**WAC 388-825-105** Am I given any advance notice of termination or reduction or eligibility or services? DDD will provide you at least thirty-days advance notice of any action to terminate your eligibility, terminate or reduce your services, or discharge you from a residential habilitation center.

### WSR 04-15-094

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 16, 2004, 4:31 p.m., effective August 16, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To expand the population eligible to receive the state supplementary payment (SSP) administered by the Division of Developmental Disabilities and to limit SSP eligibility for certain individuals on a home and community based services waiver administered by DDD.

Citation of Existing Rules Affected by this Order: Amending WAC 388-827-0110, 388-827-0115, 388-827-0175, 388-827-0185, and 388-827-0410.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.120.

Adopted under notice filed as WSR 04-12-102 on June 2, 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 5, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

**WAC 388-827-0110** What are the financial eligibility requirements to receive DDD/SSP? (1) You must be eligible for or receive supplemental security income (SSI) cash assistance in the month in which the DDD/SSP is issued; or

(2) You receive Social Security Title II benefits as a disabled adult child and you would be eligible for SSI if you did not receive these benefits.

AMENDATORY SECTION (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

**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 allow-

ance, (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 home and community based services (HCBS) waiver administered by DDD; 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.

(4) For individuals on one of the HCBS waivers administered by DDD (Basic, Basic Plus, Core or Community Protection):

(a) You must have been eligible for or received SSI prior to April 1, 2004; and

(b) You were determined eligible for SSP prior to April 1, 2004.

**AMENDATORY SECTION** (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

**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 and you became ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) Your address changes; or

(3) There is a change in your living arrangement that affects your assessed need.

**AMENDATORY SECTION** (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

**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 and are ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or

(3) Your DDD eligibility is terminated.

**AMENDATORY SECTION** (Amending WSR 04-02-015, filed 12/29/03, effective 1/29/04)

**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 and were ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(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.

## WSR 04-15-100

### PERMANENT RULES

### DEPARTMENT OF LICENSING

[Filed July 19, 2004, 11:02 a.m., effective August 19, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Make housekeeping amendments in order to bring the rules in alignment with other states and with current operating procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-390-200; and amending WAC 308-390-101, 308-390-102, 308-390-104, 308-390-105, 308-390-108, 308-390-203, 308-390-204, 308-390-300, 308-390-302, 308-390-401, 308-390-500, 308-390-503, and 308-390-602.

Statutory Authority for Adoption: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW.

Adopted under notice filed as WSR 04-09-105 on April 21, 2004.

Changes Other than Editing from Proposed to Adopted Version: Withdrew proposed amendments to WAC 308-390-201 and 308-390-505.

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 8, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 14, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 14, Repealed 1.

Date Adopted: July 19, 2004.

Jon Donnellan  
UCC Administrator

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-101 Definitions.** The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

(3) "Address" means a name or other identifying information, either a street address, route number (may include box) or a P.O. Box number plus the city and state or country.

(4) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

~~((3))~~ (5) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

~~((4))~~ (6) "Certified search" is a certified record of information maintained by the filing office.

~~((5))~~ (7) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

~~((6))~~ (8) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

~~((7))~~ (9) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

~~((8))~~ (10) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

~~((9))~~ (11) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

~~((10))~~ (12) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

~~((11))~~ (13) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

~~((12))~~ (14) "Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

(15) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

~~((13))~~ (16) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

~~((14))~~ (17) "On-line services" means the interactive internet application for filing and search functions.

~~((15))~~ (18) "Organization" means a legal person who is not an individual.

~~((16))~~ (19) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

~~((17))~~ (20) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

~~((18))~~ (21) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

~~((19))~~ (22) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

~~((20))~~ (23) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

~~((21))~~ (24) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

~~((22))~~ (25) "UCC website" means the series of related internet web pages provided for on-line filing and search functions.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-102 UCC record delivery and time of filing.** UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address ~~(during regular business hours)~~ between 8:30 a.m. and 4:30 p.m., Monday through Friday except state holidays. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the

UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information management system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-104 Forms.** Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the International Association of Commercial Administrators or any successor organization and/or the filing office shall be accepted.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-105 Fees.** (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

~~((5) UCC search—Partial copies. The fee for a UCC search and copies of first pages only is \$20.00.))~~

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-108 Overpayment and underpayment policies.** (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to

the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue ~~((and will not be reissued))~~.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-203 Acknowledgment.** (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was ~~((recorded))~~ indexed. The filer shall be responsible for verifying that the information was ~~((recorded))~~ indexed accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401. ~~((If no objection to the department of licensing record is communicated by the filer within ninety days, the record will be deemed identical to the filing submitted.))~~

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-204 Grounds for refusal.** (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address as defined in WAC 308-390-101 is given in the address field. ~~((As used in this section, address is deemed to include city and state.))~~

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal



effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer ~~((shall))~~ will file the UCC record with the filing date and time the UCC record was originally tendered for filing. ~~((The filing officer shall also file a statement noting when and why the record was changed.))~~ A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-300 UCC information management system.** The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on active financing statements ~~((which have not lapsed))~~. The rules in this section describe the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-302 Names of debtors who are individuals.** For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III,"

are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: ~~((100))~~ 254 characters.
- (b) Middle name: ~~((100))~~ 254 characters.
- (c) Last name: ~~((100))~~ 254 characters.
- (d) Suffix: 10 characters.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-401 Errors of the filing officer.** The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction ~~((occurs))~~ is made after the filing officer has issued a certification date that includes the filing date of corrected document, the filing officer shall ~~((file a))~~ proceed as follows. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system ((identifying the record to which it relates,)) on the date that the corrective action was taken. The filing officer statement must provide the date of the correction((s)) and ((explaining)) explain the nature of the corrective action taken. The record shall be preserved ((as)) for so long as the record of the initial financing statement is preserved in the UCC information management system.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-500 Search requests and reports.** General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor ~~((, the name of the secured party,))~~ and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

AMENDATORY SECTION (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-502 Rules applied to search requests.** Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

- (1) There is no limit to the number of matches that may be returned in response to the search criteria.
- (2) No distinction is made between upper and lower case letters.
- (3) Punctuation marks and accents are disregarded.
- (4) Certain words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded ~~((e.g., company, limited, incorporated, corpora-~~

tion, limited partnership, limited liability company or abbreviations of the foregoing)). Those words and abbreviations are published on the Washington State List of Ending Noise Words.

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-503 Optional information.** A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages (~~or of first pages only~~) of UCC (~~documents~~) records identified on the primary search response.

(3) ~~The request may ask for a listing of all financing statements and notices that include a named secured party in a specific city and state. Copies may not be requested.~~

(4) The request may ask for records of lien notices only (~~, or by type of lien~~).

(5) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(6) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

**AMENDATORY SECTION** (Amending WSR 01-10-056, filed 4/27/01, effective 7/1/01)

**WAC 308-390-602 Processor lien or preparer (~~or processor lien~~).** (1) A producer or commercial fisherman

may (~~authenticate a record evidencing a preparer or processor lien~~) satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed pursuant to RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by (~~adding~~) satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement (~~as a preparer or processor lien~~) filed pursuant to RCW 60.13.040 evidencing the processor lien or preparer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and (~~naming the~~) by stating which type of lien is claimed in box 8.

(b) (~~Identify~~) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the (~~preparer~~) processor(s), (~~or~~) conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in (~~box 1~~) boxes 1, 2 and 11, as needed.

(~~e~~) Identify (d) State the name and address of the lien holder in box 3.

(~~d~~) Describe (e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(~~e~~) State the amount of the debt and the date on which payment was due in box 10 of the Addendum.

(~~2~~) (f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(~~3~~) (4) Fee. The fees are the same as provided in WAC 308-390-105.

(~~4~~) (5) Duration. (~~The lien lapses five years after the date of filing unless~~) As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five

years, and need not, and may not be continued as provided in WAC 308-390-202.

~~((5))~~ (6) Mechanics of search. ~~((All liens))~~ Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-390-504.

**WSR 04-15-104**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 20, 2004, 8:55 a.m., effective August 20, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

The purpose of this rule making is to:

- Clarify that special purpose and residential elevators are exempt from the installation and operation requirements relating to hall buttons; and
- Add a new section for requirements that apply to hydraulic elevators without safety bulkheads.

Citation of Existing Rules Affected by this Order: Amending WAC 296-96-02355.

Statutory Authority for Adoption: Chapter 70.87 RCW, Elevators, lifting devices and moving walks.

Adopted under notice filed as WSR 04-11-063 on May 18, 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 1, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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.

Date Adopted: July 20, 2004.

Paul Trause  
 Director

**AMENDATORY SECTION** (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

**WAC 296-96-02355 What are the installation and operation requirements for hall buttons?** (1) The center-line of all hall call buttons must be 42 inches above the floor. (2) The "UP" direction button must be on top.

(3) Raised or flush direction buttons, exclusive of the panel border, must be a minimum of 3/4 inch in size.

(4) Indicator lights must be installed to show each call registered and they must extinguish when the call is answered.

(5) When pushed, the depth of flush buttons must not exceed 3/8 inch.

**Exception:** Special purpose and residential elevators are exempt from this section.

**Note:** The exception becomes effective August 20, 2004.

**NEW SECTION**

**WAC 296-96-23303 What requirements apply to hydraulic elevators without safety bulkheads?** (1) Oil levels must be monitored and tracked in a log.

(2) The log must contain the date the oil was added, the reason for the loss of oil, and the amount of oil added.

(3) If the reason for the loss of oil cannot be determined, the unit must be immediately taken out of service and the cylinder must be replaced.

**Note:** This section becomes effective August 20, 2004.

**WSR 04-15-105**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 20, 2004, 8:59 a.m., effective November 1, 2004]

Effective Date of Rule: November 1, 2004.

Purpose: The lockout/tagout (control of hazardous energy) rule, chapter 296-803 WAC, has been rewritten and reorganized for clarity and ease of use for the employer and employees and the updating of references. The rules currently in chapter 296-24 WAC, General safety and health standards, Part A-4, safety procedures for the control of hazardous energy (lockout/tagout) will be repealed with the adoption of chapter 296-803 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 296-24-975 Selection and use of work practices, 296-45-175 Hazardous energy control (lockout/tagout), 296-54-57310 Logging machine—Chipping in woods locations, 296-79-220 Deactivating and lockout requirements and 296-155-429 Lockout and tagging of circuits; and repealing WAC 296-24-110 The control of hazardous energy (lockout/tagout), 296-24-11001 Scope, application, and purpose, 296-24-11003 Definitions applicable to this part, 296-24-11005 General, 296-24-11007 Application of control, 296-24-11009 Release from lockout or tagout, 296-24-11011 Additional requirements, 296-24-11013 Reserved, 296-24-11015 Reserved, 296-24-11017 Reserved, and 296-24-119 Appendices.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Adopted under notice filed as WSR 04-03-102 on January 20, 2004.

Changes Other than Editing from Proposed to Adopted Version:

PERMANENT

**WAC 296-803-100 Scope.**

- Corrected WAC titles and changed the word "part" to "chapter."

**WAC 296-803-400 Summary.**

- Revised the your responsibility statement for the summary.

**WAC 296-803-50030 Verify that the machine or equipment is safe before starting work.**

- Deleted the note.

**WAC 296-803-50035 Meet these requirements when removing lockout or tagout devices and energizing the machine or equipment.**

- Moved "check that employees in the area are in positions that make it safe to energize the machine or equipment" up under the first bullet.

**WAC 296-803-800 Definitions.**

- Revised the definition for affected employee.
- Added definitions for employer and you.

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 32, Amended 5, Repealed 11.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 32, Amended 5, Repealed 11.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 32, Amended 5, Repealed 11.

Date Adopted: July 20, 2004.

Paul Trause  
Director

**Chapter 296-803 WAC****LOCKOUT/TAGOUT  
(CONTROL OF HAZARDOUS ENERGY)****NEW SECTION**

**WAC 296-803-100 Scope.** This chapter applies to the service and maintenance of machines and equipment, including piping systems, if employees could be injured by the:

– Unexpected energization or start up of the machine or equipment;

**OR**

– Release of stored energy.

Energy sources include mechanical, hydraulic, pneumatic, chemical, thermal, or other energy, including gravity.

- Note:**
- Machines and equipment include those that produce high intensity electromagnetic fields.
  - When other Title 296 WAC standards require the use of lockout or tagout, they have to be used and supplemented by the procedural and training requirements of this chapter.

**Exemption:** This chapter does not apply to:

- Construction activities covered by chapter 296-155 WAC, Safety standards for construction work.
- Agriculture activities covered by chapter 296-307 WAC, Safety standards for agriculture.
- Maritime activities covered by chapter 296-56 WAC, Safety standards—Longshore, stevedore and related waterfront operations and chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking.
- Oil and gas well drilling and servicing.
- Installations for generating, transmitting, and distributing electrical power (including related communication and metering equipment) that are controlled exclusively by electric utilities.
- Hot tap operations on pressurized pipelines used to transmit and distribute substances such as gas, steam, water, or petroleum products if the employer can demonstrate that all of the following apply:
  - Continuity of service is essential.
  - Shutdown of the system is impractical.
  - Proven effective employee protection is provided by following documented procedures and using special equipment.
- Service and maintenance of fire alarm and extinguishing systems and their components if:
  - Other employees depend on these systems for fire safety;

**AND**

– Employees working on fire extinguishing systems are protected from the unexpected release of hazardous energy by appropriate alternative measures.

• Work on electric equipment receiving power only through a cord and plug if:

– Unplugging the equipment eliminates the possibility of unexpected energization, unexpected start up, or the release of stored energy;

**AND**

– The plug is kept under the exclusive control of the employee doing the service or maintenance.

• Exposure to electrical hazards from electrical work on, near, or with conductors or equipment that is covered by chapter 296-24 WAC, General safety and health standards, Part L, Electrical.

• Service and maintenance during normal production operations, if an employee is not required to:

– Remove or bypass a guard or other safety device;

**OR**

– Place any body part into the point of operation or any other hazardous area created by machine operation.

• Minor tool changes, adjustments, and other minor service during normal production operations if:

– They are routine, repetitive, and integral to the use of the equipment for production;

**AND**

– The work is done using measures which provide effective protection from hazards.

**NEW SECTION****WAC 296-803-200 Summary.****Your responsibility:**

To establish an energy control program.

**You must:**

**WAC 296-803-20005** Establish a written energy control program.

**NEW SECTION****WAC 296-803-20005 Establish a written energy control program.****You must:**

• Establish a written energy control program to protect employees that service or maintain a machine or equipment from injury caused by the:

– Unexpected energization or start up of the machine or equipment;

**OR**

– Release of stored energy.

• Make sure the program contains all of the following:

– Energy control procedures as described in WAC 296-803-500.

– Employee training as described in WAC 296-803-600.

– Periodic reviews as described in WAC 296-803-700.

• Develop and document in writing energy control procedures to protect employees doing service or maintenance of a machine or equipment from potentially hazardous energy.

**Exemption:** You do not have to have written energy control procedures for a particular machine or equipment if all of the following apply:

• The machine or equipment has a single energy source that is easily identified and can be isolated.

• The machine or equipment is completely deenergized and deactivated by isolating and locking out the energy source.

• There's no stored or residual energy that could be a hazard to employees, and the machine or equipment cannot reaccumulate such energy after it's been shut down.

• The energy source can be locked out with a single lockout device.

• The machine or equipment is isolated from the energy source and locked out during service or maintenance.

• The authorized employee doing the service or maintenance has exclusive control of the lockout device.

• The service or maintenance does not create a hazard for other employees.

• The machine or equipment has never been unexpectedly energized or activated during service or maintenance.

**You must:**

• Make sure energy control procedures clearly and specifically outline:

– The scope, purpose, authorization, rules, and techniques to control hazardous energy;

**AND**

– How you'll make sure employees follow the procedures.

• Make sure energy control procedures specifically identify at least the following:

– When the procedure must be used.

– What the specific procedural steps are for:

■ Shutting down, isolating, blocking, and securing the machine or equipment.

■ Placing, removing, and transferring lockout or tagout devices and who is responsible for them.

– How to test the machine or equipment to verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

**Note:** Similar machines and equipment may be covered by a single written procedure if all of the following apply:

- They use the same type and magnitude of energy.
- They have the same or similar types of controls.
- The specific machines and equipment covered by the procedure are identified by at least type and location.

**NEW SECTION****WAC 296-803-300 Summary.****Your responsibility:**

To make sure new or modified machines and equipment can accept lockout devices.

**You must:**

WAC 296-803-30005 Make sure new or modified machines and equipment can accept lockout devices.

**NEW SECTION****WAC 296-803-30005 Make sure new or modified machines and equipment can accept lockout devices.****You must:**

• Make sure energy-isolating devices designed to accept a lockout device are provided on machines and equipment that:

– Are newly installed.

– Have major repair.

– Are renovated or modified.

**NEW SECTION****WAC 296-803-400 Summary.****Your responsibility:**

To provide appropriate lockout and tagout devices and means to control energy.

**You must:**

WAC 296-803-40005 Provide appropriate means to control energy.

WAC 296-803-40010 Make sure lockout and tagout devices meet these requirements.

WAC 296-803-40015 Make sure lockout devices meet these additional requirements.

WAC 296-803-40020 Make sure tagout devices meet these additional requirements.

**NEW SECTION****WAC 296-803-40005 Provide appropriate means to control energy.****You must:**

• Provide the means necessary to isolate, secure, or block machines and equipment from energy sources.

**Note:** Examples of means to control energy include:

- Locks.
- Tags.
- Chains.
- Wedges.
- Key blocks.
- Adapter pins.
- Self-locking fasteners.
- Blind flanges.
- Cribbing.

**NEW SECTION****WAC 296-803-40010 Make sure lockout and tagout devices meet these requirements.****You must:**

• Make sure lockout and tagout devices meet all of the following:

- Create **no** additional hazards.
- Have a distinctive design or appearance.
- Are the only devices used for controlling energy.
- Are **not** used for any other purpose.
- Are durable enough to withstand the environment they're used in for the maximum time they're expected to be used.
- Are standardized within the facility by color, shape, or size.
- Identify the person applying the device.

**NEW SECTION****WAC 296-803-40015 Make sure lockout devices meet these additional requirements.****You must:**

• Make sure lockout devices are strong enough so that removing them by other than the normal unlocking method requires:

- Excessive force;

**OR**

– Unusual techniques such as the use of bolt cutters or other metal-cutting tools.

**NEW SECTION****WAC 296-803-40020 Make sure tagout devices meet these additional requirements.****You must:**

- Make sure all tags:
  - Use the same print and format within a facility.
  - Are constructed and printed so they will not deteriorate and the message on the tag remains legible when:
    - Exposed to weather.
    - Used in wet or damp locations.
    - Used in corrosive environments such as areas where acid or alkali chemicals are handled or stored.
  - Have a warning about **not** energizing the machine or equipment.

**Note:** The warning on the tag should include wording such as:

- Do not start.
- Do not open.
- Do not close.
- Do not energize.
- Do not operate.

**You must:**

- Make sure tagout devices are strong enough to prevent unintentional or accidental removal.
- Make sure the means used to attach the tag to the energy-isolating device meets all of the following:
  - Is not reusable.
  - Is self-locking.
  - Can be attached by hand.
  - Cannot be released with a force of less than fifty pounds.

– Is similar in design and basic characteristics to a one-piece, all-environment-tolerant, nylon cable tie.

**NEW SECTION****WAC 296-803-500 Summary.****Your responsibility:**

To make sure energy control procedures are used and include these requirements.

**You must:****ENERGY CONTROL PROCEDURES**

WAC 296-803-50005 Use energy control procedures.

**APPLYING LOCKOUT OR TAGOUT DEVICES**

WAC 296-803-50010 Meet these requirements when applying lockout or tagout devices.

WAC 296-803-50015 Meet these additional requirements when applying lockout devices.

WAC 296-803-50020 Meet these additional requirements when applying tagout devices.

**STORED ENERGY**

WAC 296-803-50025 Protect employees from the hazards of stored and residual energy.

**VERIFYING MACHINE ISOLATION**

WAC 296-803-50030 Verify that the machine or equipment is safe before starting work.

**REMOVING ENERGY CONTROL DEVICES**

WAC 296-803-50035 Meet these requirements when removing lockout or tagout devices and energizing the machine or equipment.

**TEMPORARY ENERGIZATION**

WAC 296-803-50040 Meet these requirements if it's necessary to temporarily energize a machine, equipment, or component for testing or positioning.

**SHIFT OR PERSONNEL CHANGES**

WAC 296-803-50045 Protect employees during shift or personnel changes.

**GROUP LOCKOUT/TAGOUT**

WAC 296-803-50050 Protect employees working in a group.

WAC 296-803-50055 Meet these additional requirements if more than one group is used.

**OUTSIDE EMPLOYEES**

WAC 296-803-50060 Coordinate with outside employers servicing or maintaining your machines or equipment.

**NEW SECTION****WAC 296-803-50005 Use energy control procedures.****You must:**

- Use energy control procedures to protect employees servicing or maintaining machines and equipment from potentially hazardous energy.
- Use a lockout system if an energy-isolating device can be locked out.

**Exemption:** A tagout system may be used instead of a lockout system if it meets all of the following:

- The tagout device is attached where you would have put the lockout device.
- The tagout system provides the same level of employee protection as a lockout system.
- You can demonstrate that the tagout system:
  - Meets all tagout requirements of this chapter.

– Includes additional safety measures to provide the same level of safety as a lockout system.

**Note:** Additional safety measures used with the tagout system to provide protection equal to a lockout system could include actions such as:

- Removing part of the isolating circuit.
- Blocking a controlling switch.
- Opening an extra disconnecting device.
- Removing a valve handle.

**You must:**

- Use a tagout system if an energy-isolating device cannot be locked out.

#### NEW SECTION

**WAC 296-803-50010 Meet these requirements when applying lockout or tagout devices.**

**You must:**

- Make sure, before a machine or equipment is turned off, that the authorized employee knows all of the following:

- Type and magnitude of the energy.
- Hazards of the energy to be controlled.
- Method or means to control the energy.

- Turn off or shut down the machine or equipment using established procedures.

- Completely isolate the machine or equipment from its energy sources using the appropriate energy-isolating devices after the machine or equipment has been turned off.

- Make sure you or the authorized employee notify affected employees that the machine or equipment is being locked or tagged out before the devices are applied.

- Make sure a lockout or tagout device is applied:

- For each energy-isolating device.

- Only by the authorized employee doing the service or maintenance.

#### NEW SECTION

**WAC 296-803-50015 Meet these additional requirements when applying lockout devices.**

**You must:**

- Make sure lockout devices hold the energy-isolating device in a "safe" or "off" position.

#### NEW SECTION

**WAC 296-803-50020 Meet these additional requirements when applying tagout devices.**

**You must:**

- Make sure a tagout device is put on an energy-isolating device so it clearly shows that moving the energy-isolating device from the "safe" or "off" position is prohibited.

- Make sure a tagout device, when used with an energy-isolating device that can be locked out, is fastened to the device at the same point a lock would have been attached.

- Make sure a tagout device that cannot be attached directly to an energy-isolating device is located:

- As close as safely possible to the energy-isolating device;

**AND**

- In a position that is immediately obvious to anyone attempting to operate the energy-isolating device.

#### NEW SECTION

**WAC 296-803-50025 Protect employees from the hazards of stored and residual energy.**

**You must:**

- Make sure all potentially hazardous stored and residual energy is relieved, disconnected, restrained, or otherwise rendered safe after the lockout or tagout devices have been put on the energy-isolating devices.

- Continue to verify the isolation of machines and equipment that could reaccumulate stored energy to a hazardous level until:

- Service or maintenance is completed;

**OR**

- The possibility of reaccumulating hazardous energy does not exist.

#### NEW SECTION

**WAC 296-803-50030 Verify that the machine or equipment is safe before starting work.**

**You must:**

- Make sure the authorized employee verifies that the machine or equipment that's been locked out or tagged out has been isolated from all energy sources and deenergized before starting work.

#### NEW SECTION

**WAC 296-803-50035 Meet these requirements when removing lockout or tagout devices and energizing the machine or equipment.**

**You must:**

- Make sure the authorized employee does the following before removing any lockout or tagout device:

- Inspects the work area to make sure nonessential items have been removed;

- Verifies the machine or equipment is in operating condition and ready to energize;

**AND**

- Check that employees in the area are in positions that make it safe to energize the machine or equipment.

- Make sure only the authorized employee who applied a lockout or tagout device removes it.

**Exemption:** The employer may have the lockout or tagout device removed by someone other than the authorized employee who applied it if all of the following conditions are met:

- The energy control program has documented, specific procedures and training for this situation.

- You can show that the specific procedures used are as safe as having the device removed by the authorized employee who applied it.

- The specific procedures include at least the following:

- Verifying the authorized employee who applied the device is not at the facility.

- Making all reasonable efforts to contact and inform the authorized employee that the lockout or tagout device is being removed.

- Making sure the authorized employee is informed, before resuming work at the facility, that the lockout or tagout device has been removed.

**You must:**

- Do the following before energizing or starting the machine or equipment:
  - Notify affected employees that the lockout or tagout devices have been removed.

NEW SECTION

**WAC 296-803-50040 Meet these requirements if it's necessary to temporarily energize a machine, equipment, or component for testing or positioning.**

**You must:**

- Follow your normal energy control procedures to:
  - Remove the lockout or tagout devices.
  - Energize the machine, equipment, or component.
  - Reapply the lockout or tagout devices when testing or positioning is completed.

NEW SECTION

**WAC 296-803-50045 Protect employees during shift or personnel changes.**

**You must:**

- Use specific procedures for shift or personnel changes to:
    - Make sure there's continuous lockout or tagout protection during the change;
- AND
- Provide for the orderly transfer of lockout or tagout device protection between employees.

NEW SECTION

**WAC 296-803-50050 Protect employees working in a group.**

**You must:**

- Make sure your energy control procedures provide each member of a crew, craft, department, or other group with the same level of protection as that provided by an individual lockout or tagout device.
  - Make sure each authorized employee:
    - Puts a personal lockout or tagout device on the group lockout device, lockbox, or comparable mechanism before beginning work;
- AND
- Does **not** remove it until they have finished work on the machine or equipment.
  - Assign a primary authorized employee who:
    - Has overall responsibility for the service or maintenance;
    - Attaches their lockout or tagout device to the energy-isolating device when the equipment is deenergized and before any work begins;

AND

- Is the last person to remove their lockout or tagout device when the job is completed.

**Definition:**

The *primary authorized employee* is the authorized employee who has overall responsibility for meeting the requirements of the lockout/tagout procedures.

NEW SECTION

**WAC 296-803-50055 Meet these additional requirements if more than one group is used.**

**You must:**

- Do **all** of the following if more than one group works on a machine or equipment that has to be locked or tagged out:
    - Assign an authorized employee as the group coordinator with overall responsibility to:
      - Coordinate the different work groups;
- AND
- Maintain continuous lockout or tagout protection.
    - Assign a primary authorized employee in each group who has:
      - Responsibility for the group of employees who are protected by a group lockout or tagout device;
- AND
- A way to determine which employees of the group are exposed to the machine or equipment that's locked or tagged out.

NEW SECTION

**WAC 296-803-50060 Coordinate with outside employers servicing or maintaining your machines or equipment.**

**You must:**

- Do the following before allowing another employer's personnel to service or maintain machines or equipment if your energy control procedures require they be locked or tagged out:
  - Inform the outside employer of your lockout or tagout procedures.
  - Make sure the outside employer informs you of their lockout or tagout procedures.
  - Make sure you and the outside employer confirm that all employees understand and will follow the restrictions of the other employer's energy control program.

NEW SECTION

**WAC 296-803-600 Summary.**

**Your responsibility:**

To train employees on your energy control program.

**You must:**

- WAC 296-803-60005 Provide and document employee training on the energy control program.
- WAC 296-803-60010 Provide additional training if you use tagout devices.
- WAC 296-803-60015 Retrain employees when necessary.

NEW SECTION

**WAC 296-803-60005 Provide and document employee training on the energy control program.**

**You must:**

- Train employees to make sure that they:
  - Understand the purpose and function of the energy control program;



**AND**

- Have the knowledge and skills necessary to carry out their program responsibilities.
  - Train each authorized employee in:
    - The type and magnitude of energy available in the workplace.
    - Recognizing hazardous energy sources that apply.
    - Methods and means to isolate and control energy.
  - Instruct each affected employee in the purpose and use of the energy control procedures.
    - Instruct all employees who work or may work where energy control procedures might be used about the:
      - Procedures being used;

**AND**

- Prohibition against attempting to restart or reenergize a machine or equipment that's locked out or tagged out.
  - Document that employee training has been done and kept up to date.
    - Include the employee's name and the training date.

**NEW SECTION**

**WAC 296-803-60010 Provide additional training if you use tagout devices.**

**You must:**

- Make sure employees are trained in the following:
  - Tags are warning devices and do not provide the same level of physical restraint as a lock.
  - When attached to energy-isolating devices, tags are not to be:
    - Removed without the approval of the authorized person responsible for it;

**OR**

- Bypassed, ignored, or otherwise defeated.
  - Tags need to be legible and understandable to be effective.
    - Tags may evoke a false sense of security.
    - The meaning of tags needs to be understood as part of the overall energy control program.

## – Tags and their means of attachment must be:

- Securely attached to energy-isolating devices so they cannot be inadvertently or accidentally detached;

**AND**

- Made of materials that will withstand the environmental conditions they will be exposed to.

**NEW SECTION**

**WAC 296-803-60015 Retrain employees when necessary.**

**You must:**

- Retrain authorized and affected employees to introduce new or revised control methods and procedures when there's a change in **any** of the following:
  - Job assignments.
  - Machines, equipment, or processes that present a new hazard.
  - Energy control procedures.
- Retrain employees to reestablish proficiency when:

- A periodic inspection shows the employee deviates from, or has inadequate knowledge of, the energy control procedures;

**OR**

- The employer has reason to believe retraining is necessary.

**NEW SECTION**

**WAC 296-803-700 Summary.**

**Your responsibility:**

To do periodic reviews to make sure employees know and use your energy control procedures.

**You must:**

WAC 296-803-70005 Perform and document periodic reviews to verify employees know and follow the energy control procedures.

WAC 296-803-70010 Do periodic reviews of procedures using lockout devices.

WAC 296-803-70015 Do periodic reviews of procedures using tagout devices.

**NEW SECTION**

**WAC 296-803-70005 Perform and document periodic reviews to verify employees know and follow the energy control procedures.**

**You must:**

- Do a periodic review at least annually to:
  - Make sure employees know and can apply the energy control procedures.
  - Correct any deviations or inadequacies identified.

**Exemption:** Energy control procedures used less frequently than once a year only need to be reviewed before being used.

**You must:**

- Have the periodic review done by an authorized employee other than the ones using the energy control procedure being reviewed.
  - Document that periodic reviews have been done.
    - Include all of the following:
      - Machine or equipment the energy control procedure was used for.
      - Date of the review.
      - Employees included in the review.
      - Person doing the review.

**NEW SECTION**

**WAC 296-803-70010 Do periodic reviews of procedures using lockout devices.**

**You must:**

- Make sure, if a periodic review involves lockout devices, the reviewing employee reviews responsibilities with each authorized employee who uses the procedure.

**Note:** Periodic reviews of authorized employees using energy control procedures involving only lockout devices can be done in a group meeting if desired.

NEW SECTION**WAC 296-803-70015 Do periodic reviews of procedures using tagout devices.****You must:**

• Make sure, if a periodic review involves tagout devices, the reviewing employee reviews with each authorized and affected employee the:

– Employee's responsibilities under the procedure;

AND

– Limitations of tagout devices.

**Note:** Periodic reviews of authorized and affected employees using energy control procedures involving tagout devices have to be done with each employee individually.

**Reference:** See WAC 296-803-60010, Provide additional training if you use tagout devices, in this chapter for the limitations of tagout devices.

NEW SECTION**WAC 296-803-800 Definitions.**

**Affected employee.** An employee who's required to operate, use, or be in the area where a machine or equipment could be locked or tagged out for service or maintenance.

**Authorized employee.** An employee who locks or tags out a machine or equipment to do service or maintenance.

**Can be locked out.** An energy-isolating device that can be locked in the "off" or "safe" position.

**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.

**Energized.** Connected to an energy source or containing residual or stored energy.

**Energy-isolating device.** A mechanical device that physically prevents transmitting or releasing energy. This includes, but is not limited to:

- Manually operated electrical circuit breakers.
- Disconnect switches.
- Manually operated switches that disconnect the conductors of a circuit from all ungrounded supply conductors if no pole of the switch can be operated independently.
- Line valves.
- Blocks.
- Similar devices used to block or isolate energy.

**Energy source.** Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy, including gravity.

**Hot tap.** A procedure which involves welding on pressurized pipelines, vessels, or tanks to install connections or accessories. It's commonly used to replace or add sections of pipeline used in air, gas, water, steam, and petrochemical distribution systems without interrupting service.

**Lockout.** Placing a lockout device on an energy-isolating device using an established procedure to make sure the machine or equipment cannot be operated until the lockout device is removed.

**Lockout device.** A device that uses a positive means, such as a key or combination lock, to hold an energy-isolating device in the "safe" or "off" position. This includes blank flanges and bolted slip blinds.

**Normal production operations.** Using a machine or equipment for its intended production function.

**Primary authorized employee.** An authorized employee who has overall responsibility for meeting the requirements of the lockout/tagout procedures.

**Service and maintenance.** Activities such as constructing, installing, setting-up, adjusting, modifying, maintaining, and servicing machines or equipment. It also includes lubricating, cleaning, unjamming, and making tool changes.

**Setting-up.** Work done to prepare a machine or equipment for normal production operations.

**Tagout.** Placing a tagout device on an energy-isolating device using an established procedure to indicate that the energy-isolating device and the machine or equipment being controlled may not be operated until the tagout device is removed.

**Tagout device.** A prominent warning device, such as a tag and a means of attachment. It can be securely fastened to an energy-isolating device to indicate that the energy-isolating device and the machine or equipment being controlled may not be operated until the tagout device is removed.

**You.** See definition of employer.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-24-975 Selection and use of work practices.** (1) General. Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards.

(a) Deenergized parts. Live parts to which an employee may be exposed shall be deenergized before the employee works on or near them, unless the employer can demonstrate that deenergizing introduces additional or increased hazards or is infeasible due to equipment design or operational limitations. Live parts that operate at less than 50 volts to ground need not be deenergized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

Note 1: Examples of increased or additional hazards include interruption of life support equipment, deactivation of emergency alarm systems, shutdown of hazardous location ventilation equipment, or removal of illumination for an area.

Note 2: Examples of work that may be performed on or near energized circuit parts because of infeasibility due to equipment design or operational limitations include testing of electric circuits that can only be performed with the circuit energized and work on circuits that form an integral part of a continuous industrial process in a chemical plant that would otherwise need to be completely shut down in order to per-

mit work on one circuit or piece of equipment.

Note 3: Work on or near deenergized parts is covered by subsection (2) of this section.

(b) Energized parts. If the exposed live parts are not deenergized (i.e., for reasons of increased or additional hazards or infeasibility), other safety-related work practices shall be used to protect employees who may be exposed to the electrical hazards involved. Such work practices shall protect employees against contact with energized circuit parts directly with any part of their body or indirectly through some other conductive object. The work practices that are used shall be suitable for the conditions under which the work is to be performed and for the voltage level of the exposed electric conductors or circuit parts. Specific work practice requirements are detailed in WAC 296-24-960.

(2) Working on or near exposed deenergized parts.

(a) Application. This subsection applies to work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present. Conductors and parts of electric equipment that have been deenergized but have not been locked out or tagged according to this subsection shall be treated as energized parts, and WAC 296-24-960 applies to work on or near them.

(b) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (b)(i) of this subsection first, then (b)(ii) of this subsection).

Note 1: As used in this section, fixed equipment refers to equipment fastened in place or connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with chapter ((296-24 WAC Part A-4)) 296-803 WAC, Lockout/tagout (control of hazardous energy) will also be deemed to comply with (b) of this subsection provided that:

1. The procedures address the electrical safety hazards covered by this part; and
2. The procedures also incorporate the requirements of (b)(iii)(D) and (b)(iv)(B) of this subsection.

(i) Procedures. The employer shall maintain a written copy of the procedures outlined in (b) of this subsection and shall make it available for inspection by employees and by the director and his or her authorized representatives.

Note: The written procedures may be in the form of a copy of subsection (2) of this section.

(ii) Deenergizing equipment.

(A) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(B) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(C) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

Note: If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(D) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(iii) Application of locks and tags.

(A) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in subitems (C) and (E) of this item. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(B) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(C) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(D) A tag used without a lock, as permitted by subitem (C) of this item, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(E) A lock may be placed without a tag only under the following conditions:

(I) Only one circuit or piece of equipment is deenergized; and

(II) The lockout period does not extend beyond the work shift; and

(III) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(iv) Verification of deenergized condition. The requirements of this subsection shall be met before any circuits or equipment can be considered and worked as deenergized.

(A) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(B) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized condition exists as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(v) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(A) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(B) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(C) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the workplace, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(I) The employer ensures that the employee who applied the lock or tag is not available at the workplace; and

(II) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that workplace.

(D) There shall be a visual determination that all employees are clear of the circuits and equipment.

**AMENDATORY SECTION** (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

**WAC 296-45-175 Hazardous energy control (lockout/tagout) procedures.** The provisions of this section apply to the use of lockout/tagout procedures for the control of energy sources in installations for the purpose of electric power generation, including related equipment for communication or metering. Locking and tagging procedures for the de-energizing of electric energy sources which are used exclusively for purposes of transmission and distribution are addressed by WAC 296-45-335.

Note 1: Installations in electric power generation facilities that are not an integral part of, or inextricably commingled with, power generation processes or equipment are covered under chapter 296-24 WAC.

Note 2: Lockout and tagging procedures that comply with chapter ((296-24)) 296-803 WAC will also be deemed to comply with this section if the procedures address the hazards covered by this section.

**AMENDATORY SECTION** (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

**WAC 296-54-57310 Logging machines—Chipping in woods locations.** In-woods chipping must be performed according to the following:

(1) Chipper access covers or doors remain closed until the drum or disc stops completely.

(2) Infeed and discharge ports are guarded to prevent contact with the disc, knives, or blower blades.

(3) The chipper is shut down and locked out according to the lockout/tagout requirements of chapter ((296-24 WAC, Part A-4;)) 296-803 WAC when an employee performs any servicing or maintenance.

(4) Detached trailer chippers are chocked when used on any slope where rolling or sliding of the chipper is reasonably foreseeable.

**AMENDATORY SECTION** (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

**WAC 296-79-220 Deactivating and lockout requirements.** (1) Control requirement. Whenever the unexpected startup of machinery, the energizing of electrical circuits, the flow of material in piping systems or the removal of guards would endanger workers, such exposure must be prevented by deactivating and locking out the controls as required by chapter ((296-24 WAC, Part A-4)) 296-803 WAC, Lockout/tagout (control of hazardous energy).

**EXCEPTION:** In instances where any machine must be in motion for proper adjustment, for removal or replacement of materials from the machine, for machine clothing changes or for roping up, the following precautions must be observed:

- The machine must be operated at thread or jog speed;
- Extension tools which minimize personnel exposure must be used where possible;
- The operating controls must at all times be under the control of a qualified operator or craftsman;
- All personnel must remain in view of the operator or other means of communication shall be established;
- All personnel must be beyond the reach of other machine section(s) or element(s) which offer potential exposure. In any instance where such potential exposure exists, such other section(s) or element(s) must be separately locked out.

(2) Group lockout or tagout devices. Procedures must meet the minimum requirements of chapter ((296-24 WAC, Part A-4)) 296-803 WAC, Lockout/tagout (control of hazardous energy). The employer must develop a specific written group lockout or tagout procedure and review it with the local plant labor/management safety committee before it can be utilized.

(3) Temporary or alternate power.

- Whenever possible, temporary or alternate sources of power to the equipment being worked on must be avoided.
- If the use of such power is necessary, all affected employees must be informed and the source of temporary or alternate power must be identified.

(4) Deactivating piping systems.

(a) Nonhazardous systems must be deactivated by at least locking out either the pump or a single valve.

(b) Lockout of the following hazardous material piping systems must isolate to the worksite and must provide protection against backflow where such potential exists:

- Gaseous systems that are operated at more than 200 psig;
- Systems containing any liquid at more than 500 psig;
- Systems containing any material at more than 130°F;
- Any cryogenic system,
- Systems containing material which is chemically hazardous as defined by NFPA 704 1996 Class 3 and 4;
- Systems containing material classified as flammable or explosive as defined in NFPA Class I.

Such systems must be deactivated by one of the following:

- Locking out both the pump and one valve between the pump and the worksite;

- Locking out two valves between the hazard source and the worksite;

- Installing and locking out a blank flange between the hazard source and worksite. When a blank flange (blind) is used to separate off portions of hazardous material systems from a portion which is in operation, the employer must develop and implement a procedure for installation and removal of the blank flange that will ensure all hazards have been eliminated;

- Line breaking between the hazard and the worksite;

- On hazardous chemical systems where the methods already listed are not feasible, or by themselves create a hazard, single valve closure isolation may be used provided that potentially exposed employees are adequately protected by other means such as personal protective equipment.

- On all steam systems where the methods already listed are not feasible, single valve closure isolation may be used provided that the system is equipped with valves meeting all requirements of ANSI B16.5-1996 and ANSI B16.34-1996. Where single valve isolation is used, the steamline must also be equipped with a bleed valve downstream from the valve closure to prove isolation of the worksite.

**Note:** Bleeder valves are recommended behind all primary valve closures on hazardous material systems. Consideration should be given to the nature of the material in the system when installing bleeder valves. To assist in preventing plugging, bleeder valves should generally be installed in the top one-third of the pipe. Short exhaust pipes should be installed on bleeder valves to direct the flow of possible escapement away from the position where an employee would normally be when using the bleeder valve.

#### **AMENDATORY SECTION** (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

##### **WAC 296-155-429 Lockout and tagging of circuits.**

(1) Controls. Controls that are deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged and padlocked in the open position.

(2) Equipment and circuits. Equipment or circuits that are deenergized shall be rendered inoperative and have tags and locked padlocks attached at all points where such equipment or circuits can be energized.

(3) Tags. Tags shall be placed to identify plainly the equipment or circuits being worked on.

(4) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (a) of this subsection first, then (b) of this subsection).

**Note 1:** As used in this section, fixed equipment refers to equipment fastened in connected by permanent wiring methods.

**Note 2:** Lockout and tagging procedures that comply with chapter ((296-24 WAC, Part A-4)) 296-803 WAC will also be deemed to comply with this subsection provided that:

1. The procedures address the electrical safety hazards covered by this part; and
2. The procedures also incorporate the requirements of (c)(iv) and (d)(ii) of this subsection.

(a) Procedures. The employer shall maintain a written copy of the procedures outlined in this subsection and shall make it available for inspection by employees and by the director and his/her authorized representative.

**Note:** The written procedures may be in the form of a copy of this section, WAC 296-155-429.

(b) Deenergizing equipment.

(i) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(ii) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(iii) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

**Note:** If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(iv) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(c) Application of locks and tags.

(i) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in (c)(iii) and (v) of this subsection. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(ii) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(iii) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(iv) A tag used without a lock, as permitted by item (iii) of this subsection, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(v) A lock may be placed without a tag only under the following conditions:

(A) Only one circuit or piece of equipment is deenergized; and

(B) The lockout period does not extend beyond the work shifts; and

(C) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(d) Verification of deenergized condition. The requirements of this subsection shall be met before any circuits or equipment can be considered and worked as deenergized.

(i) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(ii) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized conditions exists as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(e) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(i) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(ii) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(iii) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the work place, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(A) The employer ensures that the employee who applied the lock or tag is not available at the work place; and

(B) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that work place.

(iv) There shall be a visual determination that all employees are clear of the circuits and equipment.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-110	The control of hazardous energy (lockout/tagout).
WAC 296-24-11001	Scope, application, and purpose.
WAC 296-24-11003	Definitions applicable to this part.
WAC 296-24-11005	General.
WAC 296-24-11007	Application of control.
WAC 296-24-11009	Release from lockout or tagout.
WAC 296-24-11011	Additional requirements.

WAC 296-24-11013	Reserved.
WAC 296-24-11015	Reserved.
WAC 296-24-11017	Reserved.
WAC 296-24-119	Appendices.

**WSR 04-15-109  
PERMANENT RULES  
HEALTH CARE AUTHORITY  
(Basic Health)**

[Order 04-05—Filed July 20, 2004, 9:53 a.m., effective August 20, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revising to correct cross-reference that was inadvertently missed during previous rule revisions.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-040(14).

Statutory Authority for Adoption: RCW 70.47.050.

Adopted under notice filed as WSR 04-11-039 on May 12, 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 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.

Date Adopted: July 20, 2004.

Melodie Bankers  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 01-07, filed 9/12/02, effective 10/13/02)

**WAC 182-25-040 Enrollment in the plan.** (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

PERMANENT

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation, showing the amount and sources of the applicant's gross family income is required. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. Applicants who were not required to file a federal income tax return may be required to provide verification of nonfiling status. An average of documented income received over a period of several months may be required for purposes of eligibility determination.

(b) Documentation of Washington state residence, displaying the applicant's name and address is required, for example, a copy of a current utility bill or rent receipt. Other documentation may be accepted if the applicant does not have a physical residence, for example, a signed statement from a person or other entity who is providing temporary shelter.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or MHCS selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information will result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a MHCS from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same MHCS (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a MHCS has not been made as part of the application for enrollment. Procedures for the selection of MHCS are set forth in the BHP member handbook. Generally, enrollees may change from one MHCS to another only during open enrollment or if they are able to show good cause for the transfer, for example, when enrollees move to an area served by a different MHCS or where they would be billed a higher premium for their current MHCS.

(4) When a MHCS assists BHP applicants in the enrollment process, it must provide them with the toll-free number for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee

to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all MHCSs available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7)(a) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

(i) At least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

(ii) The applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(b) In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly

adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption.

(10) Subscribers must notify BHP of any changes that could affect their eligibility or subsidy or their dependents' eligibility or subsidy:

(a) Within thirty days of the end of the first month of receiving an increased income; or

(b) Within thirty days of a change other than an income change (for example, a change in family size or address).

(11) BHP will verify the continuing eligibility of enrollees through the recertification process at least once every twelve months. Upon request of BHP, enrollees must submit evidence satisfactory to BHP, proving their continued eligibility for enrollment and for the premium subsidy they are receiving.

(a) BHP will verify income through comparison with other state and federal agency records or other third-party sources.

(b) If the enrollee's income on record with other agencies or third-party source differs from the income the enrollee has reported to BHP, or if questions arise concerning the documentation submitted, BHP will require updated documentation from the enrollee to prove continued eligibility for the subsidy they are receiving. At that time, BHP may also require updated documentation of residence to complete the recertification process.

(c) Enrollees who have been enrolled in BHP six months or more and have not provided updated income documentation for at least six months will be required to submit new income documentation if their wage or salary income cannot be compared to an independent source for verification.

(12) In addition to verification of income, enrollees must annually submit documentation satisfactory to BHP of the following:

(a) Washington state residence;

(b) Full-time student status for dependent students age nineteen through twenty-two; and

(c) Medicare ineligibility for enrollees age sixty-five or over.

(13) For good cause such as, but not limited to, when information received indicates a change in income or a source of income the enrollee has not reported, BHP may require enrollees to provide verification required in subsections (11) and (12) of this section more frequently, regardless of the length of time since their last recertification.

(14) Enrollees who fail to comply with a recertification request will be disenrolled, according to the provisions of WAC 182-25-090 (2)((f))(e).

(15) If, as a result of recertification, BHP determines that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

## WSR 04-15-120

### PERMANENT RULES

#### STATE BOARD OF EDUCATION

[Filed July 20, 2004, 1:19 p.m., effective August 20, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 180-85-077 Continuing education credit—Educational staff associates (ESAs). The purpose of the amendments to this rule is to allow educational staff associates (ESAs) to use continuing education credit which satisfies requirements for their state licenses to maintain their continuing or professional certificates.

Citation of Existing Rules Affected by this Order: Amending WAC 180-85-077.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 04-10-087 on May 6, 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.

Date Adopted: June 18, 2004.

July 15, 2004

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

**WAC 180-85-077 Continuing education credit—ESAs.** Educational staff associates may use credits or clock hours that satisfy ~~((the))~~ continuing education requirements for ~~((their))~~ state professional licensure ~~((, if any,))~~ toward fulfilling ~~((the))~~ state board of education continuing education certification requirements.

## WSR 04-15-154

### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed July 21, 2004, 10:48 a.m., effective August 21, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed rule restructures a fee schedule, implemented August 16, 2002, pursuant to the 2002 Supplemental Operating Budget, section 220, chapter 371, Laws of 2002, that is assessed to commercial shellfish operations to pay for PSP testing of commercially harvested geoduck. The



proposed rule realigns fee assessment in relationship to the number of geoduck PSP tests performed for each entity in 2002. Although the restructure will result in revenue neutral fees, the new schedule will increase some fees over I-601 limits while reducing others. Authority to exceed I-601 limits was approved by the legislature in the 2003-2005 budget cycle.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 04-11-096 [04-11-098] on May 19, 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 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.

Date Adopted: July 19, 2004.

Bill White  
for Mary C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 03-18-093, filed 9/2/03, effective 10/3/03)

**WAC 246-282-990 Fees.** (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

- (2) The fee for each export certificate is \$10.30.
- (3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category	Number of Harvest Sites	Fee
Harvester	≤ 2	<del>\$(173))</del> <u>133</u>
Harvester	3 or more	<del>\$(259))</del> <u>199</u>
Shellstock Shipper	≤ 2	<del>\$(195))</del> <u>150</u>
0 - 49 acres		
Shellstock Shipper	3 or more	<del>\$(292))</del> <u>225</u>
0 - 49 acres		
Shellstock Shipper	N/A	<del>\$(468))</del> <u>360</u>
50 or greater acres		
Shucker-Packer	≤ 2	<del>\$(354))</del> <u>273</u>
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	<del>\$(533))</del> <u>410</u>
(plants < 2000 ft <sup>2</sup> )		
Shucker-Packer	≤ 2	<del>\$(429))</del> <u>330</u>
(plants 2000-5000 ft <sup>2</sup> )		
Shucker-Packer	3 or more	<del>\$(644))</del> <u>496</u>
(plants 2000-5000 ft <sup>2</sup> )		
Shucker-Packer	N/A	<del>\$(1,189))</del> <u>916</u>
(plants > 5000 ft <sup>2</sup> )		

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	<del>\$(9,987))</del> <u>6,393</u>
Jamestown S'Klallam Tribe	<del>\$(10,442))</del> <u>3,324</u>
Lower Elwah Klallam Tribe	<del>\$(1,249))</del> <u>1,449</u>
Lummi Nation	<del>\$(454))</del> <u>341</u>

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	\$((2,497))
Nisqually Indian Tribe	<u>2,216</u>
	\$((5,675))
Port Gamble S'Klallam Tribe	<u>3,324</u>
	\$((3,859))
Puyallup Tribe of Indians	<u>3,239</u>
	\$((908))
Skokomish Indian Tribe	<u>171</u>
	\$((4,994))
Squaxin Island Tribe	<u>2,898</u>
	\$((7,832))
Suquamish Tribe	<u>8,610</u>
	\$((568))
Swinomish Tribe	<u>256</u>
	\$((2,724))
Tulalip Tribe	<u>1,449</u>
((Chelsea Farms LLC DBA Due's, Inc.	<u>\$227</u> )
Discovery Bay Shellfish	<u>\$171</u>
	\$((454))
Seattle Shellfish	<u>5,285</u>
	\$((795))
Taylor Shellfish Company, Inc. (Shelton)	<u>2,728</u>
	\$((5,335))
Washington Shell Fish, Inc.	<u>2,898</u>

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

**WSR 04-15-157  
PERMANENT RULES  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2003-10—Filed July 21, 2004,  
10:53 a.m., effective August 21, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These new rules update and clarify existing public disclosure procedures for the Office of the Insurance Commissioner (OIC). The new rules reflect current laws and processes. The use of questions and answer format make the rules easier to understand for the public and OIC staff.

Citation of Existing Rules Affected by this Order: Repealing WAC 284-03-080, 284-03-090, 284-03-110, 284-03-120, 284-03-130, 284-03-140, 284-03-990 and 284-03-9901; and amending WAC 284-03-010, 284-03-020, 284-03-030, 284-03-040, 284-03-050, 284-03-060, 284-03-070, and 284-03-100.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.250, 48.17.300, 70.02.050.

Other Authority: RCW 42.17.250.

Adopted under notice filed as WSR 04-11-107 on 9:31 [May 19, 2004].

Changes Other than Editing from Proposed to Adopted Version: WAC 284-03-015:

- Subsection (1), number was deleted and renumbered below;
- Subsection (c) and (d) were reversed and clarification added to (d) "If the information you are requesting may include a list of individuals, a statement that the list will not be used for commercial purposes."  
WAC 284-03-105, "state and federal" added.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 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 9, Amended 8, Repealed 8.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 8, Repealed 8.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 8, Repealed 8.

Date Adopted: July 21, 2004.

Mike Kreidler  
Insurance Commissioner

**Chapter 284-03 WAC**

**PUBLIC ((ACCESS TO INFORMATION AND))  
RECORDS**

**PUBLIC RECORDS REQUESTS**

NEW SECTION

**WAC 284-03-005 What is a public record?** "Public record" is defined in RCW 42.17.020. Public records include any written or recorded communication containing information relating to the conduct of the OIC or the performance of any governmental or proprietary function prepared, owned, used, or retained by the OIC.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-010 ((Purpose)) Who should I contact about a public record request?** ((The purpose of this chapter is to provide rules implementing RCW 42.17.250—42.17.320 (§§ 25 through 32, chapter 1, Laws of 1973).)) The public records officer is in charge of all records maintained by the office of the insurance commissioner (OIC). This includes records at any office in the state maintained by the insurance commissioner. The public records officer is responsible for overseeing the release of public records, coordinating OIC public disclosure staff, and maintaining the records indexes.

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**NEW SECTION**

**WAC 284-03-015 How do I make a public record request?** Public record requests must be made in writing. The OIC accepts written public record requests made in person or sent by e-mail, fax, or mail. Requests will be accepted either:

- (1) On an OIC Public Disclosure Request form. The forms are available on the OIC website or by contacting the public records officer; or
- (2) If the OIC form is not used, the public record request should be in writing and include the following information:
  - (a) The name of the person requesting the record;
  - (b) The calendar date on which the request was made;
  - (c) A sufficient description of the record requested; and
  - (d) If the information you are requesting may include a list of individuals, a statement that the list will not be used for commercial purposes.

**AMENDATORY SECTION** (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-020 ((Definitions.)) What records indexes are available?** ~~((1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.~~

~~(2) "Office" is the office of the insurance commissioner of the state of Washington, which includes by operation of law the office of the state fire marshal.))~~ The OIC does not maintain or have custody of all agency records. Historical records are sent to the secretary of the state's archives division. The OIC maintains a current index providing identifying information regarding OIC public records. The index is available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. The records are indexed:

- (1) By appropriate names;
- (2) By calendar year;
- (3) By topic; or
- (4) A combination of the above methods, as appropriate.

**NEW SECTION**

**WAC 284-03-025 Is the OIC required to create public records for me?** The Public Disclosure Act (RCW 42.17.250 through 42.17.348) requires access to existing, identifiable public records in an agency's possession at the time of the request (see RCW 42.17.270). The OIC is not required to collect or organize data to create a public record that does not exist at the time of the public record request.

**AMENDATORY SECTION** (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-030 ((Functions—Organization—Administration.)) How will the OIC respond to my public record request?** (1) For purposes of this chapter, the functions, organization and administration of the office relating to insurance matters shall be as set forth in chapter 284-02 WAC.

~~((2) For purposes of this chapter, the functions, organization and administration of this office relating to the state~~

~~fire marshal shall be as set forth in chapter 212-02 WAC.))~~ Within five business days after receiving a request, the OIC will either:

- (a) Provide the record(s);
- (b) Acknowledge your request and give you a reasonable estimate of how long the agency will take to provide records. If your request is not clear, the OIC may ask you for more information (see WAC 284-03-035); or
- (c) Deny all or part of the request in writing, with reasons for the denial (see WAC 284-03-040 and 284-03-045). The explanation will include the law the OIC relied upon in its denial. Every denial will be sent to the public records officer for review as required by RCW 42.17.320.

(2) At his or her discretion, the public records officer may send the requested records to you by e-mail, fax, or mail. The records may be delivered on computer or compact disks, or by use of other methods of transmittal or storage.

**NEW SECTION**

**WAC 284-03-035 Why might the OIC need to extend the time to respond to a public record request?** The OIC may need to extend the time to respond to a public record request to:

- (1) Locate and gather the information requested;
- (2) Notify an individual or organization affected by the request;
- (3) Determine whether the information requested is exempt from disclosure and whether all or part of the public record requested can be released; or
- (4) Contact you to clarify the intent, scope or specifics of the request. If you fail to clarify the request, the OIC may not have to respond to your request.

**AMENDATORY SECTION** (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-040 ((Public records available.)) What happens if the public record I requested is exempt from disclosure?** ~~((Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310 and these rules.))~~ If the OIC determines that a record is exempt from disclosure, you will be informed in writing of the specific exemption authorizing the OIC to withhold the record.

**NEW SECTION**

**WAC 284-03-045 What happens if only part of the record I requested is exempt?** The OIC may delete identifying details or other information when there is reason to believe the information is not subject to disclosure (see RCW 42.17.260 for an example). The public records officer will explain any deletion in writing.

**AMENDATORY SECTION** (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-050 ((Public records officer.)) Will the OIC review the denial of my request?** ~~((The public records officer for the office shall be the administrative officer, as~~

~~designated by the state insurance commissioner, for all records maintained by such office whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the state insurance commissioner. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the office in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250—42.17.320, and maintaining the records index of such office as required.)~~ If the OIC denies your public record request, you may ask the OIC to review the denial. To request a review, you must:

- (1) Make your request in writing;
- (2) Specifically refer to the written exemption provided by the OIC; and
- (3) Address the request for review to the OIC's public records officer.

After receiving your request for review, the public records officer will refer the matter for review to the insurance commissioner or a designated deputy insurance commissioner. The commissioner or designee will either affirm or reverse the denial within two business days after the receipt of your request for review.

#### NEW SECTION

**WAC 284-03-055 What are the fees to copy or inspect records?** There is no cost to inspect records. Copying or duplicating fees are intended to equal the costs to the OIC, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy (see RCW 42.17.300). Contact the public records officer or check the OIC website to find out the current fees.

AMENDATORY SECTION (Amending Order R 90-9, filed 8/28/90, effective 9/28/90)

**WAC 284-03-060 ((Records index.)) What records can I inspect and/or copy?** ~~((The office has available to all persons a current index which provides identifying information as to public records received, issued, adopted or promulgated since its inception. The current index adopted by the office shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.~~

The indexes shall be kept current and maintained by the commissioner's designee, located in the Olympia office, and shall be updated no less frequently than annually. All indexes maintained by the commissioner shall be indexed by appropriate names, by calendar year, by topic, or a combination of these, as appropriate.) You may inspect or get copies of all public records unless they are exempted by chapter 42.17 RCW, Title 48 RCW, chapter 19.108 or 70.02 RCW, or other applicable law.

#### NEW SECTION

**WAC 284-03-065 When can I inspect or copy documents?** You can inspect and copy public records at the OIC

headquarters in Thurston County from 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday. Records are not available for inspection or copying on legal holidays. The OIC reserves the right to restrict your ability to examine or copy public records when the OIC believes it is necessary to preserve public records or prevent interference in the performance of agency duties. This does not prevent OIC from providing you with copies of the public records or limit the duty of the OIC to provide you with copies of the public records.

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-070 ((Office hours.)) Do I need to make an appointment?** ~~((Public records shall be available for inspection and copying during the customary office hours of the office. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.))~~ Appointments are not required but help the OIC provide prompt and efficient service. Since public records facilities and staff are limited, you should make an appointment with the public records officer. When making an appointment, please tell the public records officer what record(s) you would like to inspect or copy. Some records may be offsite, may need to be identified, or may be exempt from disclosure.

#### NEW SECTION

**WAC 284-03-075 Can I take original records away from the OIC's office?** No. You cannot take original records from the OIC's building. The OIC has a duty to protect public records (see RCW 42.17.290).

#### USE AND PROTECTION OF PERSONAL INFORMATION BY THE OIC

AMENDATORY SECTION (Amending Order R-75-1, filed 5/19/75)

**WAC 284-03-100 ((Exemptions.)) If I make a complaint or inquiry, how will the OIC use that information?** ~~((1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 284-03-080 is exempt under the provisions of RCW 42.17.260 and/or such other laws as may be deemed applicable.~~

~~(2) In addition, pursuant to RCW 42.17.260 the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy or as otherwise provided in WAC 284-03-040. The public records officer will fully justify such deletion in writing.~~

~~(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.)~~ The OIC will use the information you provide in a consumer

complaint or inquiry to attempt to resolve your issue or inquiry. This includes contacting the business or person you complained about and any other persons, governments, businesses, or entities that may help the OIC resolve your complaint. If you do not wish the information to be disclosed by the OIC, you must state that in writing to the OIC. This may prevent the OIC from assisting you in resolving your issue.

#### NEW SECTION

**WAC 284-03-105 Will the OIC protect my personal information?** The OIC reserves the right to protect personal information, including health information, as permitted by RCW 42.17.250 through 42.17.348, chapter 70.02 RCW, Title 48 RCW, and other applicable state or federal laws.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-03-080	Requests for public records.
WAC 284-03-090	Copying fees.
WAC 284-03-110	Review of denials of public records request.
WAC 284-03-120	Protection of public records.
WAC 284-03-130	Consumer complaints and inquiries.
WAC 284-03-140	Adoption of forms.
WAC 284-03-990	Form 276-1—Request for inspection of records.
WAC 284-03-99001	Form 276-2—Request for photocopy of record(s).

#### **WSR 04-15-162**

#### **PERMANENT RULES**

#### **LIQUOR CONTROL BOARD**

[Filed July 21, 2004, 11:20 a.m., effective August 21, 2004]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Technical changes to the following rules to help clarify language for staff and for liquor licensees: WAC 314-11-015 What are my responsibilities as a liquor licensee?, 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?, 314-11-065 What type of liquor is allowed on a licensed premises?, and 314-11-070 During what hours can I sell or serve liquor?

Citation of Existing Rules Affected by this Order: Amending WAC 314-11-015, 314-11-020, 314-11-065, and 314-11-070.

Statutory Authority for Adoption: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.291], 66.44.310.

Adopted under notice filed as WSR 04-08-112 on April 6, 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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: July 7, 2004.

Merritt D. Long  
Chairman

AMENDATORY SECTION (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

**WAC 314-11-015 What are my responsibilities as a liquor licensee?** (1)(a) Liquor licensees are responsible for the operation of their licensed premises in compliance with the liquor laws and rules of the board (Title 66 RCW and Title 314 WAC). Any violations committed or permitted by employees will be treated by the board as violations committed or permitted by the licensee.

(b) The penalties for violations of liquor laws or rules are in: WAC 314-12-300 through 314-12-340, as now or hereafter amended, for licensees; and WAC 314-17-105 and 314-17-110, as now or hereafter amended, for employees who hold mandatory alcohol server training permits. These rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a liquor law or rule.

(2) Licensees and their employees also have the responsibility to conduct the licensed premises in compliance with the following laws, as they now exist or may later be amended:

- Titles 9 and 9A RCW, the criminal code laws;
- Title 69 RCW, which outlines the laws regarding controlled substances; and
- Titles 70.155, 82.24 RCW, and RCW 26.28.080 which outline laws regarding tobacco.

(3) Licensees have the responsibility to control their conduct and the conduct of employees and patrons on the premises at all times. Except as otherwise provided by law, licensees or employees may not:

- (a) Be disorderly or apparently intoxicated on the licensed premises;
- (b) Permit any disorderly person to remain on the licensed premises;
- (c) Engage in or allow behavior that provokes conduct which presents a threat to public safety;

(d) Consume liquor of any kind while working on the licensed premises; except that:

(i) Licensed beer manufacturers and their employees may sample beer of their own manufacture for manufacturing, evaluating or pricing product in areas where the public is not served, so long as the licensee or employee does not become apparently intoxicated;

(ii) Licensed wine manufacturers and their employees may:

(A) Sample wine for manufacturing, evaluating, or pricing product, so long as the licensee or employee does not become apparently intoxicated; and the licensee or employee who is sampling for these purposes is not also engaged in serving alcohol to the public; and

(B) Sample wine of their own manufacture for quality control or consumer education purposes, so long as the licensee or employee does not become apparently intoxicated.

(e) Engage in, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Titles 9, 9A, or 69 RCW; or

(f) Sell or serve liquor by means of "drive-in" or by "curb service."

(4) Licensees have the responsibility to control the interaction between the licensee or employee and their patrons. At a minimum, licensees or employees may not:

(a) Solicit any patron to purchase any beverage for the licensee or employee, or allow a person to remain on the premises for such purpose;

(b) Spend time or dance with, or permit any person to spend time or dance with, any patron for direct or indirect compensation by a patron.

(c) See WAC 314-11-050 for further guidelines on prohibited conduct.

**AMENDATORY SECTION** (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

**WAC 314-11-020 What are the guidelines regarding sales to persons under twenty-one years of age and where persons under twenty-one are allowed on a licensed premises?** (1) Per RCW 66.44.270, licensees or employees may not supply liquor to any person under twenty-one years of age, either for his/her own use or for the use of any other person.

(2) Per RCW 66.44.310, licensees or employees may not allow persons under twenty-one years of age to remain in any premises or area of a premises classified as off-limits to persons under twenty-one. (See RCW 66.44.310 (1)(b) regarding nonprofit, private club licensees.)

(3) Per RCW 66.20.180, ~~((At))~~ at the request of any law enforcement officer, a ~~((person))~~ holder of a card of identification must present ~~((a))~~ his/her card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it ~~((with))~~ may be considered a violation of Title 66 RCW and:

(a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

**AMENDATORY SECTION** (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

**WAC 314-11-065 What type of liquor is allowed on a licensed premises?** (1) Licensees may only possess and allow persons to consume or possess the type of liquor permitted by the type of liquor license held on the premises; except:

(a) Under authority of a banquet permit (see chapter 314-18 WAC);

(b) Restaurant licensees may allow patrons to bring wine into the premises for consumption with a meal; and

(c) Beer and/or wine ~~((only))~~ restaurant or tavern licensees may keep spirituous liquor on the premises for use in the manufacture of food products, provided that:

(i) all food products manufactured contain one percent or less of alcohol by weight (per RCW 66.12.16.160), ((and))

(ii) customers are made aware that the food products contain liquor, and

(iii) the beer and/or wine restaurant or tavern licensee notifies the local liquor control board enforcement office in writing before they bring spirituous liquor on the premises.

(2) For on-premises liquor licenses, the licensee or employees may not permit the removal of liquor in an open container from the licensed premises, except:

(a) Liquor brought on a licensed premises under authority of a banquet permit may be resealed in its original container and removed at the end of the banquet permit function;

(b) Per RCW 66.24.320 and 66.24.400, wine that is sold with a meal may be recorked or resealed and removed from the premises;

(c) Liquor purchased by registered guests for consumption inside a hotel or motel room may be resealed in its original container and removed from the hotel or motel premises by the guest; and

(d) Liquor removed from a licensed premises that holds a caterer's endorsement, for the purpose of catering an approved event.

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

**AMENDATORY SECTION** (Amending WSR 02-11-054, filed 5/9/02, effective 6/9/02)

**WAC 314-11-070 During what hours can I sell or serve liquor?** (1) Between the hours of 2 a.m. and 6 a.m., licensees or employees may not:

(a) Sell liquor,

(b) Offer liquor for sale,

(c) Deliver liquor (except that beer and/or wine distributors may deliver beer and/or wine to retail licensees between the hours of 2 a.m. and 6 a.m.),

(d) Permit the removal of liquor from the premises~~((of))~~;

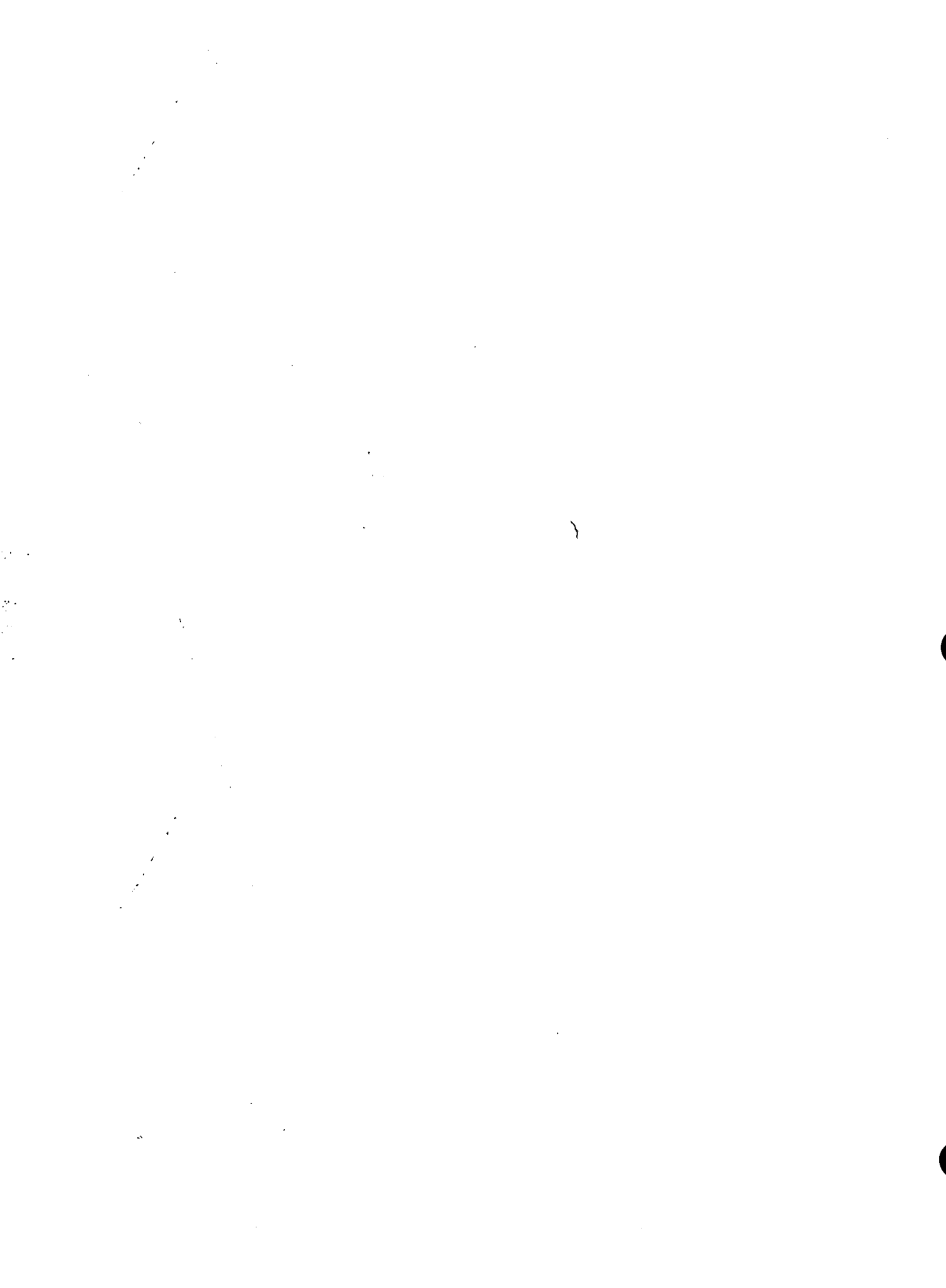
(e) Allow liquor to be consumed on the premises~~((-))~~; or

PERMANENT

(f) Possess liquor, except that

~~((2) Persons))~~ persons working on the premises may possess liquor between the hours of 2 a.m. and 6 a.m. while in the performance of their official duties.

~~((3))~~ (2) A local government subdivision may fix later opening hours or earlier closing hours than those specified in this rule, so long as the hours apply to all licensed premises in the local government subdivision's jurisdiction. See WAC 314-12-215(3) for exceptions when a premises is in a board recognized alcohol impact area.





**WSR 04-14-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Child Support)

[Filed June 30, 2004, 11:44 a.m., effective June 30, 2004]

Effective Date of Rule: Immediately.

Purpose: The Division of Child Support (DCS) is adopting new rules and amending existing rules to establish the procedures for enforcing medical support obligations using the National Medical Support Notice. There have been no changes from the emergency rules adopted under WSR 04-07-057 effective March 22, 2004. At the same time, DCS is beginning the regular rule-making process for these rules as well. DCS has filed the CR-102 as WSR 04-13-139 and the rule-making hearing is set for August 10, 2004.

**AMENDED RULES:** WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 Can the division of child support make me provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide health insurance for my children, what do I have to do?, 388-14A-4120 DCS (~~(serves a)~~) uses the National Medical Support Notice ((of enrollment)) to enforce an obligation to provide health insurance coverage, and 388-14A-4130 What must (~~(an employer or union who receives a notice of enrollment do))~~) a plan administrator do after receiving a National Medical Support Notice from the division of child support?

**NEW RULES:** WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support?, 388-14A-4122 What kind of information is included in the National Medical Support Notice?, 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice?, 388-14A-4124 Who are the parties involved with National Medical Support Notice?, 388-14A-4125 What must an employer do after receiving a National Medical Support Notice?, 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice?, 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?, 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled?, 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage?, 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?, 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?, 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?, 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?, 388-14A-4170 How long does a

National Medical Support Notice or other notice of enrollment remain in effect?, and 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-1020, 388-14A-4040, 388-14A-4100, 388-14A-4110, 388-14A-4120, and 388-14A-4130.

Statutory Authority for Adoption: RCW 74.08.090, 74.20A.310.

Other Authority: RCW 26.18.170, 42 U.S.C. 666 (a)(19), 45 C.F.R. 303.31 and 303.32.

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: DCS is required to use the National Medical Support Notice to enforce medical support obligations under the Child Support Incentives Act of 1998, 42 U.S.C. 666 (a)(19); failure to do so would result in a state plan violation and could jeopardize federal funding for the Washington state child support program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 16, Amended 6, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 16, Amended 6, Repealed 0.

Date Adopted: June 30, 2004.

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

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-1020 What definitions apply to the rules regarding child support enforcement?** For purposes of this chapter, the following definitions apply:

"**Absence of a court order**" means that there is no court order setting a support obligation for the noncustodial parent (NCP), or specifically relieving the NCP of a support obligation, for a particular child.

"**Absent parent**" is a term used for a noncustodial parent.

"**Accessible coverage**" means health insurance coverage which provides primary care services to the children with reasonable effort by the custodian.

"**Accrued debt**" means past-due child support which has not been paid.

**"Administrative order"** means a determination, finding, decree or order for support issued under RCW 74.20A.055, 74.20A.056, or 74.20A.059 or by another state's agency under an administrative process, establishing the existence of a support obligation (including medical support) and ordering the payment of a set or determinable amount of money for current support and/or a support debt. Administrative orders include:

- (1) An order entered under chapter 34.05 RCW;
- (2) An agreed settlement or consent order entered under WAC 388-14A-3600; and
- (3) A support establishment notice which has become final by operation of law.

**"Agency"** means the Title IV-D provider of a state. In Washington, this is DCS.

**"Agreed settlement"** is an administrative order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. An agreed settlement does not require the approval of an administrative law judge.

**"Aid"** or **"public assistance"** means cash assistance under the temporary assistance for needy families (TANF) program, the aid for families with dependent children (AFDC) program, federally-funded or state-funded foster care, and includes day care benefits and medical benefits provided to families as an alternative or supplement to TANF.

**"Alternate recipient"** means a child of the employee or retiree named within a support order as being entitled to coverage under an employer's group health plan.

**"Applicant/custodian"** means a person who applies for nonassistance support enforcement services on behalf of a child or children residing in their household.

**"Applicant/recipient," "applicant,"** and **"recipient"** means a person who receives public assistance on behalf of a child or children residing in their household.

**"Arrears"** means the debt amount owed for a period of time before the current month.

**"Assistance"** means cash assistance under the state program funded under Title IV-A of the federal Social Security Act.

**"Birth costs"** means medical expenses incurred by the custodial parent or the state for the birth of a child.

**"Conference board"** means a method used by the division of child support for resolving complaints regarding DCS cases and for granting exceptional or extraordinary relief from debt.

**"Consent order"** means a support order that reflects the agreement of the noncustodial parent, the custodial parent and the division of child support. A consent order requires the approval of an administrative law judge.

**"Court order"** means a judgment, decree or order of a Washington state superior court, another state's court of comparable jurisdiction, or a tribal court.

**"Current support"** or **"current and future support"** means the amount of child support which is owed for each month.

**"Custodial parent"** means the person, whether a parent or not, with whom a dependent child resides the majority of the time period for which the division of child support seeks to establish or enforce a support obligation.

**"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought"** means the date that the TANF or AFDC program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services end, whichever occurs later.

**"Delinquency"** means failure to pay current child support when due.

**"Department"** means the Washington state department of social and health services (DSHS).

**"Dependent child"** means a person:

(1) Seventeen years of age or younger who is not self-supporting, married, or a member of the united states armed forces;

(2) Eighteen years of age or older for whom a court order requires support payments past age eighteen;

(3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

(a) A full-time student; and

(b) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child turns nineteen.

**"Disposable earnings"** means the amount of earnings remaining after the deduction of amounts required by law to be withheld.

**"Earnings"** means compensation paid or payable for personal service. Earnings include:

(1) Wages or salary;

(2) Commissions and bonuses;

(3) Periodic payments under pension plans, retirement programs, and insurance policies of any type;

(4) Disability payments under Title 51 RCW;

(5) Unemployment compensation under RCW 50.40.-020, 50.40.050 and Title 74 RCW;

(6) Gains from capital, labor, or a combination of the two; and

(7) The fair value of nonmonetary compensation received in exchange for personal services.

**"Employee"** means a person to whom an employer is paying, owes, or anticipates paying earnings in exchange for services performed for the employer.

**"Employer"** means any person or organization having an employment relationship with any person. This includes:

(1) Partnerships and associations;

(2) Trusts and estates;

(3) Joint stock companies and insurance companies;

(4) Domestic and foreign corporations;

(5) The receiver or trustee in bankruptcy; and

(6) The trustee or legal representative of a deceased person.

**"Employment"** means personal services of whatever nature, including service in interstate commerce, performed for earnings or under any contract for personal services. Such a contract may be written or oral, express or implied.

**"Family"** means the person or persons on whose behalf support is sought, which may include a custodial parent and one or more children, or a child or children in foster care

placement. The family is sometimes called the assistance unit.

**"Family member"** means the caretaker relative, the child(ren), and any other person whose needs are considered in determining eligibility for assistance.

**"Foreign order"** means a court or administrative order entered by a tribunal other than one in the state of Washington.

**"Foster care case"** means a case referred to the Title IV-D agency by the Title IV-E agency, which is the state division of child and family services (DCFS).

**"Fraud,"** for the purposes of vacating an agreed settlement or consent order, means:

(1) The representation of the existence or the nonexistence of a fact;

(2) The representation's materiality;

(3) The representation's falsity;

(4) The speaker's knowledge that the representation is false;

(5) The speaker's intent that the representation should be acted on by the person to whom it is made;

(6) Ignorance of the falsity on the part of the person to whom it is made;

(7) The latter's:

(a) Reliance on the truth of the representation;

(b) Right to rely on it; and

(c) Subsequent damage.

**"Full support enforcement services"** means the entire range of services available in a Title IV-D case.

**"Good cause"** for the purposes of late hearing requests and petitions to vacate orders on default means a substantial reason or legal justification for delay, including but not limited to the grounds listed in civil rule 60. The time periods used in civil rule 60 apply to good cause determinations in this chapter.

**"Head of household"** means the parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

**"Health care costs":**

(1) For the purpose of establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental and optometrical expenses; and((;))

(2) For the purpose of enforcement action under chapters 26.23, 74.20 and 74.20A RCW, including the notice of support debt and the notice of support owed, means medical, dental and optometrical costs stated as a fixed dollar amount by a support order.

**"Health insurance"** means insurance coverage for all medical services related to an individual's general health and well being. These services include, but are not limited to: Medical/surgical (inpatient, outpatient, physician) care, medical equipment (crutches, wheel chairs, prosthesis, etc.), pharmacy products, optometric care, dental care, orthodontic care, preventive care, mental health care, and physical therapy.

**"Hearing"** means an adjudicative proceeding authorized by this chapter, or chapters 26.23, 74.20 and 74.20A RCW, conducted under chapter 388-02 WAC and chapter 34.05 RCW.

**"I/Me"** means the person asking the question which appears as the title of a rule.

**"Income"** includes:

(1) All gains in real or personal property;

(2) Net proceeds from the sale or exchange of real or personal property;

(3) Earnings;

(4) Interest and dividends;

(5) Proceeds of insurance policies;

(6) Other periodic entitlement to money from any source; and

(7) Any other property subject to withholding for support under the laws of this state.

**"Income withholding action"** includes all withholding actions which DCS is authorized to take, and includes but is not limited to the following actions:

(1) Asserting liens under RCW 74.20A.060;

(2) Serving and enforcing liens under chapter 74.20A RCW;

(3) Issuing orders to withhold and deliver under chapter 74.20A RCW;

(4) Issuing notices of payroll deduction under chapter 26.23 RCW; and

(5) Obtaining wage assignment orders under RCW 26.18.080.

**"Locate"** can mean efforts to obtain service of a support establishment notice in the manner prescribed by WAC 388-14A-3105.

**"Medical support"** means either or both:

(1) Health care costs stated as a fixed dollar amount in a support order; and

(2) Health insurance coverage for a dependent child.

**"National Medical Support Notice" or "NMSN"** is a federally-mandated form that DCS uses to enforce a health insurance support obligation; the NMSN is a notice of enrollment as described in RCW 26.18.170.

**"Noncustodial parent"** means the natural parent, adoptive parent, responsible stepparent or person who signed and filed an affidavit acknowledging paternity, from whom the state seeks support for a dependent child. Also called the NCP. A parent is considered to be an NCP when for the majority of the time during the period for which support is sought, the dependent child resided somewhere other than with that parent.

**"Other ordinary expense"** means an expense incurred by a parent which:

(1) Directly benefits the dependent child; and

(2) Relates to the parent's residential time or visitation with the child.

**"Participant"** means an employee or retiree who is eligible for coverage under an employer group health plan.

**"Past support"** means support arrears.

**"Paternity testing"** means blood testing or genetic tests of blood, tissue or bodily fluids. This is also called genetic testing.

**"Payment services only" or "PSO"** means a case on which the division of child support's activities are limited to recording and distributing child support payments, and maintaining case records. A PSO case is not a IV-D case.

**"Permanently assigned arrearages"** means those arrears which the state may collect and retain up to the amount of unreimbursed assistance.

**"Physical custodian"** means custodial parent (CP).

**"Plan administrator"** means the person or entity which performs those duties specified under 29 USC 1002 (16)(A) for a health plan. If no plan administrator is specifically so designated by the plan's organizational documents, the plan's sponsor is the administrator of the plan. Sometimes an employer acts as its own plan administrator.

**"Putative father"** includes all men who may possibly be the father of the child or children on whose behalf the application for assistance or support enforcement services is made.

**"Reasonable efforts to locate"** means any of the following actions performed by the division of child support:

(1) Mailing a support establishment notice to the noncustodial parent in the manner described in WAC 388-14A-3105;

(2) Referral to a sheriff or other server of process, or to a locate service or department employee for locate activities;

(3) Tracing activity such as:

(a) Checking local telephone directories and attempts by telephone or mail to contact the custodial parent, relatives of the noncustodial parent, past or present employers, or the post office;

(b) Contacting state agencies, unions, financial institutions or fraternal organizations;

(c) Searching periodically for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record-keeping agencies or entities; or

(d) Maintaining a case in the division of child support's automated locate program, which is a continuous search process.

(4) Referral to the state or federal parent locator service;

(5) Referral to the attorney general, prosecuting attorney, the IV-D agency of another state, or the Department of the Treasury for specific legal or collection action;

(6) Attempting to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

(7) Conducting other actions reasonably calculated to produce information regarding the NCP's whereabouts.

**"Required support obligation for the current month"** means the amount set by a superior court order, tribal court order, or administrative order for support which is due in the month in question.

**"Resident"** means a person physically present in the state of Washington who intends to make their home in this state. A temporary absence from the state does not destroy residency once it is established.

**"Residential care"** means foster care, either state or federally funded.

**"Residential parent"** means the custodial parent (CP), or the person with whom the child resides that majority of the time.

**"Responsible parent"** is a term sometimes used for a noncustodial parent.

**"Responsible stepparent"** means a stepparent who has established an in loco parentis relationship with the dependent child.

**"Retained support"** means a debt owed to the division of child support by anyone other than a noncustodial parent.

**"Satisfaction of judgment"** means payment in full of a court-ordered support obligation, or a determination that such an obligation is no longer enforceable.

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

**"State"** means a state or political subdivision, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized Indian tribe or a foreign country.

**"Superior court order"** means a judgment, decree or order of a Washington state superior court, or of another state's court of comparable jurisdiction.

**"Support debt"** means support which was due under a support order but has not been paid. This includes:

(1) Delinquent support;

(2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance including health care costs, birth costs, child care costs, and special child rearing expenses of a dependent child or other person;

(3) A debt under RCW 74.20A.100 or 74.20A.270; or

(4) Accrued interest, fees, or penalties charged on a support debt, and attorney's fees and other litigation costs awarded in an action under Title IV-D to establish or enforce a support obligation.

**"Support enforcement services"** means all actions the Title IV-D agency is required to perform under Title IV-D of the Social Security Act and state law.

**"Support establishment notice"** means a notice and finding of financial responsibility under WAC 388-14A-3115, a notice and finding of parental responsibility under WAC 388-14A-3120, or a notice and finding of medical responsibility under WAC 388-14A-3125.

**"Support money"** means money paid to satisfy a support obligation, whether it is called child support, spousal support, alimony, maintenance, medical support, or birth costs.

**"Support obligation"** means the obligation to provide for the necessary care, support and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs, birth costs, and child care or special child rearing expenses.

**"Temporarily assigned arrearages"** means those arrears which accrue prior to the family receiving assistance, for assistance applications dated on or after October 1, 1997.

**"Title IV-A"** means Title IV-A of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

**"Title IV-A agency"** means the part of the department of social and health services which carries out the state's responsibilities under the temporary assistance for needy families (TANF) program (and the aid for dependent children (AFDC) program when it existed).

**"Title IV-D"** means Title IV-D of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 USC.

**"Title IV-D agency"** or **"IV-D agency"** means the division of child support, which is the agency responsible for car-

rying out the Title IV-D plan in the state of Washington. Also refers to the Washington state support registry (WSSR).

"Title IV-D case" is a case in which the division of child support provides services which qualifies for funding under the Title IV-D plan.

"Title IV-D plan" means the plan established under the conditions of Title IV-D and approved by the secretary, Department of Health and Human Services.

"Title IV-E" means Title IV-E of the Social Security Act established under Title XX of the Social Security amendments and as incorporated in Title 42 U.S.C.

"Title IV-E case" means a foster care case.

"Tribunal" means a state court, tribal court, administrative agency, or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine parentage.

"Unreimbursed assistance" means the cumulative amount of assistance which was paid to the family and which has not been reimbursed by assigned support collections.

"We" means the division of child support, part of the department of social and health services of the state of Washington.

"WSSR" is the Washington state support registry.

"You" means the reader of the rules, a member of the public, or a recipient of support enforcement services.

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-4040 DCS can serve some collection actions by electronic service.** (1) An employer, or any other person, firm, corporation or political subdivision, or any department of the state or federal government may agree with the division of child support (DCS) to accept electronic data transmission (EDT) as service of the following documents:

- (a) Notice of payroll deduction under RCW 26.23.060;
- (b) Order to withhold and deliver under RCW 74.20A.080;
- (c) Assignment of earnings under RCW 74.20A.240;
- (d) Notice of enrollment or National Medical Support Notice (NMSN) under RCW 26.18.170 (2)(a)(iv);
- (e) Releases of any of these collection documents; and
- ~~((e))~~ (f) Amendments in the amount to be withheld under any of these collection documents.

(2) Agreements for service by EDT must be in writing. The employer, person, firm, corporation, political subdivision or department must agree to accept EDT as:

- (a) Personal service of the withholding documents; and
- (b) A written document for the purposes of chapters 26.23 and 74.20A RCW.

(3) DCS provides the party accepting EDT with copies of the current forms listed in subsection (2) above, as well as any updates to those forms. If DCS fails to provide an updated form, this does not excuse noncompliance with withholding documents served under the EDT agreement.

(4) An agreement to accept service by EDT does not alter the rights, duties and responsibilities related to income withholding action under chapters 26.23, 74.20 or 74.20A.

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-4100 Can the division of child support make me provide health insurance for my children?**

(1) If a child support order requires the noncustodial parent (NCP) to provide health insurance for the children, the division of child support (DCS) attempts to enforce that requirement according to the terms of the order.

(2) ~~((Unless the support order specifies differently, an NCP is obligated to provide health insurance for dependent children if coverage is:~~

~~(a) Available or becomes available through the NCP's employment or union; and~~

~~(b) Available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation))~~ When DCS is enforcing a support order which contains a specific dollar limit for the cost of health insurance premiums or provides for coverage which is available at no cost to the NCP, DCS does not require the NCP to provide health insurance if coverage is not available within the limitations of the order.

(3) When DCS is enforcing a support order entered on or after May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is:

(a) Available or becomes available through the NCP's employment or union; and

(b) Available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation.

(4) When DCS is enforcing a support order entered prior to May 13, 1989, unless the support order specifies differently, the NCP must provide health insurance for dependent children if coverage is available or becomes available through the NCP's employment or union:

(a) For a maximum of twenty-five dollars per month, if the order specifies that the NCP must only provide coverage at a reasonable cost; or

(b) For any premium amount whatsoever, if the order does not specify reasonable cost.

(5) DCS serves a notice of intent to enforce a health insurance obligation if the support order:

(a) Requires the NCP either to provide health insurance coverage or prove that coverage is not available; and

(b) Does not inform the NCP that failure to provide health insurance or prove it is not available may result in enforcement of the order without notice to the NCP.

~~((4))~~ (6) DCS serves the notice of intent to enforce a health insurance obligation on the NCP by certified mail, return receipt requested, or by personal service.

~~((5))~~ (7) The notice advises the NCP that the NCP must submit proof of coverage, proof that coverage is not available, or proof that the NCP has applied for coverage, within twenty days of the date(=

~~(a))~~ of service of the notice(= or

~~(b) When health insurance coverage becomes available through the NCP's employer or union)).~~

(8) The notice advises the NCP that, if health insurance is not yet available, the NCP must immediately notify DCS if health insurance coverage becomes available through the NCP's employer or union.

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(9) When DCS enforces an NCP's health insurance obligation, such enforcement may include asking the employer and the plan administrator to enroll the NCP in a health insurance plan available through the employer.

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-4110** If my support order requires me to provide health insurance for my children, what do I have to do? (1) Once ~~((an administrative))~~ a support order is entered requiring health insurance, the noncustodial parent (NCP) must take the following actions within twenty days:

- (a) Provide health insurance coverage; and
- (b) Provide proof of coverage to the division of child support (DCS), such as:
  - (i) The name of the insurer providing the health insurance coverage;
  - (ii) The names of the beneficiaries covered;
  - (iii) The policy number;
  - (iv) That coverage is current; and
  - (v) The name and address of the NCP's employer.

(2) If health insurance coverage ~~((is not immediately))~~ that is accessible to the children named in the order is available, the NCP must:

(a) Provide for coverage ~~((during the next))~~ for the children without waiting for an open enrollment period, as provided under RCW 48.01.235 (4)(a); and ~~((then))~~

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(3) If health insurance is not immediately available to the NCP, as soon as health insurance becomes available, the NCP must:

(a) Provide for coverage for the children named in the order; and

(b) Submit proof of coverage as outlined in subsection (1)(b) above.

(4) Medical assistance provided by the department under chapter 74.09 RCW does not substitute for ~~((medical))~~ health insurance.

~~(((4)))~~ (5) A child's enrollment in Indian health services satisfies the requirements of this section.

(6) See WAC 388-14A-4165 for a description of what happens when the combined total of NCP's current support obligation, arrears payment and health insurance premiums to be withheld by the employer exceeds the fifty per cent limitation for withholding.

**AMENDATORY SECTION** (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-4120** DCS ~~((serves a))~~ uses the National Medical Support Notice ~~((of enrollment))~~ to enforce an obligation to provide health insurance coverage. (1) The division of child support (DCS) ~~((serves))~~ uses a notice of enrollment called the National Medical support Notice (NMSN) to enforce a noncustodial parent's obligation to provide health insurance coverage under chapter 26.18 RCW.

(2) DCS ~~((serves the notice of enrollment on))~~ sends the NMSN to the NCP's employer ~~((or union))~~ in one of the following ways:

- (a) In the same manner as a summons in a civil action, ~~((or))~~
- (b) By certified mail, return receipt requested,
- (c) By regular mail, or
- (d) By electronic means as provided in WAC 388-14A-4040 (1)(d).

(3) DCS ~~((serves the notice of enrollment))~~ sends the NMSN without notice to the NCP when:

- (a) A court or administrative order requires the NCP to provide insurance coverage for a dependent child;
- (b) The NCP fails to provide health insurance (either by not covering the child or by letting the coverage lapse) or fails to provide proof of coverage;
- (c) The requirements of RCW 26.23.050 are met; and
- (d) DCS has reason to believe that coverage is available through the NCP's employer or union.

~~(((4)))~~ The notice of enrollment advises the employer or union that:

- ~~(a) The NCP is required to provide health insurance coverage for the children named in the notice;~~
- ~~(b) The employer or union is required to enroll the children in a health insurance plan offered by the employer or union if insurance the children can use is or will become available as provided in subsection (d) below;~~
- ~~(c) The employer or union must answer the notice of enrollment by completing the answer form and returning it to DCS within thirty five days;~~
- ~~(d) The answer must confirm that the employer or union:~~

- ~~(i) Has enrolled the children in a health insurance plan which provides accessible coverage;~~
- ~~(ii) Will enroll the children in a health insurance plan providing accessible coverage during the next open enrollment period; or~~
- ~~(iii) Cannot enroll the children in a plan which provides accessible coverage, stating the specific reasons why coverage cannot be provided.~~

- ~~(e) The employer or union must provide:~~
- ~~(i) Information about the health insurance plan and policy as requested in the notice; and~~
- ~~(ii) Any necessary claim forms or membership cards as soon as they are available.~~
- ~~(f) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.~~

~~(g) Noncompliance with the notice of enrollment subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270.~~

~~(5) DCS may take action under RCW 74.20A.270 to impose fines if the employer or union fails to comply with the terms of the notice of enrollment. For each failure to comply, DCS may assess a fine of:~~

- ~~(a) Two hundred dollars for the first month in which the employer or union fails to comply;~~
- ~~(b) Three hundred dollars for the second month of non-compliance; and~~

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~~(e) Five hundred dollars for the third month of noncompliance.~~

~~(d) The maximum fine based on a single notice of enrollment is one thousand dollars.)~~

#### NEW SECTION

**WAC 388-14A-4121 Can a Washington employer assume that every National Medical Support Notice that the employer receives is from the division of child support?** (1) The National Medical Support Notice (NMSN) is a federally-mandated form which is used by child support enforcement agencies all over the United States, not just the division of child support (DCS).

(2) Each NMSN form contains information advising the employer which child support enforcement agency sent the NMSN.

#### NEW SECTION

**WAC 388-14A-4122 What kind of information is included in the National Medical Support Notice?** The National Medical Support Notice (NMSN) and its cover letter advise the noncustodial parent's employer and the plan administrator that:

(1) The noncustodial parent (NCP) is required to provide health insurance coverage for the children named in the notice;

(2) Information regarding the custodial parent and children, especially address information, is confidential and may not be released to anyone, including the NCP;

(3) The employer must respond to the NMSN by completing the answer form and returning it to DCS within twenty business days of the date on the notice;

(4) The employer or plan administrator is required to enroll the children in a health insurance plan offered by the employer or the union if insurance the children can use is or will become available as provided in WAC 388-14A-4130;

(5) The employer or plan administrator must provide:

(a) Information about the health insurance plan and policy as requested in the notice; and

(b) Any necessary claim forms or membership cards as soon as they are available.

(6) The employer or union must withhold premiums from the NCP's net earnings if the NCP is required to pay part or all of the premiums for coverage under the health insurance plan.

(7) Noncompliance with the NMSN subjects the employer or union to a fine of up to one thousand dollars under RCW 74.20A.270. See WAC 388-14A-4123 for a description of noncompliance penalties.

#### NEW SECTION

**WAC 388-14A-4123 What can happen if the employer fails to comply with the terms of the National Medical Support Notice?** (1) If an employer fails to comply with the terms of a National Medical Support Notice (NMSN) sent by the division of child support (DCS), the employer may be liable for a fine of up to one thousand dollars under RCW 74.20A.270.

(2) DCS may take action under RCW 74.20A.270 to impose fines if the employer fails to comply with the terms of the NMSN. For each failure to comply, DCS may assess a fine of:

(a) Two hundred dollars for the first month in which the employer or union fails to comply;

(b) Three hundred dollars for the second month of non-compliance; and

(c) Five hundred dollars for the third month of non-compliance.

(d) The maximum fine based on a single notice of enrollment is one thousand dollars.

#### NEW SECTION

**WAC 388-14A-4124 Who are the parties involved with National Medical Support Notice?** (1) The National Medical Support Notice (NMSN) is a federally-mandated form used by child support enforcement agencies to enforce a noncustodial parent's medical support obligation. The division of child support (DCS) uses the NMSN as provided in WAC 388-14A-4120.

(2) DCS sends an NMSN when there is a support order requiring the noncustodial parent (NCP) to provide health insurance coverage for the children.

(3) DCS sends the NMSN to the NCP's employer.

(4) If the employer provides health insurance coverage, the employer forwards the NMSN to the appropriate plan administrator.

(5) The plan administrator is the entity which handles the ministerial functions for the group health plan maintained by the employer or a group health plan to which the employer contributes.

(6) In some cases, the employer performs the duties of the plan administrator.

(7) In some cases, the NCP's union either acts as or contracts with the plan administrator.

(8) The plan administrator sends coverage information to both DCS and the custodial parent (CP).

#### NEW SECTION

**WAC 388-14A-4125 What must an employer do after receiving a National Medical Support Notice?** (1) The employer must respond to the National Medical support Notice (NMSN) within twenty business days after the date of the NMSN.

(2) The employer need take no action beyond responding to the NMSN if:

(a) The employer does not maintain or contribute to plans providing dependent or family health care coverage;

(b) The employee is among a class of employees (for example, part-time or nonunion) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes; or

(c) The employee either is no longer, or never has been, employed by this employer.

(3) If subsection (2) of this section does not apply, the employer must respond to the NMSN and must:

(a) Forward Part B of the NMSN to the plan administrator of each group health plan identified by the employer to

enroll the noncustodial parent's eligible children (see WAC 388-14A-4130 for what the plan administrator must do after receiving an NMSN); and

(b) When notified by the plan administrator that the children are enrolled:

(i) Withhold any employee contributions required for health insurance premiums and transfer those premiums to the appropriate plan; or

(ii) Notify the division of child support that enrollment cannot be completed because the noncustodial parent's net earnings are not high enough to allow withholding of child support and health insurance premiums.

(c) When notified by the plan administrator that the noncustodial parent NCP is subject to a waiting period:

(i) Determine if the waiting period expires more than ninety days from the date the plan administrator received the NMSN or if the waiting period is determined by something other than the passage of time (for example, the completion of a certain number of hours worked); and

(ii) Notify the plan administrator when the NCP is eligible to enroll in the plan, and that the NMSN requires the enrollment of the children named in the NMSN.

#### NEW SECTION

**WAC 388-14A-4126 What kind of help is available for an employer or plan administrator who has questions about the National Medical Support Notice?** An employer or plan administrator who receives a National Medical Support Notice (NMSN) from the division of child support (DCS) may do one or more of the following to get help with the form:

(1) Visit the DCS internet web site at <http://www.dshs.wa.gov/dcs/employers.shtml>;

(2) Call the DCS Employer Hotline at 1-800-591-2760; or  
(3) Contact the DCS field office which issued the NMSN.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

**WAC 388-14A-4130 What must ~~(an employer or union who receives a notice of enrollment do)~~ a plan administrator do after receiving a National Medical Support Notice from the division of child support?** (1) ~~((An employer or union who receives a notice of enrollment from the division of child support (DCS) must answer the notice within thirty-five days of receipt, as provided in WAC 388-14A-4120(4).~~

~~(2) The employer or union must enroll the children named in the notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children, unless the NCP's current support obligation:~~

~~(a) Equals or exceeds fifty percent of the NCP's net earnings; or~~

~~(b) Plus the amount of the insurance premium for the children named in the notice exceeds fifty percent of the NCP's net earnings.~~

~~(3) Except for the limitation in subsection (2) above, the employer or union must enroll the children named in the~~

~~notice in a health insurance plan which the employer or union offers to the noncustodial parent (NCP) and which provides coverage accessible to the children:~~

~~(a) Upon receipt of the notice of enrollment, even if the plan prevents immediate enrollment; or~~

~~(b) When accessible coverage becomes available, if coverage is not available at the time of the notice.~~

~~(4) If the employer or union offers more than one health insurance plan which could cover the children named in the notice, the employer or union must enroll the children in:~~

~~(a) The NCP's plan, unless accessible coverage is not available to the children under that plan; or~~

~~(b) The least expensive plan which provides accessible coverage for the children.~~

~~(5) The notice of enrollment remains in effect until:~~

~~(a) DCS withdraws the notice; or~~

~~(b) Health insurance coverage is no longer available through the employer or union.~~

~~(6) If coverage for the children is terminated, the employer or union must notify DCS within thirty days of the date coverage ends)) A plan administrator who receives a National Medical Support Notice (NMSN) must respond to the NMSN within forty business days after the date on the NMSN.~~

(2) If the noncustodial parent (NCP) and the children are to be enrolled in a health insurance plan, the plan administrator must:

(a) Notify the NCP, each child, and the custodial parent (CP) that coverage of the children is or will become available (notifying the CP is considered the same as notifying the child if they live at the same address); and

(b) If not previously provided, send the CP a description of the coverage available, including the effective date of coverage, a summary plan description and any forms or information necessary for coverage, and information on how to submit claims for benefits.

(3) If there is more than one option available under the plan and the NCP is not yet enrolled, the plan administrator must:

(a) Provide to the division of child support (DCS) copies of applicable summary plan descriptions for available coverage, including the additional participant contribution necessary to obtain coverage for the children under each option and whether any option has a limited service area; and

(b) If the plan has a default option, enroll the children in the plan's default option if the plan administrator has not received DCS' election within twenty business days of the date the plan administrator returned the response to DCS; or

(c) If the plan does not have a default option, enroll the children in the option selected by DCS.

(4) If the NCP is subject to a waiting period that expires within ninety days from the date the plan administrator receives the NMSN, the plan administrator must enroll the children named in the NMSN immediately.

(5) If the NCP is subject to a waiting period that expires more than ninety days from the date the plan administrator receives the NMSN, the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:



(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (2)(b).

(6) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), the plan administrator must notify the employer, DCS, the NCP and the CP of the waiting period. When the waiting period has expired, the plan administrator must:

(a) Enroll the NCP and the children named in the NMSN, as provided in subsection (2) or (3) above; and

(b) Notify the employer of enrollment so that the employer may determine if the NCP's income is sufficient to withhold health insurance premiums, and then either withhold accordingly or notify DCS, as provided in WAC 388-14A-4125 (2)(b).

(7) If the plan administrator determines that the NMSN does not constitute a Qualified Medical Child Support order as defined by ERISA, the plan administrator must:

(a) Notify DCS using the part of the NMSN called the plan administrator response; and

(b) Notify the NCP, the CP and the children of the specific reasons for the determination. A copy of the plan administrator response is considered sufficient notice under this section.

#### NEW SECTION

**WAC 388-14A-4135 What must the plan administrator do when the noncustodial parent has health insurance but the children are not included in the coverage?** (1) If the noncustodial parent (NCP) is enrolled in a health insurance plan through the employer but has not enrolled the children named in the National Medical Support Notice (NMSN), the plan administrator must follow the steps outlined in WAC 388-14A-4130(2) and:

(a) Enroll the child(ren) named in the NMSN under the NCP's health insurance plan; and

(b) Notify the employer and the division of child support (DCS) that the child(ren) have been enrolled.

(2) Under RCW 48.01.235 (4)(a), the plan administrator must enroll a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions.

(3) WAC 388-14A-4145 discusses what the plan administrator must do if the NCP's health insurance plan is not accessible to the children.

#### NEW SECTION

**WAC 388-14A-4140 What must the plan administrator do when the noncustodial parent is eligible for health insurance but is not yet enrolled?** (1) If the noncustodial parent (NCP) is eligible for health insurance through the employer but has not enrolled on his or her own, the plan administrator must proceed under WAC 388-14A-4130(3) and:

(a) enroll the NCP and the children in the least expensive plan which provides accessible coverage for the children named in the National Medical Support Notice (NMSN); and

(b) notify the employer and the division of child support (DCS) that the NCP and the children have been enrolled.

(2) The plan administrator notifies DCS of all health insurance plans for which the NCP is eligible, and notifies DCS which plan is the default option.

(3) If DCS does not specify otherwise within twenty business days of the date the plan administrator responds to DCS, the plan administrator must enroll the NCP and the children in the default plan.

(4) Under RCW 48.01.235 (4)(a), the plan administrator must enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to any enrollment season restrictions. In order to obtain coverage for the children, the plan administrator must enroll an otherwise eligible NCP without regard to any enrollment season restrictions.

#### NEW SECTION

**WAC 388-14A-4143 What must the plan administrator do when the employer provides health insurance but the noncustodial parent is not yet eligible for coverage?** If the noncustodial parent is subject to a waiting period before being eligible for coverage under a health insurance plan provided by the employer, the plan administrator must proceed as follows:

(1) If the NCP is subject to a waiting period of ninety days or less, see WAC 388-14A-4130(4);

(2) If the NCP is subject to a waiting period of more than ninety days, see WAC 388-14A-4130(5); and

(3) If the NCP is subject to a waiting period whose duration is determined by a measure other than the passage of time, see WAC 388-14A-4130(6).

#### NEW SECTION

**WAC 388-14A-4145 What must the plan administrator do when the insurance plan in which the noncustodial parent is enrolled does not provide coverage which is accessible to the children?** (1) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the plan administrator must enroll the children named in the national medical support notice (NMSN) in the plan in which the noncustodial parent (NCP) is enrolled.

(2) If the NCP's plan does not provide coverage which is accessible to the child, the plan administrator:

(a) May give the NCP the opportunity to change plans so that NCP and the children may be enrolled in a plan which provides accessible coverage for the children; but

(b) Is not required to change the NCP's plan to one which provides accessible coverage for the children.

#### NEW SECTION

**WAC 388-14A-4150 What must the plan administrator do when the noncustodial parent has more than one family?** (1) When a noncustodial parent (NCP) has a health

insurance obligation for more than one family, the division of child support (DCS) sends one national medical support notice (NMSN) for each family to the NCP's employer.

(2) If the NCP is already enrolled in a health insurance plan, the plan administrator must attempt to enroll all children named in all of the NMSNs in the NCP's plan.

(3) If the NCP is not already enrolled in a health insurance plan, and the employer offers a health insurance plan which would cover all children named in all of the NMSNs, the plan administrator must enroll the children in that plan. See WAC 388-14A-4140.

(4) If the employer offers only one health insurance plan, or multiple plans which would cover some, but not all of the children named in the NMSNs, the plan administrator must so notify DCS.

(5) DCS chooses the appropriate health insurance plan by considering the following factors:

- (a) The wishes of the custodial parent of each family;
  - (b) The premium limits set by the support orders;
  - (c) The relative ages of all the children;
  - (d) How many of NCP's children live in Washington and how many live elsewhere;
  - (e) How many of NCP's children receive Medicaid;
  - (f) How many of NCP's children are already covered by private health insurance;
  - (g) Which plan covers the most children; and
  - (h) Other factors as may be developed in DCS policy.
- (6) The factors listed in subsection (5) are not exclusive, nor are they equally weighted.

(7) Nothing in this section requires the plan administrator to take action to change the NCP's plan unless the NCP requests a change.

#### NEW SECTION

**WAC 388-14A-4160 Are there any limits on the amount a noncustodial parent may be required to pay for health insurance premiums?** (1) The National Medical Support Notice (NMSN) advises the employer of any limitations on the amount a noncustodial parent (NCP) may be required to pay for health insurance premiums to cover the children.

(2) Often the support order which contains the health insurance obligation determines the limitation on premium amounts, or states that there is no limitation.

(3) Where the support order does not specify premium amount limitation, the NCP must provide health insurance if it is available at a cost of not greater than twenty-five per cent of the NCP's basic support obligation.

(4) Even if the medical insurance premium is within the limits set by the order or by WAC 388-14A-4100, the fifty percent limitation on withholding found in RCW 26.23.060(3) still applies. See WAC 388-14A-4165 for a description of what happens when the fifty percent limitation is exceeded.

(5) If DCS requires the employer or plan administrator to enroll the NCP in a health insurance plan in order to obtain coverage for the NCP's children, the premium attributable to coverage for the NCP counts in the amount to be withheld

when calculating the fifty percent limitation on withholding. See also WAC 388-14A-4165(3).

#### NEW SECTION

**WAC 388-14A-4165 What happens when a noncustodial parent does not earn enough to pay child support plus the health insurance premium?** (1) Under RCW 26.23.060(3), a payroll deduction may not exceed fifty percent of the noncustodial parent's disposable earnings in each pay period.

(2) When the division of child support (DCS) enforces a child support obligation through an income withholding action and also enforces a health insurance obligation, the noncustodial parent's employer often must withhold amounts for:

- (a) Current child support;
- (b) Child support arrears; and
- (c) Health insurance premiums.

(3) When the employer or plan administrator must enroll the noncustodial parent (NCP) in a health insurance plan in order to enroll the children (see WAC 388-14A-4140), the premium amount for the NCP's coverage is included the amounts to withhold under subsection (2) above. If the NCP is already enrolled in a plan, the premium amount for the NCP's coverage is not included the amounts to withhold under that subsection.

(4) If the combined amounts for current support, support arrears and health insurance premiums are more than fifty percent of the noncustodial parent's disposable earnings, the employer must notify DCS immediately.

(5) In certain circumstances, DCS may adjust the amount to be withheld for support arrears so that the total amount withheld does not exceed fifty percent of the noncustodial parent's disposable earnings.

(6) If the noncustodial parent's current support obligation plus health insurance premiums exceeds fifty percent of the noncustodial parent's disposable earnings, DCS:

- (a) Enforces the child support obligation through income withholding; but
- (b) Is not able to enforce the noncustodial parent's health insurance obligation at that time.

#### NEW SECTION

**WAC 388-14A-4170 How long does a National Medical Support Notice or other notice of enrollment remain in effect?** (1) The National Medical Support Notice (NMSN) is a Qualified Medical Child Support Order.

(2) The NMSN or earlier notice of enrollment served by the division of child support (DCS) remains in effect until:

- (a) DCS withdraws the notice in writing; or
- (b) Health insurance coverage is no longer available through the employer or union.

#### NEW SECTION

**WAC 388-14A-4175 Is an employer obligated to notify the division of child support when insurance coverage for the children ends?** (1) Once the division of child support (DCS) has notified an employer that the noncustodial

parent (NCP) is obligated by a support order to provide health insurance coverage for the children named in the order, the national medical support notice (NMSN) or other notice of enrollment remains in effect as specified in WAC 388-14A-4170.

(2) If coverage for the children is terminated, the employer must notify DCS within thirty days of the date coverage ends.

## WSR 04-15-010

### EMERGENCY RULES

#### ENVIRONMENTAL HEARINGS OFFICE

[Filed July 8, 2004, 2:20 p.m., effective July 8, 2004]

Effective Date of Rule: Immediately.

Purpose: The 2004 legislature passed SSB 5590, amending chapter 43.21B RCW (chapter 204, Laws of 2004). The legislation modified the basis for calculating the time period for appeals to the Pollution Control Hearings Board (PCHB). Rule making is necessary so the PCHB's procedural rules, chapter 371-08 WAC, are consistent with the 2004 legislation. Effective date of legislation is ninety days after the end of the legislative session, or June 10, 2004.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-305 and 371-08-335.

Statutory Authority for Adoption: RCW 43.21B.170 (PCHB rule-making authority), chapter 34.05 RCW.

Other Authority: RCW 43.21B.001, [43.21B].190, [43.21B].230, [43.21B].300, [43.21B].310 (sections amended by SSB 5590).

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 effective date of SSB 5590 was June 10, 2004. Immediate rule amendment ensures that the PCHB's procedural rules are consistent with this legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 23, 2004.

William Clarke  
for William H. Lynch  
Director

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

**WAC 371-08-305 Definitions.** As used in this chapter the following terms shall have the following meaning:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any state governmental entity, air pollution control authority, local health department or other agency whose decisions are subject to the board's jurisdiction.

(3) "Board" means the pollution control hearings board, a quasi-judicial board created pursuant to chapter 43.21B RCW and described in WAC 371-08-315. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

(4) "Business days" means Monday through Friday exclusive of any state or federal holidays.

(5) "Date of receipt" means:

(a) Five business days after the date of mailing; or

(b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

(6) "Department" refers to and means the department of ecology.

((5)) (7) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

((6)) (8) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, allowed to intervene or joined as a party by the board.

((7)) (9) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

((8)) (10) "Presiding officer" means a member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or vice-chairperson.

((9)) (11) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to delivery service of the copies.

(d) Commercial parcel delivery service. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

AMENDATORY SECTION (Amending WSR 97-19-064, filed 9/15/97, effective 10/16/97)

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date ~~((that a copy))~~ of receipt of the order or decision ~~((is posted in the United States mail, properly addressed, postage prepaid, to the appealing party))~~. The board's definitions of "business days" and "date of receipt" (WAC 371-08-305) shall determine when the thirty-day appeal period begins, and the board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

**WSR 04-15-011**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 8, 2004, 2:41 p.m., effective July 8, 2004]

Effective Date of Rule: Immediately.

Purpose: Repealing 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?

A CR-102 has been filed as WSR 04-11-085, a public hearing was held on June 22, 2004, and a CR-103 for permanent adoption has been filed as WSR 04-15-001. This emergency rule extension is needed until the permanent rule is effective.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-71-0531.

Statutory Authority for Adoption: ESHB 2933 (chapter 3, Laws of 2004), RCW 74.08.090, 74.09.520.

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: ESHB 2933 was effective when signed by the governor in March 2004. ESHB 2933 states that: "No agency or department of the state, other than the authority, may establish policies or rules governing the wages or hours of individual providers." "Authority" refers to the Home Care Quality Authority.

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 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 0, Repealed 1.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

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?

**WSR 04-15-013**

**EMERGENCY RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 8, 2004, 2:44 p.m., effective July 8, 2004]

Effective Date of Rule: Immediately.

Purpose: The emergency rule revises chapter 388-72A WAC, Comprehensive assessment reporting evaluation (CARE) tool, to include the CARE algorithm component in rule, incorporate CARE assessment criteria for children

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receiving state plan Medicaid personal care (MPC) services, and amend other sections as needed to update program rules. These rules replace emergency rules filed as WSR 04-09-094 on April 20, 2004.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-72A-0040 and 388-72A-0075; and amending WAC 388-72A-0010, 388-72A-0035, 388-72A-0055, 388-72A-0060, 388-72A-0065, 388-72A-0070, 388-72A-0080, 388-72A-0085, 388-72A-0090, and 388-72A-0095.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Other Authority: RCW 74.39A.090 and 74.39A.095.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Based on fair hearings, the department has determined that confusion about the new CARE assessment as described under current rules in chapter 388-72A WAC is leading to inconsistent hearing decisions and is jeopardizing the fair and equitable administration of home and community programs. Additional information about the CARE algorithm needs to be included in chapter 388-72A WAC immediately in order to allay such confusion and to ensure that clients receive benefits appropriate to their assessed needs.

A CR-102, proposed rule-making for adoption of permanent rules on this subject, and a public hearing is scheduled for September 7, 2004. See WSR 04-14-099.

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 16, Amended 10, Repealed 2.

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 16, Amended 10, Repealed 2.

Date Adopted: July 1, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.

## WSR 04-15-019

### EMERGENCY RULES

### DEPARTMENT OF PERSONNEL

[Filed July 8, 2004, 2:56 p.m., effective July 8, 2004]

Effective Date of Rule: Immediately.

Purpose: These modifications will support the implementation of the collective bargaining provision of the Personnel System Reform Act. The modifications add language to the rules to address general government employees being granted leave without pay for the purpose of formal bargaining sessions under RCW 41.80.010 or chapter 41.06 RCW. Under the proposed modifications employees would not be penalized with adjustment to seniority if employee took leave without pay for purposes of formal collective bargaining.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-140 and 356-18-220.

Statutory Authority for Adoption: RCW 41.06.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Without this proposal in place, general government state employees who are participating in formal collective bargaining under RCW 41.80.010 or chapter 41.06 RCW will have their seniority date adjusted for the time on leave without pay.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 8, 2004.

E. C. Matt  
Director

**AMENDATORY SECTION** (Amending WSR 01-07-057, filed 3/19/01, effective 5/1/01)

**WAC 356-18-140 Leave without pay.** (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service. Leave without pay shall not affect an employee's periodic increment date.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.

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(c) Military and U.S. Public Health Service and Peace Corps leave.

(d) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority.

(e) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(f) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(g) Leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Leave for serious health condition for an eligible employee or the employee's spouse, child or parent and newborn, adoptive or foster child care under provisions of WAC 356-18-150 and 356-18-145;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

AMENDATORY SECTION (Amending WSR 02-15-055, filed 7/11/02, effective 9/1/02)

**WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.**

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's anniversary date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(f) As of February 24, 2004, leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and Chapter 41.06 RCW.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary date.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

(6) Employees who are on leave without pay for any reason other than subsection (2) of this section, shall have their seniority date extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(7) Leave without pay shall not affect an employee's periodic increment date.

#### WSR 04-15-021

#### EMERGENCY RULES

#### DEPARTMENT OF AGRICULTURE

[Filed July 9, 2004, 11:43 a.m., effective July 9, 2004]

Effective Date of Rule: Immediately.

Purpose: To aid in preventing the spread of vesicular stomatitis (VS) to Washington livestock from affected states which at this time are Texas, New Mexico, and Colorado.

Citation of Existing Rules Affected by this Order: Amending WAC 16-54-030.

Statutory Authority for Adoption: RCW 16.36.040, 34.05.350.

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 current outbreak of VS began when a case of VS was confirmed on May 19, 2004, in Reeves County, Texas. Since that time, multiple cases have been confirmed in Texas and at least ten premises have been subject to quarantine. In addition, cases of VS have been

confirmed on two premises in southeastern and central Colorado and eleven premises are subject to quarantine in New Mexico.

VS is a serious viral disease of livestock and it can also be transmitted to humans. VS can affect horses, cattle, pigs, sheep, and goats. The disease is highly contagious and causes blister-like lesions to form on the mounts, teats, or along the hooves of animals. Although it is usually not fatal, while the disease runs its course it can be extremely debilitating to livestock. The disease caused serious animal health and financial damages in Washington during an outbreak in 1983/84.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 9, 2004.

William E. Brookreson  
Deputy Director

**AMENDATORY SECTION** (Amending WSR 99-09-023, filed 4/15/99, effective 5/16/99)

**WAC 16-54-030 Health certificate.** (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Dogs, cats and ferrets that are family pets traveling by private automobile with their owners who possess a current rabies certificate for the animals. This exemption does not apply to dogs, cats or ferrets imported for sale or puppies, kittens, or kits too young to vaccinate.

(c) Horses traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian or extend to any required testing.

(d) Llamas and alpacas traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by the state veterinarian.

(e) Sheep traveling into Washington with their Oregon or Idaho owners in personal vehicles for round-trip visits of not more than ninety-six hours duration. This exemption does not apply during emergency disease conditions declared by

the state veterinarian or extend to any animals entering for breeding purposes.

(f) Those classes of animals specifically exempted in laws or regulations of this state.

(2) Official health certificate shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue. The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification except one brand or other owner identified animals, all of the same description, for which tests are not required.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be reviewed by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

(4) No livestock (equine, bovine, porcine, caprine, or ovine) may enter Washington if, within the last 30 days, vesicular stomatitis has been diagnosed within 10 miles of any premise where the livestock has been located. Any livestock entering Washington from a state where vesicular stomatitis has been diagnosed within the last 30 days must be accompanied by a valid import permit number issued by the department's Animal Health and a Certificate of Veterinary Inspection with the following statement written by the accredited Veterinarian on the Certificate:

"All animals identified on this certificate have been examined and found to be free from vesicular stomatitis. During the past 30 days, these animals have not been exposed to vesicular stomatitis or located within 10 miles of an area where vesicular stomatitis has been diagnosed.

WSR 04-15-022

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 04-167—Filed July 9, 2004, 2:28 p.m., effective July 9, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900X; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted and are interim until permanent rules take effect.

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.

Date Adopted: July 9, 2004.

J. P. Koenings  
Director  
by Larry Peck

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500U; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of spot shrimp has been taken in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 9, 2004.

J. P. Koenings  
Director  
by Larry Peck

#### NEW SECTION

**WAC 232-28-61900A Exceptions to statewide rules—Sturgeon.** Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately until further notice, it is unlawful to retain sturgeon in those waters of the Columbia River and tributaries from the Wauna powerlines downstream to the mouth.

(2) Open to fishing for sturgeon through July 31, 2004, in those waters from Beacon Rock to the Light 85 Line, except sturgeon may only be retained Thursdays, Fridays and Saturdays

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-61900X      Exception to statewide rules—Sturgeon. (04-163)

**WSR 04-15-023  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-168—Filed July 9, 2004, 2:29 p.m., effective July 9, 2004]

Effective Date of Rule: Immediately.

#### NEW SECTION

**WAC 220-56-32500V Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325:

1) Effective 9:00 p.m. July 12, 2004, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Area 7, except as provided for in this section.

a. Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then north of a line from Davis Point to Cattle Point on San Juan Island, then north of a line due west from Lime Kiln Point light to the international boundary:

i. Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

ii. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

2) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 8-1 and 8-2, Marine Area 9 out-



side of the Port Townsend Shrimp District, and Marine Area 11, except as provided for in this section:

a. Open to the harvest of all shrimp species except spot shrimp, and all spot shrimp must immediately be returned to the water unharmed.

b. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

3) Effective immediately, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of the Discovery Bay and Port Townsend Shrimp Districts, except as provided for in this section.

a. All waters of the Discovery Bay Shrimp District south of a line from Contractors Point to Tukey Point are open daily to the harvest of all shrimp, except spot shrimp.

b. All waters of the Port Townsend Shrimp District south of a line from Kala Point to Walan Point are open Thursdays and Saturdays of each week to the harvest of all shrimp, except spot shrimp.

c. It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. on July 12, 2004:

WAC 220-56-32500U Shrimp—Areas and seasons (04-146)

**WSR 04-15-024  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-169—Filed July 9, 2004, 2:30 p.m., effective July 9, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100V; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 9, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-52-05100W Puget Sound shrimp pot and beam trawl fishery—Season.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3, 4 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1B and Marine Fish-Shellfish Catch and Reporting Areas 23 A-E (east), 23 A-W (west), 26B-1, and 26C.

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23C and 25D.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity

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report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100V Puget Sound shrimp pot and beam trawl fishery season. (04-162)

**WSR 04-15-038**

**EMERGENCY RULES**

**HORSE RACING COMMISSION**

[Filed July 12, 2004, 12:31 p.m., effective July 12, 2004]

Effective Date of Rule: Immediately.

Purpose: To clarify and provide for a process to be used by the stewards in making initial agency determinations of

violations of agency rules and to provide standard guidelines for standard violations.

Citation of Existing Rules Affected by this Order: Amending WAC 260-24-510 Stewards.

Statutory Authority for Adoption: RCW 67.16.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: On March 31, 2004, the governor signed into law SHB 2575 (fifty-eighth legislative session), which took effect immediately. SHB 2575 adds new sections to chapter 67.16 RCW, which (1) gives the board of stewards, upon making a determination that an individual or licensee has violated a commission rule, the authority to assess a fine, suspend or revoke persons license, or any combination of these penalties; and (2) requires the commission to adopt by rule standard penalties for rule violations. The immediate amendment of this rule is necessary for the preservation of the general welfare. Waiting until adoption of a permanent rule (scheduled for August 12, 2004) would be contrary to the public interest.

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.

Date Adopted: July 8, 2004.

July 12, 2004

R. M. Leichner

Executive Secretary

**AMENDATORY SECTION** (Amending WSR 03-13-074, filed 6/13/03, effective 7/14/03)

**WAC 260-24-510 Stewards.** (1) General authority:

(a) The stewards for each meeting shall be responsible to the ~~((commission))~~ executive secretary for the conduct of the race meeting and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards shall enforce ~~((these rules and the racing laws of this jurisdiction))~~ the rules of racing in chapters 260-12 through 260-84 WAC;

(c) The stewards' authority includes ~~((supervision))~~ regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of rac-

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ing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning of each race meet, or at such other time as is necessary in the opinion of the executive secretary, ~~((of each meeting))~~ and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

(3) ~~((Disciplinary action:~~

~~(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters;~~

~~(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules;~~

~~(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing;~~

~~(d) The stewards may at any time inspect license documents, registration papers and other documents related to racing;~~

~~(e) The stewards shall have the power to administer oaths and examine witnesses;~~

~~(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation;~~

~~(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules;~~

~~(i) Issue a reprimand;~~

- ~~(ii) Assess a fine;~~
- ~~(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;~~
- ~~(iv) Place a licensee on probation;~~
- ~~(v) Suspend a license or racing privileges;~~
- ~~(vi) Revoke a license; or~~
- ~~(vii) Exclude from grounds under the jurisdiction of the commission.~~

~~(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed \$2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 [WAC] Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690;~~

~~(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty;~~

~~(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter;~~

~~(k) Purses, prizes, awards and trophies shall be redistributed if the stewards or commission order a change in the official order of finish;~~

~~(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.) Stewards ruling conference regarding violations of rules of racing:~~

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to charge any licensee with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-70-690;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges for not more than one year per violation;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(c) Except as provided in (d) of this subsection, the stewards' imposition of reprimands, fines and suspensions shall be based on the following penalty matrices:

<b>Class A &amp; B Licensed Facilities</b>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in restricted areas WAC 260-20-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250 plus possible suspension</u>
<u>Disturbing the peace WAC 260-80-140</u>	<u>Warning - \$200 and/or suspension</u>	<u>Warning - \$500 and/or suspension</u>	<u>Suspension</u>
<u>Person performing duties for which they are not licensed WAC 260-36-010</u>	<u>\$50</u>	<u>\$100</u>	<u>\$150</u>

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<u>Class A &amp; B Licensed Facilities</u>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230</u>	\$500		
<u>Licensing - failure to divulge a felony WAC 260-36-120</u>	\$100 or possible denial of license		
<u>Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120</u>	Warning - \$50		
<u>Licensing - providing false information on application WAC 260-36-120</u>	\$50 - \$250 or possible denial of license		
<u>Licensing - nonparticipation WAC 260-36-080</u>	License canceled		
<u>Violation of any claiming rule in chapter 260-60 WAC</u>	\$200 - \$500 plus possible suspension		
<u>Use of improper, profane or indecent language to a racing official WAC 260-80-130</u>	\$50	\$100	\$250
<u>Unsafe vehicle operation WAC 260-20-020</u>	Warning - \$50	\$100 and recommend racing association revoke vehicle pass	
<u>Financial responsibility WAC 260-28-030</u>	Resolve 30 days or before the end of the meet (whichever is sooner) to resolve or suspension		
<u>Failure to appear - hearing WAC 260-24-510</u>	Suspension pending appearance		
<u>Failure to honor riding engagements (call) - agents WAC 260-32-400</u>	\$75	\$100	\$200
<u>Reporting incorrect weight - jockeys WAC 260-32-150</u>	\$50	\$100	\$200
<u>Failure to appear for films - jockeys WAC 260-24-510</u>	\$50	\$100	\$200
<u>Failure to fulfill riding engagement WAC 260-32-080</u>	\$100	\$150	\$200
<u>Easing mount without cause WAC 260-52-040</u>	\$250	\$250 and/or suspension	\$500 and/or suspension
<u>Jockey failing to maintain straight course or careless riding WAC 260-52-040</u>	Warning - \$750 and/or suspension (riding days)		
<u>Jockey's misuse of whip WAC 260-52-040</u>	Warning - \$2500		
<u>Use of stimulating device (may include batteries) WAC 260-52-040</u>	1 year suspension plus mandatory referral to commission for revocation		
<u>Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100</u>	1 year suspension plus mandatory referral to commission for revocation		
<u>Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020</u>	1 year suspension plus mandatory referral to commission for revocation		
<u>Entering ineligible horse WAC 260-80-030</u>	\$50	\$100	\$100
<u>Arriving late to the paddock WAC 260-28-200</u>	Warning - \$50	Warning - \$50	\$50 - \$100

<b>Class A &amp; B Licensed Facilities</b>			
<u>Violations within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Failure to have registration papers on file - resulting in a scratch WAC 260-40-090</u>	<u>\$50 - \$100</u>	<u>\$100</u>	<u>\$100</u>
<u>Failure to handle business properly - late equipment change, etc. WAC 260-44-010</u>	<u>Warning - \$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Insufficient workouts - resulting in scratch WAC 260-40-100</u>	<u>\$50 - \$100</u>	<u>\$100</u>	<u>\$100</u>

<b>Class C Licensed Facilities</b>			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Smoking in restricted areas WAC 260-20-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250 plus possible suspension</u>
<u>Disturbing the peace WAC 260-80-140</u>	<u>Warning - \$100 and/or suspension</u>	<u>\$250 and/or suspension</u>	<u>Suspension</u>
<u>Person performing duties for which they are not licensed WAC 260-36-010</u>	<u>\$50</u>	<u>\$100</u>	<u>\$150</u>
<u>Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230</u>	<u>\$100</u>		
<u>Licensing - failure to divulge a felony WAC 260-36-120</u>	<u>\$100 or possible denial of license</u>		
<u>Licensing - failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120</u>	<u>Warning - \$25</u>		
<u>Licensing - providing false information on application WAC 260-36-120</u>	<u>\$50 - \$250 or possible denial of license</u>		
<u>Licensing - nonparticipation WAC 260-36-080</u>	<u>License canceled</u>		
<u>Violation of any claiming rule in chapter 260-60 WAC</u>	<u>\$100 - \$250 plus possible suspension</u>		
<u>Use of improper, profane or indecent language to a racing official WAC 260-80-130</u>	<u>\$50</u>	<u>\$100</u>	<u>\$250</u>
<u>Unsafe vehicle operation WAC 260-20-020</u>	<u>Warning - \$50</u>		
<u>Financial responsibility WAC 260-28-030</u>	<u>Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension</u>		
<u>Failure to appear - hearing WAC 260-24-510</u>	<u>Suspension pending appearance</u>		
<u>Failure to honor riding engagements (call) - agents WAC 260-32-400</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Reporting incorrect weight - jockeys WAC 260-32-150</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Failure to appear for films - jockeys WAC 260-24-510</u>	<u>\$25</u>	<u>\$50</u>	<u>\$100</u>
<u>Failure to fulfill riding engagement WAC 260-32-080</u>	<u>\$50</u>	<u>\$100</u>	<u>\$200</u>

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<b>Class C Licensed Facilities</b>			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Easing mount without cause WAC 260-52-040</u>	<u>\$100</u>	<u>\$200 and/or suspension</u>	<u>\$400 and/or suspension</u>
<u>Jockey failing to maintain straight course or careless riding WAC 260-52-040</u>	<u>Warning - \$750 and/or suspension (riding days)</u>		
<u>Jockey's misuse of whip WAC 260-52-040</u>	<u>Warning - \$2500</u>		
<u>Use of stimulating device (may include batteries) WAC 260-52-040</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020</u>	<u>1 year suspension plus mandatory referral to commission for revocation</u>		
<u>Entering ineligible horse WAC 260-80-030</u>	<u>\$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Arriving late to the paddock WAC 260-28-200</u>	<u>Warning - \$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Failure to have registration papers on file - resulting in a scratch WAC 260-40-090</u>	<u>\$50</u>	<u>\$100</u>	<u>\$100</u>
<u>Failure to handle business properly - late equipment change, etc. WAC 260-44-010</u>	<u>Warning - \$50</u>	<u>\$50</u>	<u>\$50</u>

<b>Class A, B &amp; C Licensed Facilities</b>			
<u>Violation within calendar year</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
<u>Failure to pay or default on L&amp;I payment WAC 260-28-220</u>	<u>Suspension until paid plus \$25 for each quarter payment is late</u>		
<u>Failure to maintain employee L&amp;I records for grooms and assistant trainers (trainer's responsibility) WAC 260-28-230</u>	<u>Warning - \$50</u>		
<u>Unlicensed person on the backside WAC 260-20-040</u>	<u>Report violation to the racing association</u>		

For any other violation not specifically listed above, the stewards shall have discretion to impose the penalties as provided in (b) of this subsection. For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(d) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(i) The impact of the offense on the integrity of the parimutuel industry;

(ii) The danger to human and/or equine safety;

(iii) The number of prior violations of the rules of racing or violations of racing rules in other jurisdictions; and/or

(iv) The deterrent effect of the penalty imposed.

(e) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690.

(f) The stewards may place a jockey on a film list whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst

or stewards shall appear when directed. Failure to appear when directed shall be considered a violation of the rules of racing for which penalties may be imposed.

(g) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

(h) The stewards shall have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(i) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(j) Failure to appear for a ruling conference shall be considered a violation of the rules of racing for which penalties may be imposed.

(k) It is the duty and obligation of every licensee to make full disclosure to the board of stewards of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person respond falsely before the stewards.

(l) At the ruling conference, the stewards shall allow the licensee to make a statement regarding the alleged violation.

(m) Every ruling by the stewards must be served in writing on the person(s) found in violation within five days and shall include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of licensees' options, which shall include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' determination within seven days.

(n) The stewards' ruling shall be posted and a copy provided to the racing association.

(o) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-88 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty shall be imposed.

(p) "Service" of the notice of ruling conference or a stewards' ruling shall be by either personal service on the licensee or by depositing the notice of ruling conference or stewards' ruling into the mail to the licensee's last known address in which case service is complete upon deposit in the U.S. mail.

(q) If the stewards determine that a licensee's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling con-

ference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track (~~from 3~~) beginning three hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the (~~meeting~~) meet, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

~~((10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:~~

~~(a) He or she shall be summoned to a hearing before the stewards, called for that purpose;~~

~~(b) Adequate notice of said hearing shall be given to the summoned party. The stewards' decision as to what is adequate notice shall be final;~~

~~(c) No penalty shall be imposed until such hearing;~~

~~(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;~~

~~(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.~~

~~((11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.))~~

### WSR 04-15-041

#### EMERGENCY RULES

### STATE BOARD OF EDUCATION

[Filed July 12, 2004, 4:40 p.m., effective July 12, 2004]

Effective Date of Rule: Immediately.

Purpose: The State Board of Education is amending its policy to allow teachers with endorsed certificates to add certain additional endorsements to their certificates through successful passage of the Praxis II subject knowledge test (WEST-E).

Citation of Existing Rules Affected by this Order: Amending WAC 180-82A-204.

Statutory Authority for Adoption: Chapter 28A.410 RCW and 28A.305.130.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency adoption will allow teachers with endorsed certificates to add certain additional endorsements to their certificates through successful passage of the Praxis II subject knowledge test (WEST-E) during the summer testing schedule.

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.

Date Adopted: June 18, 2004.

Larry Davis  
Executive Director

AMENDATORY SECTION (Amending WSR 03-14-114, filed 6/30/03, effective 7/31/03)

**WAC 180-82A-204 Endorsement requirements.** (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 180-78A-264(5)) and addresses all endorsement-specific competencies adopted by the state board of education and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate.

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of compati-



ble endorsements adopted by the state board of education and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience, in a public or state approved private school, in the endorsement that is compatible in instructional methodology and content-related skills to the desired endorsement.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

**WSR 04-15-044**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-170—Filed July 13, 2004, 9:12 a.m., effective July 13, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to provide for a recreational fishery in Lake Washington. The projected run is expected to be 385,000 which will exceed the escapement goal of 350,000. The projected nontreaty harvestable share is 17,500. 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.

Date Adopted: July 12, 2004.

J. P. Koenings  
Director

**NEW SECTION**

**WAC 232-28-61900B Exceptions to statewide rules—Lake Washington.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for, or possess salmon taken from, Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from one hour before sunrise to one hour after sunset July 17, 2004, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective July 17, 2004, one hour after sunset:

WAC 232-28-61900B      Exceptions to statewide  
rules—Lake Washington.

**WSR 04-15-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-171—Filed July 13, 2004, 4:38 p.m., effective July 14, 2004, 6:00 a.m.]

Effective Date of Rule: July 14, 2004, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Y and 220-32-05100Z; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets a 2 1/2 day tribal fishery for summer chinook and sockeye. Harvestable numbers of salmon are available. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The catch of summer chinook is expected to be Upper Columbia stock, based on PIT tag analysis of run timing. Harvestable numbers of Upper Columbia summer chinook are available for treaty harvest, based on the draft escapement goals and management objectives in the fish management plan that is being developed. Rule is consistent with action of the Columbia River compact on July 13, 2004. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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.

Date Adopted: July 13, 2004.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

**WAC 220-32-05100Z Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. July 14 to 6:00 p.m. July 17, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: gill nets with no mesh restriction.

2) Open Periods: Immediately through July 31, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: Immediately through July 31, 2004, only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River and White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: chinook salmon, sockeye salmon, steelhead, walleye, shad, and carp. Sturgeon may not be sold. Sturgeon between 45 inches and 60 inches in length may be retained in The Dalles and John Day pools for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #2.

5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to

a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. July 14, 2004:

WAC 220-32-05100Y Columbia River salmon seasons above Bonneville Dam. (04-159)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville Dam.

**WSR 04-15-055  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed July 13, 2004, 4:49 p.m., effective July 13, 2004]

Effective Date of Rule: Immediately.

Purpose: The department is adopting a new subchapter in chapter 388-25 WAC that allows Children's Administration to participate in the state supplementary payment (SSP) program. Children's Administration began paying this income supplement to eligible foster children January 1, 2004.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Chapter 371, Laws of 2002 (2001-03 Supplemental Budget - ESSB 6387), RCW 74.04.600 and 74.13.031.

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: Immediate adoption is necessary to preserve the public health and general welfare by allowing the state to continue to receive federal financial participation (FFP) for its Medicaid program under Title XIX of the act. The loss of FFP would effectively terminate medical assistance under Title XIX for low-income families and individuals in the state of Washington. Children's Administration has elected to begin participation in the state supplementary payment as of January 1, 2004, to prevent the loss of FFP through contributing to Washington state's maintenance of effort requirement. This action will also directly benefit foster children served through this division. Emergency adoption of these rules is necessary to implement ESSB 6387, to comply with the requirements of federal law cited above, and to implement the 2004 plan for Children's Administration to participate in disbursing state supplementary payments which was approved by the federal government on February 13. Children's Administration has filed a notice of intent to adopt permanent rules, WSR 04-07-059. Additional time is required to continue with the rule drafting and public participation process. Children's Administration is still in the initial phases of rule planning and development, and gathering input from eligible recipients and their representative payees on this state supplementary payment program.

Number of Sections Adopted in Order to Comply with Federal Statute: New 6, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 0.

Date Adopted: July 7, 2004

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

**STATE SUPPLEMENTARY PAYMENT PROGRAM**

**NEW SECTION**

**WAC 388-25-1000 What is the State Supplementary Payment (SSP) that is administered by the children's administration (CA)?** The State Supplementary Payment

EMERGENCY

(SSP) is a state-paid cash assistance program for specific eligible foster children with the children's administration.

#### NEW SECTION

**WAC 388-25-1010 What are the eligibility requirements for the CA/SSP program?** To be eligible to receive CA/SSP, you must be a foster child eligible for and receiving Supplemental Security Income (SSI), receiving behavior rehabilitation services (BRS) for out-of-home placement services for all or part of a month, and not be eligible for foster care reimbursement under Title IV-E of the Social Security Act (42 U.S.C. 670).

#### NEW SECTION

**WAC 388-25-1020 When will my eligibility for CA/SSP be determined?** The SSP eligibility verification process is usually done during the month following your potential eligibility for an SSP payment. You will receive a monthly SSP payment when all of the eligibility criteria (WAC 388-25-1010) have been verified.

#### NEW SECTION

**WAC 388-25-1030 How will I know if I am eligible to receive a CA/SSP payment?** Once you have been identified as eligible for a CA/SSP payment, CA will send out written notification to representative payees, legal guardians, and children age eighteen and above.

#### NEW SECTION

**WAC 388-25-1040 Can I apply for the CA/SSP program if I am not identified by CA as eligible for the CA/SSP program?** You can apply through children's administration to determine your eligibility for CA/SSP, but eligibility is limited to those meeting the eligibility requirements in WAC 388-25-1010.

#### NEW SECTION

**WAC 388-25-1050 What are my appeal rights if CA determines that I am not eligible for CA/SSP?** You have the right to appeal children's administration's denial, termination, or reduction of eligibility for the CA/SSP under RCW 74.13.045 and chapter 34.05 RCW and chapter 388-02 WAC.

**WSR 04-15-056**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Management Services Administration)  
 [Filed July 13, 2004, 4:51 p.m., effective July 14, 2004]

Effective Date of Rule: July 14, 2004.

Purpose: Amending WAC 388-02-0215 What is the authority of the ALJ?, the department is extending the current emergency rule (WSR 04-07-090) to permit the DSHS Board

of Appeals to review initial orders entered by Office of Administrative Hearings administrative law judges in cases where an alleged perpetrator of abuse, abandonment, neglect, or financial exploitation of a vulnerable adult, other than a personal aide, requested a hearing to challenge a substantiated adult protective services finding under emergency WAC 388-71-0116, and under proposed WAC 388-71-01235.

Citation of Existing Rules Affected by this Order: Amending WAC 388-02-0215.

Statutory Authority for Adoption: RCW 34.05.020.

Other Authority: Chapter 34.05 RCW, Parts IV and V.

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 recent extension of emergency WAC 388-71-0116 filed as WSR 04-14-013 on June 25, 2004, by the DSHS Aging and Disability Services Administration (ADSA) makes the adoption of this emergency rule necessary to preserve the due process rights of persons affected by WAC 388-71-0116. The department filed a preproposal statement of inquiry as WSR 03-21-149, and is taking the appropriate steps to adopt amended WAC 388-02-0215 as a permanent rule. ADSA has filed proposed WAC 388-71-01235 hearing rights of alleged perpetrators regarding substantiated findings of abuse, abandonment, neglect or financial exploitation of a vulnerable adult. DSHS Management Service Administration will shortly file proposed WAC 388-02-0215 consistent with ADSA's proposed 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 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 13, 2004.

Brian H. Lindgren, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 03-13-046, filed 6/11/03, effective 7/12/03)

**WAC 388-02-0215 What is the authority of the ALJ?** (1) The ALJ must hear and decide the issues de novo (anew) based on what is presented during the hearing.

(2) As needed, the ALJ may:

(a) Determine the order for presenting evidence;

- (b) Issue subpoenas or orders directing witnesses to appear or bring documents;
- (c) Rule on objections, motions, and other procedural matters;
- (d) Rule on an offer of proof made to admit evidence;
- (e) Admit relevant evidence;
- (f) Impartially question witnesses to develop the record;
- (g) Call additional witnesses and request exhibits to complete the record;
- (h) Give the parties an opportunity to cross-examine witnesses or present more evidence against the witnesses or exhibits;
  - (i) Keep order during the hearing;
  - (j) Allow or require oral or written argument and set the deadlines for the parties to submit argument or evidence;
  - (k) Permit others to attend, photograph or electronically record hearings, but may place conditions to preserve confidentiality or prevent disruption;
  - (l) Allow a party to waive rights given by chapters 34.05 RCW or 388-02 WAC, unless another law prevents it;
  - (m) Decide whether a party has a right to a hearing;
  - (n) Issue protective orders;
  - (o) Consider granting a stay if authorized by law or DSHS rule; and
  - (p) Take any other action necessary and authorized under these or other rules.
- (3) The ALJ administers oaths or affirmations and takes testimony.
- (4) The ALJ enters an initial order in those cases where the parties may request review of an initial order by a review judge. Cases where the parties may request review of an initial order by a review judge are those relating to:
  - (a) Adult family home licenses under chapter 388-76 WAC;
  - (b) Boarding home licenses under chapter 388-78A WAC;
  - (c) Resident protection program findings under WAC 388-97-077;
  - (d) Nursing home licenses under WAC 388-97-550 through 388-97-695;
  - (e) Placement of personal aides providing self-directed care on a state registry under RCW 74.39A.050(9) and WAC 388-71-0150 and 388-71-0155; where a hearing was requested under WAC 388-71-0116, a finding of abuse, abandonment, neglect or financial exploitation of a vulnerable adult by alleged perpetrators other than personal aides; or, where a hearing was requested under WAC 388-71-01235, a substantiated finding of abandonment, abuse, financial exploitation or neglect of a vulnerable adult by an alleged perpetrator;
  - (f) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider for placing clients in imminent jeopardy under RCW 74.39A.095(7) and WAC 388-71-0551;
  - (g) Where the client has requested a hearing under WAC 388-71-0560, the termination of a provider due to inadequate performance or inability to deliver quality care under RCW 74.39A.095(7) and WAC 388-71-0540 and 388-71-0551;
  - (h) Where the client has requested a hearing under WAC 388-71-0560, the denial of a contract to a provider due to

inability of the provider to appropriately meet the care needs of clients under RCW 74.39A.095(8) and WAC 388-71-0546;

- (i) Where the client has requested a hearing under WAC 388-71-0560, the denial or termination of a contract and subsequent denial of payment to a provider due to a disqualifying crime or lack of character, competence, or suitability to maintain the health, safety, and well-being of clients under RCW 43.20A.710(5) and WAC 388-71-0540 (3) through (5);
- (j) Social service eligibility under WAC 388-71-0400 through 388-71-0480, 388-71-0202, and 388-71-0203, and under chapter 388-72A WAC, except for WAC 388-72A-0055(2), 388-72A-0060(1), and 388-72A-0065 (4) through (6);
- (k) Domestic violence perpetrator treatment program certification under chapter 388-60 WAC;
- (l) Licensing or certification of child foster care homes, programs, facilities, and agencies under chapter 74.15 RCW and chapters 388-140, 388-145, 388-148 and 388-160 WAC;
- (m) Child protective services findings of abuse and neglect under RCW 26.44.125 and chapter 388-15 WAC;
- (n) Adoption support under WAC 388-27-0120 through 388-27-0390, for which a hearing has been held under WAC 388-27-0365;
- (o) Child day care licenses under chapter 74.15 RCW and chapters 388-150, 388-151, and 388-155 WAC;
- (p) Background checks of protective payees under WAC 388-460-0025, for which a hearing has been held under WAC 388-460-0070;
- (q) Background checks of child care providers and other persons under WAC 388-290-0143, for which a hearing has been held under WAC 388-290-0260 as part of the working connections child care program;
- (r) Background checks of persons acting in the place of a parent under WAC 388-454-0006, for which a hearing has been held under WAC 388-472-0005 (1)(j);
- (s) Claims of good cause for not cooperating with the division of child support under WAC 388-422-0020;
- (t) Parent address disclosure under WAC 388-14A-2114 through 388-14A-2140;
- (u) Chemical dependency treatment provider certification under chapter 388-805 WAC;
- (v) Community residential services and support certification, for which a hearing has been held under WAC 388-820-920;
- (w) Denial or termination of eligibility for services under WAC 388-825-030 and 388-825-035, for which a hearing has been held under WAC 388-825-120 (1)(a);
- (x) Development or modification of an individual service plan under WAC 388-825-050, for which a hearing has been held under WAC 388-825-120 (1)(b);
- (y) Authorization, denial, reduction, or termination of services under WAC 388-825-055, for which a hearing has been held under WAC 388-825-120 (1)(c);
- (z) Licensed community facilities under RCW 74.15.210 and WAC 388-730-0090;
- (aa) Community mental health and involuntary treatment program licenses under WAC 388-865-0480;
- (bb) Medical, dental, or transportation services, for which a hearing has been held under WAC 388-526-2610;

**Chapter 434-220 WAC  
Partisan Primaries**

(cc) Medical provider overpayments, for which a hearing has been held under WAC 388-502-0230(5) or 388-502-0240(17); or

(dd) Background checks under WAC 388-06-0110 that result in denial of authorization for unsupervised access to children or to individuals with developmental disabilities, for which a hearing has been held under WAC 388-06-0240(1); or

(ee) Cases for which a right to a hearing existed, if the request for a hearing was received by OAH or DSHS on or before November 14, 2002, and WAC 388-740-0060 and WAC 388-891-0275 did not apply.

(5) The ALJ makes the final decision and enters the final order in all cases except those cases set forth in subsection (4) of this section.

(6) A review judge has the same authority as an ALJ when presiding at a hearing.

**WSR 04-15-081**

**EMERGENCY RULES**

**SECRETARY OF STATE**

[Filed July 14, 2004, 2:44 p.m., effective July 14, 2004]

Effective Date of Rule: Immediately.

Purpose: Implement ESB 6453.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-020, 434-230-030, 434-230-160, 434-230-170, 434-253-020, and 434-262-150.

Statutory Authority for Adoption: Section 151, chapter 217, Laws of 2004.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The primary election is scheduled for September 14, 2004. There is not time to adopt permanent rules in time for counties to prepare for the primary.

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 12, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 12, Amended 6, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 14, 2004.

Steve Excell  
Assistant Secretary of State

**NEW SECTION**

**WAC 434-220-010 Partisan primaries.** This chapter is limited in application to the conduct of partisan primaries and non-partisan primaries held in conjunction with partisan primaries.

**NEW SECTION**

**WAC 434-220-020 Definitions.** As used in this chapter:

(1) "Check-off box" means a voter response position on a consolidated ballot where a voter who desires to participate in a partisan primary must indicate major party affiliation;

(2) "Party Affiliation" means

(a) On a consolidated ballot, a voter selecting a major political party in a manner consistent with the type of voting system used or, with physically separate ballots, voting a major political party's ballot;

(b) For a write-in candidate, filing as a write-in candidate for a major political party.

(3) "Consolidated Ballot" is a single ballot on which the candidates for each political party are separate from the candidates for any other political party and which also includes non-partisan offices and issues, listed after the candidates of each political party.

(a) In the case of a punchcard ballot where the candidates and issues are listed on a separate ballot guide, the ballot guide shall be considered part of the ballot.

(b) In the case of a direct recording device, a consolidated ballot shall have a beginning screen which contains a check-off box for each of the major political parties. After the voter has affiliated by marking a checkbox, only the party ballot checked by the voter and the non-partisan ballot shall appear to the voter.

(4) "Physically Separate Ballot" is a ballot specific to a single major political party, listing candidates for that major political party and including non-partisan offices and issues, or a ballot containing only non-partisan offices and issues.

(a) In the case of a punchcard ballot where the candidates and issues are listed on a separate ballot guide or a consolidated ballot guide, the ballot guide shall be considered part of the ballot.

(b) In the case of a direct recording device, separate ballots shall be issued by offering all ballot choices when the poll worker programs their ballot code, from which the voter shall choose one.

(5) "Ballot instructions" are instructions to the voter explaining how to vote his or her ballot and must include, for partisan primaries, those instructions specified by Section 127 and 132, Chapter 271, Laws of 2004.

(a) For optical scan and Datavote, voting instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page 1 of the ballot shall be the instruction page and the candidates and issues shall begin on page 2.

(b) For punchcard ballots, voting instructions may be printed on the ballot itself, on the ballot stub that is removed

from the ballot, or on the voting guide as additional instructions for the voter.

(6) "Ballot Layout" means the manner or the format for which ballots are printed and the manner parties, candidates and issues are arranged on the ballot.

(7) "Void," when applied to unvoted ballots means keeping them in the sealed container in which they were deposited during Election Day.

(8) "Nonpartisan" means, as the context implies, judicial offices, other offices without a party label, or ballot issues.

#### NEW SECTION

**WAC 434-220-030 Ballot layout.** (1) If no major political party candidate has filed for a position, the position shall be printed on the appropriate party ballots(s) and provisions shall be made to accommodate a write-in vote for that office. If no candidates for any political party file for a precinct committee officer position, a single write-in spot may be used for all political parties.

(2) County Auditors may use colored ballot stock, spot colors, shading or colored printing to assist the voter in distinguishing between party ballots or, in the case of a consolidated ballot, between party sections. The Secretary of State shall determine by lot the color for each political party ballot that must be used when using color to distinguish party ballots. Nothing in this section shall prohibit counties from using other means of differentiating ballot types or from using spot colors or printing in a single color on the ballot to assist in the sorting or handling of ballots or to help emphasize important instructions or sections of the ballot.

(3) The political party abbreviation after each candidate's name may be eliminated if the ballot layout used clearly identifies the candidate's political party.

(4) A county may choose to use a combination of both consolidated and physically separate ballots for poll site, absentee, and mail ballots.

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

#### NEW SECTION

**WAC 434-220-040 Ballot layout—Consolidated ballots.** In addition to the requirements listed in state law and administrative rule, the following provisions apply to the layout of consolidated ballots:

(1) Party affiliation checkboxes shall be listed before the political party ballot sections. Parties shall be listed on the ballot as "Democratic", "Republican" and "Libertarian"

(2) Column or section method for optical scan ballots: Candidates shall be listed in columns or sections, by major political party. It is permissible for party sections to span multiple columns to facilitate ballot arrangement. The next major party section shall begin where the last major party section ends, with a well-defined division between party sections. The non-partisan section shall appear at the end of the last major party section.

(3) With punch card ballots, separate columns shall be used for each political party and non-partisan section. At the poll site, clearly defined ballot pages or other means of segregation shall be used to clearly separate the listing of candidates by party.

gation shall be used to clearly separate the listing of candidates by party.

(4) Ballot instructions shall include the following:

(a) A definition of nonpartisan.

(b) Instructions, as required by Section 127 and 132, Chapter 271, Laws of 2004, printed in substantially the following form:

"This ballot contains major political party candidates, non-partisan candidates, and issues. You may vote for only one political party's candidates and any non-partisan offices and issues by:

- Selecting one political party, which also entitles you to vote on all non-partisan offices and issues on the ballot. If you do not select one party or if you select more than one party, your votes for candidates for partisan offices will not be counted.

- Voting for only that party's candidates. Votes for another party's candidates will not count.

- Voting for non-partisan offices and issues. These votes will be counted, even if you do not mark a political party."

(Insert instructions here on how to mark the ballot, including write-in votes.)

#### NEW SECTION

**WAC 434-220-050 Ballot layout—Physically separate ballots.** (1) Separate ballots shall be produced for each major political party. Each ballot shall list only candidates that are specific to that major political party first, then all non-partisan offices and issues. A separate ballot containing only non-partisan offices and issues must also be produced.

(2) All ballots shall be issued to each voter, both at the poll site and to voters voting by mail.

(3) Absentee voters shall be instructed to vote and return only one ballot.

(4) Each ballot shall have the name of the political party or "Non-Partisan", printed on the ballot. Party names shall be printed on the separate ballots as "Democratic", "Republican", or "Libertarian". Additional explanations or labels may be added.

(5) If color is used to distinguish punch card ballots, the appropriate ballot pages in the poll site must also be the corresponding color.

(6) Punch card systems must pre-punch each party ballot to ensure that votes are counted for only one party's candidates.

(7) In the case of punch card systems if separate ballot cards are provided for each ballot, they shall be considered "separate ballots." Punch card ballot guides maybe consolidated into one guide. In this case, the party and nonpartisan ballots shall be printed in the same manner as consolidated ballots

(8) Ballot instructions shall be printed on the ballot and shall include the following:

(a) A definition of a "Nonpartisan Ballot."

(b) Language advising voters that if they have voted for non-partisan candidates on one of the partisan ballots, they should return that ballot only and should NOT return the separate non-partisan ballot

(c) Instructions, as required by Section 127 and 132, Chapter 271, Laws of 2004, printed in substantially the following form:

"Separate ballots have been provided for each political party plus a nonpartisan ballot. You must choose only one ballot to vote. Though party affiliation is inferred by choosing a political party ballot, no record will be made of the ballot you choose. Only return one voted ballot and discard the remaining three. If you vote more than one political party ballot, none of your votes for political party candidates will count. You may vote a nonpartisan ballot, regardless of any party affiliation."

(Insert instructions here on how to mark the ballot, including write-in votes.)

#### NEW SECTION

**WAC 434-220-060 Order of political parties.** The order of political parties for consolidated ballots and ballot guides, sample ballots, and notices of election shall be in the same manner as the order of candidates on the General Election Ballot (, as determined by RCW 29A.36.160, sub (2).

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

#### NEW SECTION

**WAC 434-220-070 Ballot programming—Consolidated ballots.** (1) Before a county may use a consolidated ballot format, the ballot counting program must achieve the following:

(a) If a voter marks a check-off box for a major political party, only votes for that party may be counted; and

(b) If a voter does not mark a check-off box for a major political party, no votes for a partisan office may be counted; and

(c) If a voter marks two or more check off boxes, no votes for a partisan office may be counted.

(d) In the case of direct recording devices, the voter must be able to select a ballot type on the first screen and have only the ballot selected appear to the voter.

(2) If an optical scan or punch card ballot counting program cannot use the check-off box to eliminate invalid votes for each of the situations listed above, all ballots must be inspected for those that cannot be read correctly. Improperly marked ballots shall be duplicated or enhanced to ensure that invalid votes are not counted. In the case of precinct ballot counters, ballots shall be inspected after they have been returned from the polls. As part of the canvassing process, the county auditor shall take appropriate steps to amend the unofficial precinct count totals to reflect the correct count.

#### NEW SECTION

**WAC 434-220-080 Polling place procedures—Physically separate ballots.** In the case of optical scan ballots, the poll workers shall give the voter a ballot for each major political party which also contains nonpartisan offices and issues and one ballot that only contains nonpartisan offices and issues. The County Auditor shall number the ballot stubs in

a manner so that it cannot be determined which ballot was cast by the voter. The poll workers shall instruct the voter to choose one ballot to vote. The remaining three ballots must be deposited into a container secured with a numbered seal. The county auditor may have the voter select a single ballot and deposit the unselected ballots in the secure container prior to entering the voting booth or the selection may be done after the voter leaves the booth. Regardless of when the ballot selection is made, the Auditor shall ensure that only one ballot is deposited in the ballot box and the remaining ballots deposited into an 'unvoted ballots' container. The Auditor shall ensure that, wherever possible, the privacy of the ballot selection by the voter is maintained. Pursuant to the provisions of WAC 434-220-120, no record of the voter's choice shall be made. The ballot stub shall be removed and placed into the ballot stub envelope before the voted ballot is deposited into the ballot box.

The sealed container with the unvoted ballots shall remain sealed and be returned to the county auditor with the supplies and voting materials.

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

#### NEW SECTION

**WAC 434-220-090 Spoiled ballots—Physically separate ballots.** If a voter spoils one or more ballots and wishes to correct their error, the ballot(s) shall be returned to the poll worker and placed into the spoiled ballot envelope. The poll worker shall issue a new set of ballots, consisting of each major political party ballots and one non-partisan ballot. The ballot stub number shall be recorded in the poll book.

#### NEW SECTION

**WAC 434-220-100 Absentee and mail ballots—Physically separate ballots.** All ballots shall be mailed to each absentee and mail ballot voter. The instructions included with these ballots shall instruct the voter to vote and return only one ballot and to destroy the remaining ballots.

#### NEW SECTION

**WAC 434-220-110 No records made at poll sites.** No record of the political party ballot selected by the voter shall be made by any person at the polling place. This prohibition includes poll workers, political observers and any other person who may be present while voting is taking place. The use of telephones, cameras, or recording devices to report, track, or monitor the ballot selection by voters is prohibited.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02)

**WAC 434-215-020 Declaration of candidacy—Precinct committee officer.** Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:



DECLARATION OF CANDIDACY

State of Washington }
County of ..... } ss.

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of ....., state of ((Washington)) WA (Zip Code), that, at the time of filing this declaration, I am a registered voter in ..... precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committee officer to be elected at the ((general)) ..... election to be held on the ..... day of ((November)) ..... ((19)) 20. . . , and hereby request that my name be printed upon the official ((general)) ..... election ballots as a candidate of the ..... party, and:

I accompany herewith the sum of ..... dollars, the fee required by law of me for becoming a candidate

AFFIDAVIT

FURTHER, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature of candidate)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

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

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98)

WAC 434-230-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state measures or issues. In the absence of state measures or issues, county-wide ballot measures shall appear first on all sample ballots and on all ballots. If a county-wide ballot measure is to appear on a partisan primary ballot, it shall appear first on the nonpartisan ballot or nonpartisan section of the consolidated ballot. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdic-

tional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98)

WAC 434-230-160 Electronic voting device instructions. The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided ((on the ballot card or ballot envelope and punch or mark)) for such write-in position (if applicable).

((Absentee ballots shall be designated in such a manner as to clearly distinguish them from polling place ballots.))

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

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

AMENDATORY SECTION (Amending WSR 00-11-042, filed 5/11/00)

WAC 434-230-170 Electronic voting devices—Ballot form. Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW 29A.36.010 the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together((-Each group shall be enclosed in brackets)) with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds

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the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

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

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97)

**WAC 434-253-020 Election supplies—Polling place.** Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Instruction signs for voters; including how to cast a ballot;
- (8) Challenge/provisional ballot envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope;
- (15) Emergency plan of action((-));
- (16) Sample ballot, posted at the poll site;
- (17) HAVA voter information poster, posted at the poll site;
- (18) Voter registration forms, posted at the poll site;
- (19) For partisan primaries in counties using physically separate ballots, a container with a numbered seal for the voter to place their unvoted ballots.

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

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

**AMENDATORY SECTION** (Amending WSR 02-07-029, filed 3/12/02)

**WAC 434-262-150 Rejection of ballots or parts of ballots.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

- (1) Where two voted ballots are found folded together, or where a voter has voted more than one ballot;
- (2) Where two ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;
- (3) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine voter's intent;
- (4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- (5) Where the voter has voted for more candidates for an office than are permissible;
- (6) Where the voter has incorrectly attempted to correct a vote on the ballot contrary to the instructions provided pursuant to WAC 434-240-200 unless the voter provides written instructions directing how the vote should be counted or the voter has clearly attempted to erase an error.
- (7) In addition to the above, in a partisan primary:
  - (a) Physically separate ballots:
    - (i) A log shall be kept of all voted ballots rejected and included as part of the county canvassing board minutes.
    - (ii) When a voted nonpartisan ballot and a voted party ballot are both returned and the nonpartisan section of the party ballot was not voted, votes from the voted non-partisan ballot shall be duplicated onto the party ballot. The party ballot shall be counted and the nonpartisan ballot shall be rejected.
    - (iii) When a party ballot and nonpartisan ballot both have been returned with the nonpartisan offices and issues voted on both ballots, only the party ballot, including the votes cast for non-partisan candidates and issues, shall be counted and the non-partisan ballot is rejected.
    - (iv) Write-in votes for a partisan candidate on a non-partisan ballot shall not be counted in the final write-in tally.
    - (v) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy, thereby affiliating with a major party, shall not be counted in the final write-in tally.
    - (vi) If physically separate ballots are used and a voter returns more than one voted partisan ballot, no votes cast for candidates for partisan office shall be counted. If votes are cast for non-partisan offices and/or issues on only one of the partisan ballots, those votes shall be counted. If votes are cast for non-partisan offices and/or issues on more than one party ballot, only those votes which are the same on each ballot shall be duplicated onto a nonpartisan ballot and counted.
    - (vii) If more than one ballot is returned but only one ballot is voted, the voted ballot shall be counted.
  - (b) Consolidated ballots
    - (i) When voting a consolidated ballot, if the voter does not mark the party check-off box, votes cast for candidates for partisan office shall not be counted but votes cast on the nonpartisan portion of the ballot shall be counted.

(ii) Write-in votes for a partisan candidate in a partisan office on a non-partisan ballot shall not be counted in the final write-in tally.

(iii) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy shall not be counted in the final write-in tally.

(iv) If the voter marks one party check-off box, only those votes for candidates of that party shall count. Votes cast for candidates of other political parties shall not be counted and do not cause over-votes for races where the voter has also voted for a candidate of the party they have selected for partisan offices.

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

#### NEW SECTION

**WAC 434-220-210 Partisan primary recounts.** When a recount is requested or mandatory under RCW 29A.64 in a partisan office, the recount shall only apply to the candidates of the affected political party. Votes for the same office of other political parties shall not be recounted.

#### **WSR 04-15-082**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed July 14, 2004, 4:02 p.m., effective July 14, 2004]

Effective Date of Rule: Immediately.

Purpose: The purpose of the emergency filing of amended and new rules of chapter 388-25 WAC, Child welfare services—Foster care, is to comply with new statute (chapter 183, Laws of 2004) regarding changes to child support collections, including the good cause exemption of the best interest of the child.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-25-0230; and amending WAC 388-25-0225.

Statutory Authority for Adoption: RCW 74.08.090 and 74.20.040.

Other Authority: Chapter 183, Laws of 2004, RCW 74.20.040, 74.13.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; 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: Amendments to chapter 388-25 WAC, Child welfare services—Foster care, are needed due to changes in statute, chapter 183, Laws of 2004, to protect the welfare of children in foster care. Permanent rule

making could not be completed in time to meet the statute change effective date of July 1, 2004. A notice to adopt permanent rules on this subject has been filed as WSR 04-08-068.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 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 3, Amended 1, Repealed 1.

Date Adopted: July 13, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-08-047, filed 3/30/01, effective 4/30/01)

**WAC 388-25-0225** (~~What cases must~~) Does the department (~~refer to the division of~~) collect child support (~~(DCS)~~) in cases where it participates in the payment of foster care? (1) (~~The DCFS office must refer to the division of child support every foster care placement in which DCFS~~) Each case where the department participates in the payment (~~(for)~~) of foster care must be referred to the division of child support, except when:

(a) (~~Cases, if any, in which the division of child support has determined it~~) Pursuing collection would not be cost effective (~~(to pursue collection)~~), including placements of seventy-two hours or less; or

(b) (~~Cases~~) Pursuing collection is exempt by law from collection action; or

(c) A child with developmental disabilities is voluntarily placed in foster care; or

(d) It is not in the child's best interest to pursue the collection of child support and/or establish paternity.

(2) The children's administration must refer to DCS cases in which the department determines that sufficient good cause exists to not pursue collection. The following constitute good cause for requesting that DCS not pursue collection action on foster care cases referred to DCS:

(a) (~~The department's division of developmental disabilities (DDD) has determined that the child is developmentally disabled. DCS still must establish paternity.~~) It is not in the child's best interest; or

(b) The parent or other legally obligated person, or the parent or other person's child, spouse, or spouse's child was the victim of the offense for which the child was committed to the custody of the juvenile rehabilitation administration (JRA) and the child is being placed directly into foster care

from a JRA facility until this placement episode closes((-)); or

(c) Adoption proceedings for the child are pending in court or the custodial parent is being helped by a private or public agency to decide if the child will be placed for adoption((-); or

(d) The child was conceived as a result of incest or rape and establishing paternity would not be in the child's best interest((-); or

(e) The juvenile or Tribal court in the dependency proceeding finds that the parents will be unable to comply with an agreed reunification plan with the child due to the financial hardship caused by paying child support. The social worker also may determine that financial hardship caused by paying child support will delay or prevent family reunification((-);

(f) The custodial parent and/or the child may be placed in danger as a result of the presence of or potential for domestic abuse perpetrated by the ~~((other parent or responsible))~~ person that the division of child support would be pursuing for collection action.

**NEW SECTION**

**WAC 388-25-0226 Who may request a good cause determination?** The department or a parent, including an adoptive parent or legal guardian, may initiate a request for good cause determination at any time.

**NEW SECTION**

**WAC 388-25-0227 When may a good cause determination be requested?** A request for determination of good cause may be made at any time.

**NEW SECTION**

**WAC 388-25-0228 When must the division of developmental disabilities not refer parents of a foster child with developmental disabilities to the division of child support for collection action?** The division of developmental disabilities must not refer cases to the division of child support for collection for a foster child with developmental disabilities when the child is eligible for admission to, or has been discharged from a residential habilitation center as defined by RCW 71A.10.020(8), unless the child is placed as a result of an action taken under chapter 13.34 RCW.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-25-0230 Are adoption support cases exempt from referral to the division of child support (DCS) for collection?

**WSR 04-15-086  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-172—Filed July 15, 2004, 3:07 p.m., effective July 15, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000Q; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 15, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-24-04000R All-citizen commercial salmon troll.** Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open:

- July 16 through July 19, 2004;
- July 22 through July 26, 2004;
- July 29 through August 2, 2004;
- August 5 through August 9, 2004;
- August 11 through August 15, 2004;
- August 18 through August 22, 2004;

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August 25 through August 29, 2004;  
 September 1 through September 5, 2004;  
 September 8 through September 12, 2004;  
 September 15 through September 19, 2004.

(2) The Cape Flattery and Columbia River Control Zones are closed.

(3) Landing and possession limit of 125 chinook per boat per entire open period.

(4) Minimum size for chinook salmon is 28 inches in length. Minimum size for coho is 16 inches in length and all coho must have a healed adipose fin clip. No minimum size for pink, sockeye or chum salmon.

(5) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(6) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land and deliver within the Salmon Management and Catch Reporting Areas 1, 2, 3 or 4.

(7) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ: and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(8) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(9) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(10) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-04000Q All-citizen commercial salmon troll. (04-165)

## WSR 04-15-087 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 04-173—Filed July 15, 2004, 3:08 p.m., effective July 15, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100W; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 15, 2004.

J. P. Koenings  
Director  
by Larry Peck

## NEW SECTION

WAC 220-52-05100X Puget Sound shrimp pot and beam trawl fishery—Season. Notwithstanding the provisions of WAC 220-52-051, effective immediately until fur-

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ther notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective immediately until further notice, all waters of Crustacean Management Regions 1, 2, 3, 4 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1B and Marine Fish-Shellfish Catch and Reporting Areas 23 A-E (east), 23 A-W (west), 26B-1, and 26C.

(ii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C and 25D.

(iii) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50°N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those

waters of Catch Area 23A south of a line projected 48.22.50°N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100W Puget Sound shrimp pot and beam trawl fishery. (04-169)

**WSR 04-15-088**

**EMERGENCY RULES**

**SECRETARY OF STATE**

[Filed July 16, 2004, 8:24 a.m., effective July 16, 2004]

Effective Date of Rule: Immediately.

Purpose: To clarify and define the purpose by which the Secretary of State certifies voting systems and to add testing procedures for new electronic voting equipment required by new federal law.

Citation of Existing Rules Affected by this Order: Amending WAC 434-333-010 to 434-333-300, 434-230-175, 434-230-177, 434-253-085, and 434-261-045.

Statutory Authority for Adoption: RCW 29A.12.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; 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: New state law as of April 1, 2004, defined how primary ballots would be counted. Several of the counties tabulation systems cannot count ballots according to the new law without an upgrade to their systems. This change in law necessitated a more detailed emergency certification process in order to implement the primary this year. New federal law (Help America Vote Act of 2002) also

requires the use of disability access devices at each poll site. As counties move to these electronic systems, new procedures for testing are needed in WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 14, Amended 3, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, 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 17, Amended 21, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 33, Amended 27, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 16, 2004.

Sam Reed  
Secretary of State

#### NEW SECTION

**WAC 434-230-175 Direct recording electronic ballots.** The electronic record produced and counted by poll-site direct recording electronic voting devices is the official record of each vote for election purposes. The paper record produced as a requirement in WAC 434-333-020(6) must be stored and maintained for use only in the following specified circumstances:

- (1) In the event of a mandatory hand recount of votes under RCW 29A.64.020;
- (2) In the event of a requested recount under RCW 29A.64.010;
- (3) By order of the county canvassing board; and
- (4) By order of a court of competent jurisdiction.

#### NEW SECTION

**WAC 434-230-177 Preservation of paper records of poll-site based electronic voting devices.** The paper records produced by poll-site direct recording electronic voting devices are subject to all of the requirements of chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

#### NEW SECTION

**WAC 434-253-085 Voter leaving an electronic voting device during voting process.** A voter voting on a poll-site based electronic voting system may not leave the device during the voting process except to verify his or her ballot, or to request assistance from the precinct election officers, until the voting process is completed.

#### NEW SECTION

**WAC 434-261-045 Procedures before counting sessions begin.** Before the first ballot counting session in each election, a report must be produced demonstrating that the system contains no vote data before commencement of counting ballots. At the completion of each ballot counting session, the ballot counting system must produce a report of the results compiled that includes date and time information. Before commencing any additional ballot counting session, a report of the results contained in the system must be produced that includes date and time information. This report must be compared with the report produced at the end of the previous ballot counting session to ensure that no changes have been made to the vote data in the interim period. This comparison must be performed in the presence of political party observers if representatives have been appointed by their respective political parties and are present at the time of comparison. This procedure must be employed for subsequent counting sessions. Nothing in this section precludes the county auditor from zeroing individual devices in subsequent counting sessions if a report is created after each session and before the next, with the results being merged into the total.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-010 Certification of vote tallying equipment.** All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used (~~(or sold)~~) in Washington state. In order for a system to be certified in Washington state, it must meet the applicable federal (~~(Elections Commission)~~) standards, must comply with Washington state law, and must be certified and in use in at least one other state.

#### NEW SECTION

**WAC 434-333-013 Voting systems review board.** Certification reviews and recommendations may be made to the secretary by the voting systems review board. The voting systems review board will include independent expert(s) in computer science or information technology, recognized expert(s) in election administration, and representative(s) of the public at large. The members of the review board will be appointed to a two-year term by the secretary of state beginning in January 2005. Traveling expenses and any necessary lodging will be provided to the local election official by the secretary. The duties of the voting systems review board will include, but not be limited to: Conducting a review of initial system applications as outlined in WAC 434-333-035; reviewing and examining the equipment (ref. WAC 434-333-045 to 434-333-055); and chairing the public hearing (WAC 434-333-060).

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-015 Initial application for certification.** (~~(A vendor may apply to the secretary of state at any time during the year. However,)~~) Any person or corporation

(applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification between December 1st and May 30th each year. Certification examinations and hearings will only be performed in the period between ((the end of the legislative session)) January 1st and ((August)) July 15th of each year. The application shall include at least the following information:

(1) Information about the vendor, ((location, customer lists, and product lists)) business address, customer references, and list of election products.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications((, installed customer lists, etc)).

(3) ~~((The vendor shall include certification documents for all other states that have certified the equipment.~~

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) ~~The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.~~

(6) The vendor shall identify what portion of the software remains proprietary.

(7) ~~A monetary deposit as described in WAC 434-34-025 [434-333-025].) Documentation of all other states that have tested, certified and used the equipment in a binding election. The information included should state how long the system has been used in the state and must include version numbers of the operating system, software, and firmware in use, date and jurisdiction of use in a binding election and must disclose any reports compiled by state or local government concerning the performance of the system.~~

(4) A monetary deposit as described in WAC 434-333-050.

(5) A copy of a letter from the applicant, to each independent testing authority (ITA), which:

(a) Directs the ITA to send a copy of the completed ITA qualification report to the secretary of state;

(b) Authorizes the ITA to discuss testing procedures and findings with the secretary of state; and

(c) Authorizes the ITA to allow the secretary of state to review all records of any qualification testing conducted on the voting system or its components.

(6) A technical data package (TDP) conforming to the 2002 FEC Federal Voting Systems Standards (FVSS), Vol. II, Sec. 2 standards that includes:

(a) Identification of all COTS hardware and software products and communications services used in the operation of the voting system (ref. FVSS, 2.2.1.e).

(b) System functionality description (ref. FVSS, 2.3).

(c) System security specification (ref. FVSS, 2.6).

(d) System operations procedures (ref. FVSS, 2.8).

(e) System maintenance procedures (ref. FVSS, 2.9).

(f) Personnel deployment and training requirements (ref. FVSS, 2.10).

(g) Configuration management plan (ref. FVSS, 2.11).

(h) System change notes (if applicable, ref. FVSS, 2.13).

(i) System change list, if any, of modifications currently in development.

(j) System usability testing report.

(7) The source code of an electronic voting system must be placed in escrow in the state of Washington and be accessible by the secretary of state under prescribed conditions allowing source code review for system verification.

(8) Identification of all documents, or portions of documents, containing proprietary information not approved for public release. The secretary of state shall agree to use proprietary information solely for the purpose of analyzing and testing the system, and shall agree to refrain from otherwise using the proprietary information or disclosing it to any other person or agency without the prior written consent of the vendor, to the extent permitted by law unless disclosure is legally compelled.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-020** ~~((Additional information and equipment required.))~~ **Voting system requirements.** ~~((The vendor shall provide a working model of the equipment that is being reviewed to the secretary of state for the duration of the review. The secretary of state may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.))~~ No voting device or its component software may be certified by the secretary of state unless it:

(1) Secures to the voter secrecy in the act of voting;

(2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(3) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(4) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(5) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice-president of the United States;

(6) Beginning on January 1, 2006, a poll site-based electronic voting system, at the time of voting, produces a machine countable paper record for each vote that may be reviewed by any voter before finalizing his or her vote, as a part of the voting process;

(7) The paper record of each electronic vote may not be removed by the voter, but may be accepted or rejected. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by each voter;

(8) Except for functions or capabilities unique to this state, has been tested and approved by the appropriate independent testing authority approved by the federal election assistance commission or its statutory successor;

(9) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;



(10) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(11) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

(12) Produces precinct and cumulative totals in printed form;

(13) Ballot counting systems must be secured physically and electronically against unauthorized access;

(14) Ballot counting systems must not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web;

(15) A network may be used as an internal, integral part of the ballot counting system but that network must not be connected to any other network, the internet, or the world wide web;

(16) Wireless communications may not be used in any way in a ballot counting system;

(17) All elements of the ballot counting systems must be capable of being secured with lock and seal when not in use;

(18) Transfer of information from the ballot counting system may be made by telephonic transmission only after the creation of disk, tape, or other physical means of communication;

(19) All electronic voting systems must meet Washington state disability access standards;

(20) All electronic voting systems software in escrow must be the exact same as that tested and certified by the federal independent testing authority and may be verified by matching the system's digital software signature, when available.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-025** (~~Vendor deposit for examination expenses.~~) **Closing an incomplete application.** ((The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.)) Upon receipt of an application, the secretary of state shall examine the application for completeness. If the application is not complete, the secretary of state shall notify the applicant in writing within thirty days of the information required to complete the application. The secretary of state will deem the application to be closed, if thirty days after notifying the vendor in writing of an incomplete application, the secretary of state has not received all information requested from the vendor. Closure of an application shall not prevent the applicant from submitting a new application to the secretary of state.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-035** (~~Public hearing.~~) **Elements to be considered in the review of an application.** ((Only after the secretary of state is satisfied that the equipment being exam-

~~ined meets all of the guidelines for certification shall a public hearing be scheduled. The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be expected to answer questions from the secretary of state staff as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the secretary of state is not satisfied with the completeness of answers given at the hearing.)) Upon receipt of a completed application, the voting systems review board shall evaluate the application. This evaluation shall include, but is not limited to:~~

(1) A review of Revised Code of Washington sections which address the application (chapter 29A.40 RCW);

(2) A review of applicable federal standards which address the application;

(3) A copy of the approved qualification test results released directly to the secretary of state by the federally approved independent testing authority (ITA);

(4) A review, if applicable, of reports or other materials from prior hearings on the proposed system, procedure, or modification either in whole or in part;

(5) A review, if applicable, of any procedures manuals, guidelines or other materials adopted for use with the system addressed by the application;

(6) A review of any effect the application will have on the security of the voting system;

(7) A review of any effect the application will have on the accuracy of the voting system;

(8) A review of any effect the application will have on the ease and convenience with which voters use the system;

(9) A review of any effect the application will have on the timeliness of vote reporting; and

(10) A review of any effect the application will have on the overall efficiency of the voting system.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-045** (~~Modification of certified equipment, guidelines for reexamination.~~) **Additional information and equipment required.** ((Any modification, change, or improvement to a voting system or component that impairs its accuracy, efficiency, or capacity or extends its function may require examination or certification before it may be used or sold in Washington state.)) The vendor shall provide a working model of the equipment that is being reviewed to the voting systems review board for the duration of the review. The board may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-050** (~~Application for certification or examination of modified voting systems or devices.~~) **Vendor deposit for examination expenses.** ((A vendor may apply to the secretary of state for the review of a modification of an existing certified system at any time during the year-

Evaluation of the need for recertification or examination will occur at the convenience of the secretary of state. If possible the secretary of state will focus review and examination on the modified component of the equipment or system. If the system, or its component, is found to be sufficiently modified that it requires examination or recertification, the process for original certification shall be followed. Certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application for examination of a modification shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission voting equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) The vendor shall identify what portion of the software remains proprietary.

(8) A monetary deposit as described in WAC 434-34-025 [434-333-025].) The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-055** (~~(Acceptance testing of voting systems and)~~) **Examination of equipment.** ((Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot

counting system. This must include processing a substantial number of test ballots of various prepunch or ballot codes, including split precincts, rotated races, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.) The examination consists of a series of functional application tests designed to insure that the system or equipment meets all guidelines and laws. The examination may include an additional independent testing authority test if the voting systems review board is not satisfied with the documentation made available by the vendor. The examination shall include the set-up and conduct of two mock elections. The vendor shall provide ballot materials and programming to create these elections.

(1) The first election shall replicate an even-year primary, using consolidated ballots for the major political parties and including PCO contests.

(2) The second election shall replicate an odd-year general election, to test the use of split precincts.

All test elections shall feature at least ten precincts with at least ten ballots in each precinct. The tests must include ballots of various ballot codes, including multiple candidates, cumulative reports, precinct reports, and canvass reports, as detailed in the test plan provided by the secretary of state.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-060** (~~(Inclusion of the federal election commission standards for voting equipment.)~~) **Public hearing.** ((The Federal Election Commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington.) The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be available to answer questions from the voting systems review board as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-065** (~~(Logic and accuracy test conduct.)~~) **Issuance of certification.** ((The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.) After the secretary of state is satisfied that the system meets all requirements, a report or certification will be issued. Notification of certification will be sent by the secretary of state to all counties within thirty days of the issuance of certification. If the system fails to meet any of the requirements, the vendor will be

notified and given thirty days to submit an improved version of the system. The improved version will be tested as if it had not been seen by the office of the secretary of state.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-070** (~~Logic and accuracy test observers.~~) Certification may be conditioned. (~~The official logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.~~) Any certification may contain additional requirements of one or more actions or procedures, as determined by the review of the application and equipment.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-075** (~~Logic and accuracy testing of voting systems and equipment—State primary and general election.~~) Modification of certified equipment, guidelines for administrative approval. (~~At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.~~) The secretary of state may approve an application for modification of certified equipment administratively where he or she determines that the application does not:

- (1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;
- (2) Materially affect the convenience to the voter of the elections process; or
- (3) Otherwise result in significant modification to existing procedures in extending the equipment's functionality.

An application approved administratively will not require examination by the voting systems review board.

#### **NEW SECTION**

**WAC 434-333-080** Application for administrative approval of modified voting systems or devices. The application for review of a modification of an existing certified system shall include at least the following information:

- (1) Information about the vendor.
- (2) Information about the product that is being reviewed, version numbers, and release numbers. The application must also highlight all changes to the operating and maintenance

manuals, training materials, and technical and operational specifications required by the modifications being reviewed to completely update them to the current version.

(3) The vendor shall include certification documents for all other states that have certified the equipment with the modifications.

(4) The vendor shall provide reports for all tests conducted, on the product modification(s) being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the election assistance commission for such agents.

(5) The vendor shall provide documentation proving that the product with the modification(s) meets the applicable federal voting equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) A monetary deposit as described in WAC 434-333-050.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-085** (~~Logic and accuracy test scheduling and preparation—State primary and general election.~~) Recertification of modified voting systems or devices. (~~Prior to each state primary and general election the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.~~) If the system, or its component, is found to be sufficiently modified under the guidelines of WAC 434-333-075 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state will notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-333-015 through 434-333-065.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-090** (~~Logic and accuracy test certification—State primary and general election.~~) Restricted period. (~~The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.~~)

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy

test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082 [434-333-082].) No modification, change, or other alteration to a voting or vote tabulating material, equipment, or component shall receive administrative approval or certification from July 15th until November 30th.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-095** (~~Logic and accuracy testing of voting systems and equipment—Special elections.~~) Emergency approval. ((At least three days before each special election the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a pre-audited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.)) Emergency approval for modifications of an existing voting or vote tabulating system, or equipment may be obtained from the secretary of state during the restricted period if failure to modify the system will materially affect the lawful conduct, efficiency, accuracy, or security of the upcoming election.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-100** (~~Logic and accuracy test deck preparation—Special elections.~~) Application information for emergency approval. ((When a new test deck is required under WAC 434-334-095 [434-333-095], the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.)) During the restricted period, an applicant may apply in writing to the secretary of state for emergency approval of a modification of an existing certified system. The application must include a complete description of all modifications to the system that are required. The application must also include a description of how failure to modify the system will materially affect the lawful conduct, efficiency, accuracy, or security of the upcoming election. If the secretary of state determines that an emergency situation exists after a review of the application, the examination, and testing of proposed modifications will be expedited by the secretary of state to meet the needs of the upcoming election. The emergency approval will waive the requirement that the modifications be certified by the national ITA pending final approval.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-105** (~~Logic and accuracy test scheduling and preparation—Special election.~~) Final approval. ((The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully pro-

grammed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the official logic and accuracy test.)) The applicant must submit an application that incorporates a permanent fix to the problem covered by the emergency approval in time to be approved under the normal application guidelines (ref. WAC 434-333-075) the following year. This application will be reviewed under the application guidelines.

#### NEW SECTION

**WAC 434-333-107** Provisional approval of modifications required for the 2004 Washington partisan primary. The secretary of state has been informed by the counties and the vendors that some or all of the voting systems currently certified and in use must be modified prior to use in the upcoming partisan primary in order to use those voting systems to meet the requirements of the partisan primary passed in the 2004 legislative session. In order to insure the lawful conduct, efficiency, accuracy, and security of the upcoming partisan primary and general election, the secretary of state will adopt the following procedures:

(1) The requirement that the modifications be certified by national ITA will be waived (ref. WAC 434-333-020(8)).

(2) The state shall perform a series of functional and programming tests on the modified software that will test all functions of the ballot counting system. Tests will simulate both the partisan primary and general election. The tests will include all possible combinations of choices that a voter may make to select a party choice on the consolidated ballot. The tests will include processing a substantial number of test ballots of various ballot codes covering all precincts, including split precincts, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, and canvass reports.

(3) Counties using provisionally certified software will conduct a post-election logic and accuracy test of their system.

(4) Where a county is using DRE equipment as a component of the voting system, they must follow the provisions of WAC 434-333-250 through 434-333-280.

(5) The approval for use of the modified system will be valid only for the 2004 primary and general election.

(6) If applicable, the vendor will incorporate the modifications into the next release of their system to be certified by the national ITA and reviewed under the initial application guidelines (ref. WAC 434-333-015) as early as possible in 2005 but no later than July 15, 2005.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-110** (~~Logic and accuracy test certification—Special election.~~) Judicial review of agency action. ((The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall

be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-082 [434-333-082].) Any of the following decisions entered pursuant to this chapter are final decisions of the secretary as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:

(1) The issuance or denial of certification pursuant to WAC 434-333-065;

(2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-333-075;

(3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-333-085; and

(4) A final order entered pursuant to WAC 434-333-105.

## NEW SECTION

**WAC 434-333-115 Acceptance testing of voting systems and equipment.** Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various ballot codes, including split precincts, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.

(4) The county auditor shall certify the results of acceptance testing to the secretary of state, including version numbers of hardware, software, and firmware installed and tested.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-120** (~~Logic and accuracy test preparation—State primary and general election—Punchcard systems.~~) **Inclusion of the federal standards for voting equipment.** (~~The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the~~

very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.) The 2002 election assistance commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington. After January 1, 2005, in order to get administrative approval of modifications to systems currently certified under 1990 standards, the entire voting system must be tested and approved under the 2002 standards.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

**WAC 434-333-125** (~~Punchcard test deck maintenance and storage.~~) **Decertification of voting systems and vote tabulating systems.** (~~Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.~~) (1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification:

(a) He or she determines that the system or component fails to meet the standards set forth in state or federal law, including, but not limited to, this chapter; or

(b) He or she determines that the system or component was materially misrepresented in the certification application; or

(c) He or she determines that the vendor has installed unauthorized modifications to the certified software or hardware.

(2) The secretary shall provide notice of the decertification in writing to the original applicant for certification of the system or component or successor (if known), and to all county auditors, and shall also post it to the secretary's website. The notice shall specify the reasons why the certification of the system is being rescinded and the date on which the decertification is to become effective. The effective date shall not be less than five days after issuance of the notice, but may be delayed to any date the secretary finds reasonable.

(3) The original applicant or its successor or any county auditor may request in writing that the secretary reconsider the decision to decertify within thirty days after the issuance of the notice or at least ninety days prior to the effective date of the decertification, whichever is later.

(4) Reconsideration of the decision to decertify shall proceed as an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW

34.05.479 if the secretary finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary shall designate the presiding officer.

(c) The decertification is suspended pending resolution of the administrative proceeding, unless the secretary finds, following notice and opportunity for written or oral input (which may be expedited), that the public interest requires that the decertification not be suspended.

(d) The argument in favor of decertification may be presented by an employee of the secretary or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by WAC 434-180-560.

(e) An order issued by the presiding officer shall be regarded as an initial order unless the secretary, assistant secretary, deputy secretary, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-130 ((~~Punchcard test precinct selection—State primary and general elections.~~) **Definition of official logic and accuracy test.** ((Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.)) As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29.33.350 (29A.12.130).

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-135 ((~~Punchcard testing requirements prior to official logic and accuracy test.~~) **Logic and accuracy test conduct.** ((Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.)) The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-140 ((~~Definitions.~~) **Logic and accuracy test observers.** ((For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.)) The official logic and accuracy test shall be observed by at least one representative of each major political party if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-145 ((~~Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.~~) **Logic and accuracy testing of voting systems and equipment—State primary and general election.** ((The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.)) At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-150 ((~~Optical scan test ballot selection—State primary and general elections.~~) **Procedure for conduct of delayed primary or general election emer-**

gency logic and accuracy test. ((Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.)) If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-333-140 and 434-333-155.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-155 ((Optical scan read head adjustment standards and tests.)) Logic and accuracy test scheduling and preparation—State primary and general election. ((Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.)) Prior to each state primary and general election, the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-160 ((Optical scan read head and ballot scan area alignment tests.)) Logic and accuracy test certification—State primary and general election. ((Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.)) The county auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. This certification shall

include verification of the version number of all software, firmware, and hardware of the voting system used. Copies of this certification shall be retained by the secretary of state and the county auditor and may be posted by electronic media. Programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-165 ((Optical scan ballot marking code program test.)) Logic and accuracy testing of voting systems and equipment—Special elections. ((Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.)) At least three days before each special election, the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-333-170 ((Precinct-based optical scan ballot counter preparation and testing.)) Logic and accuracy test deck preparation—Special elections. ((All logic and accuracy testing of precinct-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.)) When a new test deck is required under WAC 434-333-165, the test deck or decks used for the official logic

and accuracy test will be prepared by the county elections office.

**AMENDATORY SECTION** (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

~~WAC 434-333-175 ((Poll site based optical scan ballot counter test notices, observers, and log of process.))~~  
**Logic and accuracy test scheduling and preparation—Special election.** ~~((A log shall be created during the testing of the poll site based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-334-170 [434-333-170] shall be open to observation and subject to all notices and observers pursuant to WAC 434-334-070 [434-333-070] and 434-334-085 [434-333-085].))~~  
The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the official logic and accuracy test.

**NEW SECTION**

**WAC 434-333-180 Logic and accuracy test certification—Special election.** The county auditor or deputy and any political party observers, if present, shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. This certification shall include verification of the version number of all software, firmware, and hardware of the voting system used and may be published on electronic media. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-333-150.

**PUNCHCARD SYSTEMS**

**NEW SECTION**

**WAC 434-333-185 Logic and accuracy test preparation—State primary and general election—Punchcard systems.** The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is

delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

**NEW SECTION**

**WAC 434-333-190 Punchcard test deck maintenance and storage.** Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.

**NEW SECTION**

**WAC 434-333-195 Punchcard adjustment standards and tests.** Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the prepunches and voting response areas are being read properly by the ballot counter.

**NEW SECTION**

**WAC 434-333-200 Punchcard test precinct selection—State primary and general elections.** Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

**NEW SECTION**

**WAC 434-333-205 Punchcard testing requirements prior to official logic and accuracy test.** Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

**OPTICAL SCAN SYSTEMS**

**NEW SECTION**

**WAC 434-333-210 Definitions.** For optical scan voting systems:

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(1) "Voting response area" means the area defined by ballot instructions on which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

#### NEW SECTION

**WAC 434-333-215 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.** The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

#### NEW SECTION

**WAC 434-333-220 Optical scan test ballot selection—State primary and general election.** Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.

#### NEW SECTION

**WAC 434-333-225 Optical scan read head adjustment standards and tests.** Prior to all of the state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.

#### NEW SECTION

**WAC 434-333-230 Optical scan read head and ballot scan area alignment tests.** Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter.

This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

#### NEW SECTION

**WAC 434-333-235 Optical scan ballot marking code program test.** Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

#### **POLL SITE-BASED OPTICAL SCAN DEVICES**

#### NEW SECTION

**WAC 434-333-240 Poll site-based optical scan ballot counter preparation and testing.** All logic and accuracy testing of poll site-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

#### NEW SECTION

**WAC 434-333-245 Poll site-based optical scan ballot counter test notices, observers, and log of process.** A log shall be created during the testing of the poll site-based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-240 shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

#### **DIRECT RECORDING ELECTRONIC VOTING SYSTEMS**

#### NEW SECTION

**WAC 434-333-250 Definitions.** For direct recording electronic voting systems:

"Access device" is the device that is used by the voter to access the ballot at a direct recording electronic voting device. It may be a card or other media.

"Calibration" is the touch screen setting on direct recording electronic voting systems that controls the voter response area.

"Controller" is a component of a direct recording electronic voting system that allows the poll worker to add information to an access device so that a voter can access the correct ballot style.

"Parallel monitoring" is a process designed to detect potential presence of malicious code in the software of a voting machine. It requires a specific number of voting machines to be removed from random poll sites before voting begins. These machines are then test-voted throughout election day.

"Response area" is the area on the ballot face that records the voter's choice.

"Touch screen" is a type of computer interface on a voting device that allows the voter to touch the screen to make a choice.

"Voter verified paper record" is a paper record of a voter's choices to be verified before vote is cast.

#### NEW SECTION

**WAC 434-333-255 Logic and accuracy test plan preparation—State primary and general election—Direct recording electronic systems.** The test plan used for the official preelection logic and accuracy test for direct recording electronic systems may be prepared by either the office of the secretary of state or the county. Information describing the candidates, offices, ballot formats, ballot styles, list of the number of appearances of each office, and all other information required to create the test plan must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

#### NEW SECTION

**WAC 434-333-260 Direct recording electronic test ballot selection—State primary and general election.** Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official preelection logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

#### NEW SECTION

**WAC 434-333-265 Direct recording electronic calibration adjustment standards and tests.** Prior to all state primaries and elections, calibration settings of all direct recording electronic devices using touch screen technology

shall be tested to insure that the response areas are functioning within system standards.

#### NEW SECTION

**WAC 434-333-270 Direct recording electronic voting response area tests.** Prior to all official logic and accuracy tests, a test shall be conducted by each county employing a direct recording electronic balloting system to confirm that the voting response areas indicated on all ballot faces are recorded properly. This test should also confirm that all ballot styles are being properly issued by the controller.

#### NEW SECTION

**WAC 434-333-275 Direct recording electronic ballot marking code program test.** Prior to all official logic and accuracy tests each county employing a direct recording electronic balloting system shall thoroughly test all programming and system components. The test must verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

#### NEW SECTION

**WAC 434-333-280 Direct recording electronic system logic and accuracy test notices, and observers.** At the discretion of the secretary of state, a county may conduct its official preelection logic and accuracy test of the county's direct recording electronic system at a date and time prior to the logic and accuracy test of the county's optical scan system. The official preelection logic and accuracy test of the county's direct recording electronic system shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155. The results of the test shall be included in the official logic and accuracy test materials and combined with the results of all other voting systems used by the county to confirm an adequate integration of the systems.

### **POLL SITE-BASED DIRECT RECORDING ELECTRONIC DEVICES**

#### NEW SECTION

**WAC 434-333-285 Poll site-based direct recording electronic voting device preparation and testing.** All logic and accuracy testing of poll site-based direct recording electronic systems shall be performed by the county prior to system distribution. A representative from the secretary of state's office may attend these tests in whole or in part. As each voting device is programmed and set up for distribution a test of the response area, the ballot styles, and ballot counter shall be performed. It shall be established by these tests that the device and the tabulation software is functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to

insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the voter response areas of the touch screen, if used, are correctly calibrated. After all functionality tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

**NEW SECTION**

**WAC 434-333-290 Poll site-based direct recording electronic ballot counter test notices, observers, and log of process.** A log shall be created during the testing of the poll site-based direct recording electronic machines. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each voting device and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-333-170 shall be open to observation and subject to all notices and observers pursuant to WAC 434-333-140 and 434-333-155.

**NEW SECTION**

**WAC 434-333-295 Parallel monitoring test.** On election day, in each county using direct recording electronic voting devices without a voter verified paper record at the poll sites, parallel monitoring will be conducted in the following manner: Two machines shall be removed from random poll sites, chosen by lot, before voting begins. These machines will be attended by secretary of state personnel throughout the day and test votes will be cast in a predetermined manner for results comparison at the end of the day. A record of votes cast may be kept by videotape for verification. All results of this test will be made public.

**NEW SECTION**

**WAC 434-333-300 Post election test.** Following election day, in each county using direct recording electronic voting devices at the poll sites, a post election logic and accuracy test will be conducted on a random sampling of voting machines that were used at the poll site. This test will be substantially the same as the preelection logic and accuracy test, pursuant to WAC 434-333-285 through 434-333-290.

**WSR 04-15-090  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)**

[Filed July 16, 2004, 4:25 p.m., effective July 16, 2004]

Effective Date of Rule: Immediately.

Purpose: To adopt rules for the reimbursement of bariatric surgery.

Citation of Existing Rules Affected by this Order: Amending WAC 388-531-0050, 388-531-0150, 388-531-0200, 388-531-0650, and 388-531-1600.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

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: Recent studies of gastric bypass surgeries in Washington show an increased likelihood of complications. Specifically for Medical Assistance Administration (MAA) clients following gastric bypass surgery, recent statistics shows a 2.1% in-hospital mortality rate (compared to 0.9% for all other patients in Washington state) and a 3.6% 30-day mortality rate following the surgery (compared to 1.7% for all other Washington state patients). The mortality rates for MAA clients in both instances are more than double that of other patients. The national mortality rate from peer-reviewed literature for gastric bypass surgery is between 0% and 1%.

Because evidence shows that surgeon experience and competence is one of the most important factors in predicting the likelihood of complications, rules are needed immediately to establish standards for selection of surgeons and hospitals performing gastric bypass surgery for MAA clients. Rules are also needed immediately to establish medical necessity criteria and pre- and post-operative requirements for clients that would further prevent the likelihood of complications.

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 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-16 issue of the Register.

EMERGENCY

**WSR 04-15-091**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed July 16, 2004, 4:26 p.m., effective July 27, 2004]

Effective Date of Rule: July 27, 2004.

Purpose: The Division of Developmental Disabilities has received approval from the federal Center for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers to replace the former community alternatives program (CAP) waiver. These rules delete the CAP waiver from and add new DDD waivers to the definition section (WAC 388-513-1301) and change references from the CAP waiver to the new DDD waivers in WAC 388-513-1315 and 388-515-1510.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1301, 388-513-1315, and 388-515-1510.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; 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 approval of the HCBS waivers by CMS required the department to implement new rules by April 1, 2004, to protect the health and welfare of eligible clients by ensuring no interruption in services to current participants in the CAP waiver occurs, and to ensure a continuation of federal matching funds under 42 C.F.R. 441, Subpart G - Home and Community Based Services - Waiver Requirements. These changes are necessary for the definitions to coincide with the new terminology. This rule-making order continues the emergency rules that were adopted on March 29, 2004, as WSR 04-08-019. Proposed rules have been filed as WSR 04-12-101, and a public hearing was held on July 6, 2004. When adopted and effective, the permanent rules will replace these emergency 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 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: July 14, 2004.

Brian H. Lindgren, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-09-052, filed 4/12/02, effective 5/13/02)

**WAC 388-513-1301 Definitions related to long-term care (LTC) services.** This section defines the meaning of certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, waived, and hospice services are referred to collectively as LTC services. Other terms related to LTC services that also apply to other programs are found in the sections in which they are used. Definitions of terms used in certain rules that regulate LTC programs are as follows:

**"Add-on hours"** means additional hours the department purchases from providers to perform medically-oriented tasks for clients who require extra help because of a handi-capping condition.

**"Alternate living facility (ALF)"** means one of the following community residential facilities that are contracted with the department to provide certain services:

(1) Adult family home (AFH), a licensed family home that provides its residents with personal care and board and room for two to six adults unrelated to the person(s) providing the care.

(2) Adult residential care facility (ARC) (formerly known as a CCF) is a licensed facility that provides its residents with shelter, food, household maintenance, personal care and supervision.

(3) Adult residential rehabilitation center (ARRC) or Adult residential treatment facility (ARTF), a licensed facility that provides its residents with twenty-four hour residential care for impairments related to mental illness.

(4) Assisted living facility (AL), a licensed facility for aged and disabled low-income persons with functional disabilities. COPES eligible clients are often placed in assisted living.

(5) Division of developmental disabilities (DDD) group home (GH), a licensed facility that provides its residents with twenty-four hour supervision.

(6) Enhanced adult residential care facility (EARC), a licensed facility that provides its residents with those services provided in an ARC, in addition to those required because of the client's special needs.

**"Clothing and personal incidentals (CPI)"** means the same as personal needs allowance (PNA) later in this section.

~~("Community alternatives program (CAP)" means a Medicaid-waivered program that provides home and community-based services as an alternative to an institution for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD.)~~

**"Community options program entry system (COPES)"** means a Medicaid-waivered program that provides an aged or disabled person assessed as needing nursing facility care with the option to remain at home or in an alternate living facility.

**"Community spouse (CS)"** means a person who does not live in a medical institution or nursing facility, and who is

legally married to an institutionalized client or to a person receiving services from home and community-based waiver programs.

**"Comprehensive assessment (CA)"** means the evaluation process used by a department designated social services worker to determine the client's need for long-term care services.

**"Coordinated community AIDS service alternative (CASA)"** means a Medicaid-waivered program that provides a person with acquired immune deficiency syndrome (AIDS) or disabled class IV human immunodeficiency virus (HIV) and at risk of hospitalization with the option to remain at home or in an alternate living facility.

**"DDD waiver"** means Medicaid-waivered programs that provide home and community-based services as an alternative to an intermediate care facility for the mentally retarded (ICF-MR) to persons determined eligible for services from DDD. There are four waivers administered by DDD: Basic, Basic Plus, Core and Community Protection.

**"Fair market value (FMV)"** means the price an asset may reasonably be expected to sell for on the local market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

**"Federal benefit rate (FBR)"** means the basic benefit amount the social security administration (SSA) pays to clients who are eligible for the supplemental security income (SSI) program.

**"Institutional services"** means services paid for by Medicaid or state payment and provided in a nursing facility or equivalent care provided in a medical facility.

**"Institutional status"** means what is described in WAC 388-513-1320.

**"Institutionalized client"** means a client who has attained institutional status as described in WAC 388-513-1320.

**"Institutionalized spouse"** means a client who has attained institutional status as described in WAC 388-513-1320 and is legally married to a person who is not an institutionalized client.

**"Legally married"** means persons legally married to each other under provision of Washington state law. Washington recognizes other states' legal and common-law marriages. Persons are considered married if they are not divorced, even when they are physically or legally separated.

**"Likely to reside"** means there is a reasonable expectation the client will remain in a medical facility for thirty consecutive days. Once made, the determination stands, even if the client does not actually remain in the facility for that length of time.

**"Look-back period"** means the number of months prior to the month of application for LTC services that the department will consider for transfer of assets.

**"Maintenance needs amount"** means a monthly income amount a client keeps or that is allocated to a spouse or dependent family member who lives in the client's home.

**"Medically intensive children (MIC)"** program means a Medicaid-waivered program that enables medically fragile children under age eighteen to live in the community. The program allows them to obtain medical and support services necessary for them to remain at home or in a home setting

instead of in a hospital. Eligibility is included in the OBRA program described in WAC 388-515-1510.

**"Noninstitutional medical assistance"** means medical benefits provided by Medicaid or state-funded programs that do not include LTC services.

**"Nursing facility turnaround document (TAD)"** means the billing document nursing facilities use to request payment for institutionalized clients.

**"Outward bound residential alternative (OBRA)"** means a Medicaid-waivered program that provides a person approved for services from DDD with the option to remain at home or in an alternate living facility.

**"Participation"** means the amount a client is responsible to pay each month toward the total cost of care they receive each month. It is the amount remaining after subtracting allowable deductions and allocations from available monthly income.

**"Penalty period"** means a period of time for which a client is not eligible to receive LTC services.

**"Personal needs allowance (PNA)"** means a standard allowance for clothing and other personal needs for clients who live in a medical or alternate living facility. This allowance is sometimes referred to as "CPI."

**"Prouty benefits"** means special "age seventy-two" Social Security benefits available to persons born before 1896 who are not otherwise eligible for Social Security.

**"Short stay"** means a person who has entered a medical facility but is not likely to remain institutionalized for thirty consecutive days.

**"Special income level (SIL)"** means the monthly income standard for the categorically needy (CN) program that is three hundred percent of the SSI federal benefit rate (FBR).

**"Swing bed"** means a bed in a medical facility that is contracted as both a hospital and a nursing facility bed.

**"Transfer of a resource or asset"** means any act or failure to act, by a person or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person.

**"Uncompensated value"** means the fair market value (FMV) of an asset at the time of transfer minus the value of compensation the person receives in exchange for the asset.

**"Undue hardship"** means the person is not able to meet shelter, food, clothing, or health needs.

**"Value of compensation received"** means the consideration the purchaser pays or agrees to pay. Compensation includes:

(1) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable purchase agreement whereby the person transfers the asset; and

(2) The payment or assumption of a legal debt the seller owes in exchange for the asset.

**"Veterans benefits"** means different types of benefits paid by the federal Department of Veterans Affairs (VA). Some may include additional allowances for:

(1) Aid and attendance for an individual needing regular help from another person with activities of daily living;

(2) "Housebound" for an individual who, when without assistance from another person, is confined to the home;

(3) Improved pension, the newest type of VA disability pension, available to veterans and their survivors whose income from other sources (including service connected disability) is below the improved pension amount; or

(4) Unusual medical expenses (UME), determined by the VA based on the amount of unreimbursed medical expenses reported by the person who receives a needs-based benefit. The VA can use UME to reduce countable income to allow the person to receive a higher monthly VA payment, a one-time adjustment payment, or both.

"**Waivered programs/services**" means programs for which the federal government authorizes exceptions to Medicaid rules. Such programs provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, waivered programs are ((CAP)) DDD waivers, CASA, COPEs, MIC, and OBRA.

**AMENDATORY SECTION** (Amending WSR 00-01-051, filed 12/8/99, effective 1/8/00)

**WAC 388-513-1315 Eligibility for long-term care (institutional, waivered, and hospice) services.** This section describes how the department determines a client's eligibility for institutional, waivered, or hospice services under the categorically needy (CN) program and institutional or hospice services under the medically needy (MN) program. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (11) and emergency medical programs described in subsections (10) and (12).

(1) To be eligible for long-term care (LTC) services described in this section, a client must:

(a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);

(b) Attain institutional status as described in WAC 388-513-1320; and

(c) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1365 and 388-513-1366.

(2) To be eligible for institutional, waivered, or hospice services under the CN program, a client must either:

(a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1) or be approved for the general assistance expedited Medicaid disability (GA-X) program; and

(b) Meet the following financial requirements, by having:

(i) Gross nonexcluded income described in subsection (7)(a) that does not exceed the special income level (SIL); and

(ii) Nonexcluded resources described in subsection (6) that do not exceed the resource standard described in WAC 388-513-1350(1), unless subsection (3) applies; or

(c) Be eligible for the CN children's medical program as described in WAC 388-505-0210; or

(d) Be eligible for the temporary assistance for needy families (TANF) program or state family assistance (SFA) program as described in WAC 388-505-0220.

(3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-

513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the SIL.

(4) To be eligible for waivered or hospice services, a client must also meet the program requirements described in:

(a) WAC 388-515-1505 for COPEs services;

(b) WAC 388-515-1510 for ((CAP)) DDD waiver and OBRA services; or

(c) ((WAC 388-515-1530 for CASA services; or

~~(d)~~) Chapter 388-551 WAC for hospice services.

(5) To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Eligible for the MN children's medical program as described in WAC 388-505-0210; or

(b) Related to the SSI program as described in WAC 388-503-0510(1) and meet all requirements described in WAC 388-513-1395.

(6) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers resources available as described in WAC 388-513-1350;

(b) Excludes resources described in WAC 388-513-1360, 388-513-1365, and 388-513-1366; and

(c) Compares the nonexcluded resources to the standard described in WAC 388-513-1350(1).

(7) To determine income eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;

(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;

(c) Disregards income for the MN program as described in WAC 388-513-1345; and

(d) Follows program rules for the MN program as described in WAC 388-513-1395.

(8) A client who meets the requirements of the CN program is approved for a period of up to twelve months for:

(a) Institutional services in a medical facility;

(b) Waivered services at home or in an alternate living facility; or

(c) Hospice services at home or in a medical facility.

(9) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395 (5)(a)(ii) for:

(a) Institutional services in a medical facility; or

(b) Hospice services at home or in a medical facility.

(10) The department determines eligibility for LTC services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client who meets all other requirements for such services but does not meet citizenship requirements.

(11) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (10).

(12) The department determines eligibility for institutional services under the medically indigent program described in WAC 388-438-0100 for a client who meets all

other requirements for such services but is not eligible for programs described in subsections (8) through (11).

(13) A client is eligible for Medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is less than twenty-one years old or is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) The department considers the parents' income and resources available as described in WAC 388-405-0055 (1)(c) for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment.

(16) The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320

(17) The department determines a client's participation in the cost of care for LTC services as described in WAC 388-513-1380.

**WSR 04-15-110**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-174—Filed July 20, 2004, 10:31 a.m., effective July 23, 2004,  
12:01 a.m.]

Effective Date of Rule: July 23, 2004, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-62000Q; and amending WAC 232-28-620.

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: Sufficient numbers of chinook and coho remain on the quotas to increase opportunity and allow the fishery to continue through the end of the season. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 16, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 232-28-62000R Coastal salmon seasons.** Notwithstanding the provisions of WAC 232-28-620, effective 12:01 a.m. July 23, 2004, until further notice, it is unlawful to fish for salmon in coastal waters during 2004 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open until further notice - Daily limit 2 salmon, except release wild coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) **Area 2** - Open until further notice - Daily limit 2 salmon, except release wild coho.

(b) **Area 2-1** - Open through August 15 - Daily limit 2 salmon, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) **Area 2-2 west of the Buoy 13 line** - Open until further notice - Daily limit 2 salmon, except release wild coho.

(3) **Area 3** - Open until further notice - Daily limit 2 salmon, not more than one of which may be a chinook, except release wild coho.

(4) **Area 4:**

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum, except through July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line, and through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

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

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 23, 2004:

WAC 232-28-62000Q	Coastal salmon seasons— 2004 North of Falcon. (04-149)
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**WSR 04-15-121**  
**EMERGENCY RULES**  
**STATE BOARD OF EDUCATION**

[Filed July 20, 2004, 1:19 p.m., effective July 20, 2004]

Effective Date of Rule: Immediately.

**EMERGENCY**

Purpose: The amendment to this rule will allow teachers who hold the appropriate degree from a regionally accredited college/university, a teaching certificate comparable to the residency teacher certificate issued by another state, who has practiced for at least three years as a teacher in grades P-12, and who completed a supervised, classroom-based internship to obtain their out-of-state teaching certificate, to obtain a Washington residency teaching certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-257.

Statutory Authority for Adoption: RCW 28A.410.010.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency adoption of this rule will enable school districts to facilitate their hiring process in a timely manner for the 2004-2005 school year.

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.

Date Adopted: June 18, 2004.

July 15, 2004

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 04-04-011, filed 1/23/04, effective 2/23/04)

**WAC 180-79A-257 Out-of-state candidates.** Candidates for certification from other states who meet the general certificate requirements described in WAC 180-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, and who passes the WEST-B and meets one of the following:

- (a) Qualifies under provisions of the interstate compact.
- (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a region-

ally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Provided, That if a candidate for teacher, administrator or educational staff associate certification does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency certificate, issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years: Provided further, That the teacher preparation program through which the teacher earned their teaching certificate included a supervised classroom-based internship.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter 180-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certificate so issued that the subject area listed is not a Washington state endorsement.

(e) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued to administrators and educational staff associates on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates if the candidate meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, meets the child abuse course work requirement as described in WAC 180-79A-206 (3)(b), and if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with an approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.



**WSR 04-15-132**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 04-176—Filed July 20, 2004, 4:42 p.m., effective July 25, 2004,  
 11:59 p.m.]

Effective Date of Rule: July 25, 2004, 11:59 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-05100X; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The 2004 state/tribal Puget Sound shrimp harvest management plans requires adoption of harvest seasons, harvest reporting areas, and the prohibition on night time fishing contained in this emergency rule. Commercial shrimp quotas have been taken in the catch areas closed in this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 20, 2004.

Jeff Koenings  
 Director

**NEW SECTION**

**WAC 220-52-05100Y Puget Sound shrimp pot and beam trawl fishery—Season.** Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) Effective 11:59 p.m. July 25, 2004 until further notice, all waters of Crustacean Management Regions 1, 2, 3, 4 and 6, are open to harvest of all shrimp species, except as provided below:

(i) It is unlawful to harvest shrimp for commercial purposes in Shrimp Management Area 1A and Marine Fish-

Shellfish Catch and Reporting Areas 23A-E (east), 23A-W (west), 26B-1, and 26C.

(ii) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 200 pounds per week in Shrimp Management Area 1B, or to exceed 400 pounds per week in Shrimp Management Area 1C.

(iii) It is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23B, 23C and 25D.

(iv) Marine Fish/Shellfish Management and Catch Reporting Area 25D (Port Townsend Bay) is closed south of the 48.06' North latitude line, north of the 48.04' North latitude line and east of the 122.46' west longitude line.

(b) Effective immediately, until further notice, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 2, 4 and 6, except as described in section 1 (a)(ii), and any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Area 29, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area and the Marine Fish-Shellfish Management and Catch Reporting Area that the pots are being moved to.

(d) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 1(e) above.

(e) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into four Subareas: 23A-E (east) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude east of a line projected 122.57°W longitude. 23A-W (west) is those waters of Catch Area 23A north of a line projected 48.22.50' °N latitude and west of a line projected 122.57°W longitude. 23A-C (central) is those waters of Catch Area 23A south of a line projected 48.22.50' °N latitude and east of a line projected 335 degrees true from the Dungeness lighthouse. 23A-S (south) is those waters of

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Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 3 outside of the shrimp districts: Open immediately, until further notice.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Areas 20B, 21A and 22A within Shrimp Management Area 1B: Open immediately, until further notice.

(c) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(3) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 25, 2004:

WAC 220-52-05100X Puget Sound shrimp pot and beam trawl fishery. (04-173)

**WSR 04-15-133  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-175—Filed July 20, 2004, 4:44 p.m., effective July 20, 2004]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100Z and 220-32-05100A; 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: Sets the final tribal fishery periods for summer chinook and sockeye. Harvestable numbers of salmon are available. Allows the sale of fish caught in platform and hook and line fishery to be sold. Allows the sale of fish caught in Yakama Nation tributary fisheries to be sold when those tributaries are open under Yakama Nation rules. The catch of summer chinook is expected to be Upper Columbia stock, based on PIT tag analysis of run timing. Harvestable numbers of Upper Columbia summer chinook are available for treaty harvest, based on the draft escapement goals and management objectives in the fish management plan that is being developed. Rule is consistent with action of the Columbia River compact on July 20, 2004. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 20, 2004.

J. P. Koenings  
Director  
by Larry Peck

### NEW SECTION

**WAC 220-32-05100A Columbia River salmon seasons above Bonneville Dam.** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, steelhead, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River, and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. July 21 to 6:00 p.m. July 24, 2004.

6:00 a.m. July 26 to 6:00 p.m. July 31, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: gill nets with no mesh restriction.

2) Open Periods: Immediately through July 31, 2004.

a) Open Areas: SMCRA 1F, 1G, 1H,

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

3) Open Periods: Immediately through July 31, 2004, only during those days and hours when those tributaries are open under lawfully enacted Yakama Nation tribal subsistence fisheries, for enrolled Yakama Nation members.

a) Open Areas: Klickitat River and White Salmon River

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

4) Allowable sale includes: chinook salmon, coho salmon, sockeye salmon, steelhead, walleye, shad, and carp. Sturgeon may not be sold. Sturgeon between 45 inches and 60 inches in length may be retained in The Dalles and John Day pools for subsistence purposes only. Fish may also be sold from Washington tributaries during the open Yakama Nation fishing periods within those areas, as described in item #2.

5) Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

6) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

7) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

8) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a. Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b. Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c. Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100Z Columbia River salmon seasons above Bonneville Dam. (04-171)

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2004:

WAC 220-32-05100A Columbia River salmon seasons above Bonneville Dam.

**WSR 04-15-146  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 04-177—Filed July 21, 2004, 10:37 a.m., effective July 24, 2004]

Effective Date of Rule: July 24, 2004.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900C; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is necessary to provide for a recreational fishery in Lake Washington. The projected run is expected to be greater than the escapement goal of 350,000. Additional fish remain on the nontribal share and are available for harvest. 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.

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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.

Date Adopted: July 20, 2004.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 232-28-61900C Exceptions to statewide rules—Lake Washington.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for, or possess salmon taken from, Lake Washington except as provided for in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) Open from one hour before sunrise to one hour after sunset July 24, 2004, in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the Interstate 90 Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Oncorhynchus nerka* fifteen inches or greater in length. *Oncorhynchus nerka* less than fifteen inches in length are kokanee.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective July 24, 2004, one hour after sunset:

WAC 232-28-61900C      Exceptions to statewide rules—Lake Washington.

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**WSR 04-15-007**  
**AGENDA**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 7, 2004, 4:14 p.m.]

Following in accordance with RCW 34.05.314 is the Department of Labor and Industries' Semi-annual Rules Development Agenda for July 1, 2004 - December 31, 2004. Please contact Carmen Moore at (360) 902-4206 or e-mail moog235@lni.wa.gov, if you have any questions.

**The Department of Labor and Industries**  
**Semi-annual Rules Development Agenda**  
**(July 1, 2004 - December 31, 2004)**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>DIVISION: WASHINGTON INDUSTRIAL SAFETY &amp; HEALTH (WISHA)</b>						
Chapter 296-24 WAC, General safety and health standards	Cranes	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	7/20/04	11/16/04	3/05	These rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute (ANSI) requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-24 WAC, General safety and health standards	Motor vehicles	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	5/18/04	12/29/04	5/05	The motor vehicle rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Powered industrial trucks	Jim Hughes (360) 902-4504 Sally Elliott (360) 902-5484	5/6/03	3/30/04	8/17/04	The powered industrial trucks rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction	Rigging	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	2/17/04	1/05	3/05	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute (ANSI).
Chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction	Scaffolds	Carol Stevenson (360) 902-4778 Sally Elliott (360) 902-5484	1/21/03	6/29/04	10/19/04	The scaffold rules are being rewritten and organized for clarity and ease of use. The scaffold requirements from both general industry and construction are being combined into one rule.
Chapter 296-24 WAC, General safety and health standards	Signs and color codes	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	NA	6/1/04 Expedited rule filing	8/31/04	The signs and color code rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Split rims	Beverly Clark (360) 902-5516 Sally Elliott (360) 902-5484	3/23/04	6/1/04	10/5/04	The split rim rules are being rewritten and organized for clarity and ease of use.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-24 WAC, General safety and health standards	Walking/working surfaces	Beverly Clark (360) 902-5516 Sally Elliott (360) 902-5484	3/23/04	8/20/04	12/6/04	The walking/working surface rules are being rewritten and organized for clarity and ease of use.
Chapter 296-37 WAC, Safety standards for diving operations	Diving operations	Sally Elliott (360) 902-5484	NA	5/18/04 Expedited rule filing	8/31/04	On February 17, 2004 in Federal Register Volume 69, Number 31, OSHA made several changes to their Commercial Diving Operation rules. The agency is updating our rules to be at-least-as-effective-as OSHA.
Chapter 296-45 WAC, Safety standards for electrical	Electrical	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	To be determined	To be determined	To be determined	The electrical rules are being updated in order to make the rules at-least-as-effective-as the Federal rule.
Chapter 296-62 WAC, General occupational health standards; and chapter 296-65 WAC, Safety standards for asbestos removal and encapsulation	Asbestos	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	2/17/04	11/3/04	2/05	The asbestos rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Benzene	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	3/23/04	8/18/04	12/1/04	The benzene rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Inorganic arsenic	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	1/20/04	7/6/04	11/17/04	The inorganic arsenic rules are being rewritten and organized for clarity and ease of use.
Chapter 296-155 WAC, Safety standards for construction work	Ground personnel	Jamie Scibelli (360) 902-4568 Sally Elliott (360) 902-5484	1/6/04	3/23/04	8/31/04	The ground personnel rules are being reviewed in order to increase worker protection from vehicular traffic on construction sites. In addition, the department intends to update references to the Washington State Department of Transportation's Manual of Uniform Traffic Control Devices as well as other technical changes.
Chapter 296-307 WAC, Safety standards for agriculture	Agriculture	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	4/20/04	7/20/04	11/30/04	The purpose of this rule making is to add new sections from the General occupational health standard, chapter 296-62 WAC, into the Safety standards for agriculture, chapter 296-307 WAC. Once these rules are in chapter 296-307 WAC they will be repealed from chapter 296-62 WAC.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-800 WAC, Safety and health core rules	Exit routes	Kimberly Johnson (360) 902-5008 Sally Elliott (360) 902-5484	11/4/03	To be determined	To be determined	The exit route rules are being updated in order to make the rules at least as effective as the federal rule.
Chapter 296-841 WAC, Respiratory hazards	Respiratory hazards	Cindy Ireland (360) 902-5522 Sally Elliott (360) 902-5484	NA	5/18/04 Expedited rule filing	8/31/04	The primary reason for this rule making is to correct errors located in the permissible exposure limit table. We made additional changes to clarify the language and also fixed some formatting errors.
<b>DIVISION: SPECIALITY COMPLIANCE SERVICES</b>						
Chapter 296-127 WAC	Prevailing wage	Christine Swanson (360) 902-6411	3/21/04	6/1/04	8/3/04	The purpose of this rule making is to review WAC 296-127-01377 to clarify which prevailing wage rate applies to the application for asphalt paving subsequent to cable installation.
Chapter 296-96 WAC	Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances	Christine Swanson (360) 902-6411	4/17/02	5/18/04	7/20/04	The purpose of this rule making is to clarify the rule language relating to hall buttons and adding a section for requirements that apply to hydraulic elevators without safety bulkheads.
Chapter 296-46B WAC	Electrical safety standards, administration, and installation	Christine Swanson (360) 902-6411	7/6/04	8/18/04	10/20/04	The purpose of this rule making is to review the process for service calls and pulling an electrical permit.
Chapter 296-400A WAC	Plumber certification rules	Christine Swanson (360) 902-6411	7/6/04	2/05	5/05	The purpose of this rule making is to review the rules relating to medical gas piping.
WAC 296-126-025	Deductions	Christine Swanson (360) 902-6411	9/30/03	To be determined	To be determined	The purpose of this rule making is to review the rules relating to payroll deductions in WAC 296-126-025 for possible changes.
Chapter 296-104 WAC	Board of Boiler Rules—Substantive	Christine Swanson (360) 902-6411	4/6/04	8/17/04	10/19/04	The purpose of this rule making is to make clarification and technical changes to the Board of Boiler Rules - based on actions and requests of the Board of Boiler Rules.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC	Washington Administrative Codes for factory assembled structures	Christine Swanson (360) 902-6411	6/22/04	8/3/04	10/5/05	The purpose of this rule making is to: <ul style="list-style-type: none"> <li>• Adopt the most recent International Building Codes based on 2003 legislative changes (chapter 291, Laws of 2003 - SHB 1734) and other nationally recognized codes and standards;</li> <li>• Make clarifying and housekeeping changes; and</li> <li>• Review the rules for possible substantive changes.</li> </ul>
Chapter 296-125 WAC	Nonagricultural employment of minors	Christine Swanson (360) 902-6411	9/19/01	To be determined	To be determined	The purpose of this rule making is to review these rules for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.
Chapter 296-127 WAC	Prevailing wage	Christine Swanson (360) 902-6411	7/19/00	To be determined	To be determined	The purpose of this rule making is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee.
<b>DIVISION: INSURANCE SERVICES (WORKERS' COMPENSATION &amp; CRIME VICTIMS COMPENSATION)</b>						
Chapter 296-14 WAC	Industrial insurance—Mortality assumptions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	6/20/01	To be determined	To be determined	This rule making will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial insurance—Worker employment patterns	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims compensation.

MISC.



WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-14 WAC	Industrial insurance—Worker fraud (willful misrepresentation)	Valerie Grimm Policy and Quality Coordination (360) 902-5005	4/30/04	7/6/04	9/28/04	This rule making will assist in implementing chapter 243, Laws of 2004 (ESHB 3188) by defining terms and clarifying when and how the department will impute wages and calculate overpayments and penalties when it is determined that a workers' compensation claimant has engaged in willful misrepresentation.
Chapter 296-16 WAC	Industrial insurance—Preferred worker	Audrey Pitchford Policy and Quality Coordination (360) 902-4583	7/20/04	9/21/04	12/15/05	To assist in the implementation of SSB 6615, this rule making will amend existing rule and create new rules governing the preferred worker program.
Chapter 296-14 WAC	Industrial insurance—Transitional/light duty job	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/04	2/05	8/05	This rule making will provide clarification on: <ul style="list-style-type: none"> <li>• The required elements of a valid transitional/light duty job offered from the employer of record.</li> <li>• What is expected of the employer and worker?</li> <li>• How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional/light duty job is offered.</li> </ul>
Chapter 296-14 WAC	Industrial insurance—Confidentiality of worker's compensation claim files	Audrey Pitchford Policy and Quality Coordination (360) 902-4583	8/04	2/05	8/05	Defines the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial insurance—Definitions	Audrey Pitchford Policy and Quality Coordination (360) 902-4583	9/04	3/05	9/05	This rule making will provide definitions for terms used within chapter 296-14 WAC and will identify and move definitions currently in chapter 296-20 WAC that need to be placed in chapter 296-14 WAC, such as total temporary disability. The rule will include amendment of the definition of temporary partial disability. This rule will impact crime victims' compensation.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
WAC 296-30-081 and 296-31-070	What are the general obligations of a provider who provides medical or mental health services?	Janice Deal Crime Victims' Compensation Program (360) 902-5369	2/4/04	3/17/04	7/2/04	<p>WAC 296-30-081 (1)(a) instructs all medical providers comply with chapter 296-30 WAC and the department's rules and fees.</p> <p>WAC 296-30-081 (1)(b) instructs mental health providers that they must comply with chapter 296-30 WAC and the crime victims' compensation programs mental health rules and fees.</p> <p>The purpose of the proposed rule is to require all providers to comply with this chapter, the department's rules and fees, and for the mental health providers the crime victims' mental health rules and fees.</p>
Chapter 296-30 WAC	What are the maximum allowable fees? (For reimbursement for provider services for victims of crime)	Janice Deal Crime Victims Compensation Program (360) 902-5369	To be determined	To be determined	To be determined	<p>RCW 7.68.015 instructs the department to operate the crime victims' compensation program within the appropriations and conditions on the appropriations provided for this program.</p> <p>RCW 7.68.080 allows the department to set service levels and fees at a level no lower than those established by the department of social and health services under Title 74 RCW.</p> <p>Due to an increase in medical costs the current appropriation is insufficient to fund the existing fee schedule.</p>
Chapter 296-17 WAC	Workers compensation premium rates and group insurance rates	Tammy Turner (360) 902-4777	6/22/04	9/15/04	11/23/04	Adjust the state fund workers' compensation insurance base rate tables to reflect changes in loss experience for calendar year 2005 premium rates. This includes changes to the retrospective rating tables.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
WAC 296-17-31002, 296-17-31009, 296-17-31013, 296-17-31014, 296-17-31024, 296-17-31025, 296-17-527, 296-17-64999, and 296-17-72202	General reporting rules, classifications, audit and record-keeping rates and rating system for workers' compensation insurance—Home care providers	Tammy Turner (360) 902-4777	6/22/04	8/24/04	10/1/04	Chapter 278, Laws of 2004 (EHB 1777) passed by the legislature in the 2004 session implemented a collective bargaining agreement between the Home Care Quality Authority and individual home care providers. It provides industrial insurance coverage for tens of thousands of home care providers not previously covered by the industrial insurance system. These rules will assist in the implementation by adding a new home care services/home care quality authority subclassification to risk classification 6511, Chore services/home care assistants of the classification rules. The department is also amending the risk classification definition for advertising or merchandise display and for construction superintendent or project. Housekeeping changes will also be made.
WAC 296-17-31004 and 296-17-31029	General reporting rules, classifications, audit and record-keeping rates and rating system for workers' compensation insurance—Employer fraud and abuse	Tammy Turner (360) 902-4777	4/30/04	7/6/04	9/28/04	The proposed rules will assist in the implementation of chapter 243, Laws of 2004 (ESHB 3188) by defining the terms successorship and "in good standing and provide a clearer explanation of prime contractor responsibility. Also at the request of our customers, the department proposes to add four new risk classification sub-codes in the construction industry to track firms that do not have employees but want the L&I "in good standing" certification.
Chapter 296-17 WAC	General reporting rules, classifications, audit and record-keeping rates and rating system for workers' compensation insurance	Tammy Turner (360) 902-4777	12/1/04	1/15/05	3/1/05	This rule making will amend and clarify the classification descriptions for ease of maintaining the classification plan.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
1) Chapter 296-14 WAC 2) Chapter 296-20 WAC 3) Chapter 296-23 WAC	1) Industrial insurance rules 2) Medical aid rules 3) Specialty providers	Jamie Lifka (360) 902-4941 lifk235@tni.wa.gov	6/22/04	8/18/04	10/12/04	This rule making combines expansion of the role of advanced registered nurse practitioners to that of the attending physician and the ability of physicians' assistants to sign a report of accident or physician's initial report for simple industrial injuries. "Simple industrial injuries" will be defined. This rule will impact both crime victims' compensation and workers' compensation.  An emergency rule on this subject was adopted in June of 2004, effective July 1, 2004.

Carmen Moore  
Rules Coordinator

**WSR 04-15-008**

**AGENDA**

**INTERAGENCY COMMITTEE FOR  
OUTDOOR RECREATION  
SALMON RECOVERY FUNDING BOARD**

[Filed July 7, 2004, 4:15 p.m.]

**SEMIANNUAL RULE DEVELOPMENT AGENDA**

**Interagency Committee for Outdoor Recreation (IAC) -  
Salmon Recovery Funding Board (SRFB)**

To comply with RCW 34.05.314, IAC/SRFB has prepared the following agenda for rules under development. As required, filing will be made with the Code Reviser for publication in the *State Register* by January 31 and July 31 each year. Within three days of publication, IAC/SRFB will provide copies to each person so requesting, the director of the Office of Financial Management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact: Greg Lovelady, Rules Coordinator, (360) 902-3008, GregL@IAC.WA.GOV.

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
	<p>2. Project eligibility—Link eligible projects to the nonhighway road funding source while clarifying the types of projects that are eligible by further defining "nonhighway road," "nonhighway road recreation facilities" and "nonmotorized recreation facilities."</p> <p>3. Advisory committee—Link the definition to that specified in RCW 46.09.280.</p> <p>4. Definition—Clarify that an ORV Sport Park (and not a trail) includes "...competition sites for... ORVs...."</p> <p>5. Planning requirements—Revise to exclude education-enforcement and maintenance applicants, in accord with the 2002 NOVA plan.</p>

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
WAC 286-26-100 NOVA program	1. Planning—Extend period for which qualifying plans provide eligibility to federal agencies to coincide with established federal planning cycles.

MISC.

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
	<p>6. Acquisition projects—Revise to place the following under two separate subsections: "fee and perpetual easements" and "lease, less than fee, and nonperpetual easements." Reduce minimum land acquisition lease period for consistency with the recently adopted NOVA plan.</p> <p>7. Development projects—Provide an alternative to the IAC-federal agency agreement by allowing substitution of IAC's "general provisions" of the project agreement.</p>
<p>WAC 286-13-085(2) Retroactive and increased costs.</p>	<p>Authorizes IAC's director to grant a waiver of retroactivity (provides approval to incur reimbursable costs) for development costs when state budget office directives suspend or otherwise delay grant program funding. Without this amendment, the standard rule prohibits reimbursement for certain expenditures or costs incurred without prior IAC approval.</p>
<p>Title 286 WAC, Aquatic lands enhancement account program</p>	<p>1. Establish basic rules for IAC's new aquatic lands enhancement account grants program, including: Eligibility, long-term recipient obligations, conversions, matching resources, and funding caps/limits.</p> <p>2. Add relevant definitions.</p>

**WSR 04-15-025**

**NOTICE OF PUBLIC MEETINGS**

**SEATTLE COMMUNITY COLLEGES**

[Memorandum—July 7, 2004]

In compliance with the open meeting law notice provisions, this is to inform you that the September 9, 2004, regular board of trustees meeting location has been changed from South Seattle Community College, 6000 16 Avenue S.W., Seattle, WA 98106, to the Duwamish Center of South Seattle Community College, 6770 East Marginal Way South, Seattle, WA 98108.

If you have any questions, please contact Carolyn S. Yeager at (206) 587-3850.

**WSR 04-15-026**

**AGENDA**

**UNIVERSITY OF WASHINGTON**

[Filed July 9, 2004, 3:41 p.m.]

**The University of Washington's  
Semiannual Agenda for Rules under Development  
(Per RCW 34.05.314)  
July 2004**

1. Expedited rule making for WAC 478-168-330 Fines, from chapter 478-168 WAC, Regulations for the University of Washington libraries, will continue during the second half of 2004.

2. Rule making for chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma, is anticipated during the second half of 2004.

3. Expedited rule making concerning proposed house-keeping amendments to Title 478 WAC rules is anticipated during the second half of 2004.

4. Rule making for a new chapter concerning shared facilities at the University of Washington, Bothell and Cascadia Community College co-located campus is anticipated during the second half of 2004 or first half of 2005.

For more information concerning the above rules contact: Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6302, campus mail Box 355509, phone (206) 543-9199, fax (206) 616-6294, or e-mail rules@u.washington.edu.

**WSR 04-15-027**

**RULES OF COURT**

**STATE SUPREME COURT**

[July 8, 2004]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO GR 23 (d) ) NO. 25700-A-791  
AND (e) )

The Certified Professional Guardian Board having recommended the adoption of the proposed amendments to GR 23 (d) and (e), and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective on September 1, 2004.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

MISC.

Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.
Ireland, J.	Fairhurst, J.

**Suggested Changes**

**GENERAL RULES (GR)**

**GR 23(d) and (e)**

(a) - (c) [No changes.]

**(d) Certification Requirements.** Applicants, Certified Professional Guardians, and Certified Agencies shall comply with the provisions of Chapter 11.88 and 11.92 RCW. In addition, individuals and agencies must meet the following requirements.

(1) *Individual Certification.* An individual applicant shall:

- (i) Be at least 18 years of age;
- (ii) Be of sound mind;
- (iii) Have no felony or misdemeanor convictions involving moral turpitude;
- (iv) Possess a high school diploma or equivalency (GED) and five years experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; or an Associate of Arts degree and three years experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; or a Bachelor of Arts degree and one year of experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; and
- (v) Have completed the mandatory certification training.

(2) *Agency Certification.* Agencies must meet the following additional requirements:

- (i) All officers and directors of the corporation must meet the qualifications of Chapter 11.88.020 RCW for guardians;
- (ii) Each agency shall have at least two (2) individuals in the agency certified as professional guardians, whose residence or principal place of business is in Washington State and who are so designated in minutes or a resolution from the Board of Directors; and
- (iii) Each agency shall file and maintain in every guardianship court file a current designation of each certified professional guardian with final decision-making authority for the incapacitated person or their estate.

(3) *Training Program and Examination.* Applicants must satisfy the Board's training program and examination requirements.

(4) *Insurance Coverage.* In addition to the bonding requirements of Chapter 11.88 RCW, applicants must be insured or bonded at all times in such amount as may be determined by the Board and shall notify the Board immediately of cancellation of required coverage.

(5) *Financial Responsibility.* Applicants must provide proof of ability to respond to damages resulting from acts or

omissions in the performance of services as a guardian. Proof of financial responsibility shall be in such form and in such amount as the Board may prescribe by regulation.

(6) *Application and Oath.* Applicants must execute and file with the Board an approved application under oath.

(7) *Fees.* Applicants must pay fees as the Board may require by regulation.

(8) *Denial of Certification.* The Board may deny certification of an individual or agency based on the following criteria:

- (i) Removal as guardian by a court order where;
- (ii) a Judgment has been entered against the professional guardian as a result of the performance of services as a guardian;
- (iii) b There is a Finding by the court that the professional guardian is guilty of has committed malfeasance, non-feasance, misfeasance, a felony, or crime of moral turpitude;
- (iv) (ii) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;
- (v) (iii) Finding by the court that the professional guardian has violated the guardian's duties to the incapacitated person or their estate; and
- (vi) (iv) Pending or final professional licensing or disciplinary board actions or findings of violations.

**(e) Disclosure Requirements.** A Certified Professional Guardian or Certified Agency shall disclose to the Board upon application and on a continuing basis:

- (i) (1) Removal as guardian by a court order where;
- (ii) (a) Judgment has been entered against the professional guardian as a result of the performance of services as a guardian;
- (iii) (b) There is a Finding by a court that the professional guardian is guilty of has committed malfeasance, non-feasance, misfeasance, a felony, or crime of moral turpitude;
- (iv) (2) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;
- (v) (3) Finding by a court that the professional guardian has violated the guardian's duties to the incapacitated person or their estate;
- (vi) (4) Pending or final professional licensing or disciplinary board actions or findings of violations;
- (vii) (5) Residential or business moves or changes in employment; and
- (viii) (6) Names of Certified Professional Guardians they employ or who leave their employ.

(f) - (m) [No changes.]

**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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

MISC.

WSR 04-15-028
RULES OF COURT
STATE SUPREME COURT

(July 8, 2004)

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CRLJ ) NO. 25700-A-792
14A(b) AND RALJ 1.1 )

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to CRLJ 14A(b) and RALJ 1.1, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective on September 1, 2004.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Ireland, J.

Fairhurst, J.

Suggested Change

CRLJ 14A (b). REMOVAL TO SUPERIOR COURT

(a) [No change.]

(b) Claims in Excess of Jurisdiction - Generally. When a defendant, third party defendant, or cross claimant any party in good faith asserts a claim in an amount in excess of the jurisdiction of the district court or seeks a remedy beyond the jurisdiction of the district court, the district court shall order the entire case removed to superior court.

(c) - (e) [Unchanged.]

RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)

RULE 1.1 SCOPE OF RULES

(a) Proceedings Subject to Rules. These rules establish the procedure, called appeal, for review by the superior court of a final decision of a court of limited jurisdiction, subject to the restrictions defined in this rule. These rules apply only to review of (1) district courts operating under RCW 3.30; (2) municipal departments operating under RCW 3.46; (3) alternative municipal courts operating under RCW 3.50 in municipalities exceeding 5,000 in population; (4) municipal courts operating under RCW 35.20; (5) all other courts operating under RCW Title 35 or 35A in municipalities exceeding 5,000 in population; and (6) any other court required by law

to have a lawyer judge. These rules do not apply to review of other courts of limited jurisdiction, do not apply to review of a small claims court operating under RCW 12.40, and do not apply to review of a decision of a judge who is not admitted to the practice of law in Washington. These rules do not supersede the procedure for seeking de novo review when these rules do not apply. These rules do not apply to and do not supersede the procedure for seeking de novo review on the record of other decisions of a court of limited jurisdiction.

(b) These rules do not apply to the de novo review of a decision of a judge who is not admitted to the practice of law in Washington and do not apply to the de novo review on the record of a decision of a small claims court operating under RCW 12.40. The procedures for review of these decisions are set forth in CRLJ 73 and 75.

(b) (c) [Unchanged.]

(e) (d) [Unchanged.]

(d) (e) [Unchanged.]

(e) (f) [Unchanged.]

(f) (g) [Unchanged.]

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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 04-15-029
RULES OF COURT
STATE SUPREME COURT

(July 8, 2004)

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO APR 8(b) ) NO. 25700-A-793
AND ER 701 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 8(b) and ER 701, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments and comment from the Superior Court Judges' Association on ER 701 will be published in the Washington Reports and will become effective on September 1, 2004.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

MISC.

Owens, J.

Ireland, J.

Fairhurst, J.

SUGGESTED AMENDMENT

ADMISSION TO PRACTICE RULES (APR)

APR 8. SPECIAL ADMISSIONS

(a) In General. [No change].

(b) Exception for Particular Action or Proceeding. A member in good standing of the Bar of any other state or territory of the United States or of the District of Columbia, who is a resident of and maintains a practice in such other state, territory, or District, may appear as a lawyer in the trial of any action or proceeding only (i) with the permission of the court or tribunal in which the action or proceeding is pending, and (ii) in association with an active member of the Washington State Bar Association, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at all proceedings unless excused by the court or tribunal.

(1) An application to appear as such a lawyer shall be made by written motion to the court or tribunal before whom the action or proceeding is pending, in a form approved by the Board of Governors, which shall include certification by the lawyer seeking admission under this rule and the associated Washington lawyer that the requirements of this rule have been complied with. The application motion shall be heard by the court or tribunal after such notice to the Washington State Bar Association as is required in part (2) below, together with the required fees, and to adverse parties as the court or tribunal shall direct. The court or tribunal shall enter an order granting or refusing the application motion, and, if the application motion is refused, the court or tribunal shall state its reasons.

(2) The lawyer making the motion shall submit a copy of the motion to the Washington State Bar Association, accompanied by a fee in each case in an amount set by the Board of Governors with the approval of the Supreme Court. The associated Washington counsel shall be jointly responsible for payment of these fees. The Washington State Bar Association shall maintain a public record of all motions for admission pursuant to this rule.

(2) (3) No member of the Bar Association shall lend his or her name for the purpose of, or in any way assist in, avoiding the effect of this rule.

(c) Exception for Indigent Representation. [No change].

(d) Exception for Educational Purposes. [No change].

(e) Exception for Emeritus Membership. [No change].

(f) Exception for House Counsel. [No change].

(g) Exception for Military Lawyers. [No change].

RULE 701

OPINION TESTIMONY BY LAY WITNESSES

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on

the perception of the witness, and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based on scientific, technical, or other specialized knowledge within the scope of rule 702.

Comment 701

This rule is the same as Federal Rule 701. It is essentially a rule of discretion and differs from previous law more in form than substance. The rule requires the trial judge, on the basis of the posture of the particular case, to decide whether concreteness, abstraction or a combination of both will be most effective in enabling the jury to ascertain the truth and reach a just result. In applying the rule, it should be kept in mind that its purpose is to eliminate time-consuming quibbles over objections that would not affect the outcome regardless of how they were decided. The emphasis belongs on what the witness knows and not on how he is expressing himself. 3 J. Weinstein, Evidence paragraph 701(02) (1975).

In several recent cases the Washington Supreme Court has cited section 401 of the Model Code of Evidence as controlling the admission of a lay opinion testimony in Washington. See Church v. West, 75 Wn.2d 502, 452 P.2d 265 (1969); 5 R. Meisenholder, Wash. Prac. section 341 (1975 Supp.). Section 401 would usually yield the same result as decisional law predating it. Some examples of admissible opinion testimony are: the speed of a vehicle, the mental responsibility of another, whether another was "healthy", the value of one's own property, and the identification of a person. Meisenholder section 341 (1975 Supp.). The 2004 amendment is not intended to affect the typical examples of admissible opinion testimony cited in the preceding sentence.

Differences between existing Washington law and rule 701 are largely matters of form rather than substance. Although Model Code section 401 assumes that the witness may generally testify in terms of inference and opinion, the court may require the testimony to be stated in nonabstract detail if it finds that the witness is capable of doing so satisfactorily and that the statement by the witness of his conclusory inferences might mislead the trier of fact. Rule 701 approaches the problem in reverse. It assumes that the witness will give his testimony by stating his observations in as raw a form as practicable, but permits him to resort to inferences and opinions when this form of testimony will be helpful. Both rules give the trial court a wide latitude of discretion. As a practical matter, rule 701 is unlikely to change Washington law. See Meisenholder section 343.

The subject matter of rule 701 is analyzed in greater detail in Powell & Burns, A Discussion of the New Federal Rules of Evidence, 8 Gonz. L. Rev. 1, 14-16 (1972).

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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

MISC.



WSR 04-15-030
RULES OF COURT
STATE SUPREME COURT
[July 8, 2004]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CrR 2.2 ) NO. 25700-A-794
(b)(2) and CrRLJ 2.2 )

The Minority and Justice Committee having recommended the adoption of the proposed amendments to CrR 2.2 (b)(2) and CrRLJ 2.2, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January 2005.

(b) That purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 8th day of July 2004.

For the Court
Gerry L. Alexander

CHIEF JUSTICE

RULE CrR 2.2
WARRANT OF ARREST AND SUMMONS

(a) Warrant of Arrest.

(1) Generally. If indictment is found or an information is filed, the court may direct the clerk to issue a warrant for the arrest of the defendant.

(2) Probable Cause. Before ruling on a request for a warrant the court may require the complainant to appear personally and may examine under oath the complainant and any witnesses the complainant may produce. A warrant of arrest may not issue unless the court determines that there is probable cause to believe that the defendant committed the offense charged. The court shall determine probable cause based on an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or stenographically. The evidence shall be preserved and shall be subject to constitutional limitations for probable cause determinations and may be hearsay in whole or in part.

(3) Ascertaining Defendant's Current Address.

(i) Search for address. The court shall not issue a warrant unless it determines that the complainant has attempted to ascertain the defendant's current address by searching the following: (A) the District Court Information System database (DOSCOS), (B) the driver's license and identicaid database maintained by the Department of Licenses; and (C) the database maintained by the Department of Corrections listing persons incarcerated and under supervision. The court in its discretion may require that other databases be searched.

(ii) Exemptions from Address Search. The search required by subdivision (i) shall not be required if (A) the defendant has already appeared in court after filing of the same case, (B) the defendant is known to be in custody, or (C) the defendant's name is unknown.

(iii) Effect of Erroneous Issuance. If a warrant is erroneously issued in violation of this subsection (a)(3), that error shall not affect the validity of the warrant.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If an indictment is found or an information is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. If the indictment or information charges only the commission of a misdemeanor or a gross misdemeanor, (T)he court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant. (i) will not appear in response to a summons, (ii) will commit a violent offense, or (iii) will interfere with witnesses or the administration of justice.

(3) Summons. A summons shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of the office, and shall state the date when issued and the county where issued. It shall state the name of the defendant and shall summon the defendant to appear before the court at a stated time and place.

(4) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if service is not effected within a reasonable time, a warrant for arrest may issue.

(c) Requisites of a Warrant. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of the office, and shall state the date when issued and the county where issued. It shall specify the name of the defendant, or if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command that the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is bailable, the judge shall set forth in the order for the warrant, bail, or other conditions of release.

(d) Execution; Service.

(1) Execution of Warrant. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

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(2) Service of Summons. The summons may be served any place within the state. It shall be served by a peace officer who shall deliver a copy of the same to the defendant personally, or it may be served by mailing the same, postage prepaid, to the defendant at the defendant's address.

(e) Return. The officer executing a warrant shall make return to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the issuing court to be canceled. The person to whom a summons has been delivered for service shall, on or before the return date, file a return with the court before which the summons is returnable. For reasonable cause, the court may order that the warrant be returned to it.

(f) Defective Warrant or Summons.

(1) Amendment. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any such irregularity.

(2) Issuance of New Warrant or Summons. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which the defendant is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that the defendant is guilty of some other offense, the judge shall not discharge or dismiss the defendant but may allow a new indictment or information to be filed and shall thereupon issue a new warrant or summons.

(g) Failure to Issue Warrant—Dismissal. Upon five days' notice to the prosecuting attorney, the court shall dismiss a charge without prejudice if (i) 90 days have elapsed since the indictment or information was filed and (ii) on the date that the order of dismissal is entered, no warrant has been issued and the defendant has not appeared in court.

[Amended effective September 1, 1983; September 1, 1986; September 1, 1995; September 1, 2003.]

Comment

Supersedes RCW 10.31.010, .020.

RULE CrRLJ 2.2  
WARRANT OF ARREST OR SUMMONS  
UPON COMPLAINT

(a) Issuance of Warrant of Arrest.

(1) Generally. If a complaint is filed and if the offense charged may be tried in the jurisdiction in which the warrant issues, and if the sentence for the offense charged may include confinement in jail, the court may direct the clerk to issue a warrant for the arrest of the defendant unless the defendant has already been arrested in connection with the offense charged and is in custody or has been released on obligation to appear in court.

(2) Probable Cause. A warrant of arrest must be supported by an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or steno-

graphically. The evidence shall be preserved. The court must determine there is probable cause to believe that the defendant has committed the crime alleged before issuing the warrant. The evidence shall be subject to constitutional limitations for probable cause determinations and may be hearsay in whole or in part.

(3) Ascertaining Defendant's Current Address.

(i) Search for Address. The court shall not issue a warrant unless it determines that the complainant has attempted to ascertain the defendant's current address by searching the following: (A) the District Court Information system database (DISCIS), (B) the driver's license and identocard database maintained by the Department of Licenses; and (C) the database maintained by the Department of Corrections listing persons incarcerated and under supervision. The court in its discretion may require that other databases be searched.

(ii) Exemptions from Address Search. The search required by subdivision (i) shall not be required if (A) the defendant has already appeared in court (in person or through counsel) after filing of the same case, (B) the defendant is known to be in custody, or (C) the defendant's name is unknown.

(iii) Effect of Erroneous Issuance. If a warrant is erroneously issued in violation of this subsection (a)(3), that error shall not affect the validity of the warrant.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If a complaint is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. ~~If the complaint charges the commission of a misdemeanor or a gross misdemeanor, (T)he court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant. (i) will not appear in response to a summons, (ii) will commit a violent offense, or (iii) will interfere with witnesses or the administration of justice.~~

(3) Summons for Felony Complaint. If the complaint charges the commission of a felony, the court may direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(4) Summons. A summons shall be in writing and in the name of the charging jurisdiction, shall be signed by the clerk with the title of that office, and shall state the date when issued. It shall state the name of the defendant and the nature of the charge, and shall summon the defendant to appear before the court at a stated time and place. The summons shall inform the defendant that failure to appear as commanded may result in the issuance of a warrant for the arrest of the accused.

(5) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if delivery is not effected within a reasonable time, a warrant of arrest may issue, if the sentence for the offense charged may include confinement in jail.

(c) **Requisites of a Warrant.** The warrant shall be in writing and in the name of the charging jurisdiction, shall be signed by the judge or clerk with the title of that office, and shall state the date when issued. It shall specify the name of the defendant, or if his or her name is unknown, any name or description by which he or she can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is not a capital offense, the court shall set forth in the order for the warrant, bail and/or other conditions of release.

(d) **Execution; Service.**

(1) **Execution of Warrant.** The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) **Delivery of Summons.** The summons may be served any place within the state. It may be served by a peace officer, who shall deliver a copy of the same to the defendant personally, or it may be delivered by the court mailing the same, postage prepaid, to the defendant at his or her last known address.

(e) **Return.** The officer executing a warrant shall make return thereof to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting authority any unexecuted warrant shall be returned to the issuing court to be canceled. The peace officer to whom a summons has been given for service shall, on or before the return date, file a return thereof with the court before whom the summons is returnable. For reasonable cause, the court may order that the warrant be returned to it.

(f) **Defective Warrant or Summons.**

(1) **Amendment.** No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any irregularity.

(2) **Issuance of New Warrant or Summons.** If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which he or she is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that he or she will be charged with some other offense, the judge shall not discharge or dismiss the defendant but may allow a new complaint to be filed and shall thereupon issue a new warrant or summons.

(g) **Failure to Issue Warrant—Dismissal.** Upon five days' notice to the prosecuting attorney, the court shall dismiss a charge without prejudice if (i) 90 days have elapsed since the citation or complaint was filed and (ii) on the date that the order of dismissal is entered, no warrant has been issued and the defendant has not appeared in court.

[Amended effective September 1, 1991; September 1, 1995; September 1, 2003.]

**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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 04-15-031**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 8, 2004]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF NEW RALJ 7.3 AND NEW RALJ 8.4 ) NO. 25700-A-795

The Superior Court Judges' Association having recommended the adoption of proposed new rules RALJ 7.3 and 8.4, and the Court having approved the proposed new rules for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rules as attached hereto are to be published for comment in the Washington reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January 2005.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2005. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 8th day of July 2004.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

**GR 9 COVER SHEET**

Suggested New Change

[NEW] RULE 7.3 FORMAT OF BRIEFS

**Name of Proponent:** Superior Court Judges' Association (SCJA)

**Spokesperson:** Judge Catherine Shaffer, Chair  
SCJA Legislative Committee

**Purpose:** Proposed new Rule RALJ 7.3 would establish format rules for appellate briefs. The proposed rule is a modified version of RAP 10.4 as there are currently no format rules for briefs filed under RALJ.

The standardization of briefs and limitations as to pages will assist the superior courts in completing appeals filed under RALJ in a timely manner, especially in high volume courts. The limitations will encourage brief writers to clearly set out their arguments.

Modern data processing makes it easier for parties to comply with standards and should not impose a burden in particular on pro se litigants, as may have been the case when the RALJ was initially adopted.

Finally, despite varying local customs, the rule makes it clear that only published appellate and Supreme Court decisions are to be cited as authority.

The benefit from establishing standards would benefit litigants and increase the efficient processing of these types of cases.

**Hearing:** None Recommended.

**Expedited Consideration:** Not requested.

**RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)**

**Suggested New Rule**

**[NEW] RULE 7.3. FORMAT OF BRIEFS**

(a) **Typing or Printing Brief.** All briefs shall conform to the requirements of GR 14. In addition, the text of any brief typed or printed in a proportionally spaced typeface must appear in print as 12 point or larger type with no more than 10 characters per inch and double-spaced. The same typeface and print size should be standard throughout the brief, except that foot notes may appear in print as 10 point or larger type and be the equivalent of single-spaced. Quotations may be the equivalent of single-spaced. Except for materials in an appendix, the typewritten or printed material in the brief may not be reduced or condensed by photographic or other means.

(b) **Length of Brief.** The briefs of appellant and respondent filed pursuant to RALJ 7.2 (a) and (b) shall not exceed 18 pages. Reply briefs filed pursuant to RALJ 7.2(c) shall not exceed 6 pages. For the purpose of determining compliance with this rule, appendices are not included. For good cause, the court may grant a motion to file an over-length brief.

(c) **Unpublished Opinions.** A party may not cite as authority an unpublished opinion of a Washington appellate court, nor of any other state or federal court that is not published. A party may not cite as authority a decision of a superior court, a court of limited jurisdiction, or a decision of a commissioner of the Supreme Court or Court of Appeals.

**GR 9 COVER SHEET**

**Suggest New Rule**

**[NEW] RULE 8.4 WAIVER OF ORAL ARGUMENT**

**Name of Proponent:** Superior Court Judges' Association (SCJA)

**Spokesperson:** Judge Catherine Shaffer, Chair  
SCJA Legislative Committee

**Purpose:** RALJ 8.3 provides that "each side shall be allowed 10 minutes for oral argument. However, RAP 11.4(j) provides that, "The appellate court may, on its own initiative or on motion of all parties, decide a case without oral argument." Under the proposed New Rule 8.4 the court may on its own initiative dispense with oral argument, if the court has the appellant's and respondent's briefs.

Under current rule RALJ 8.3, the court cannot waive oral argument. Since there are some issues that are relatively simple, both counsel may agree that oral argument is not necessary. Once the court has received the appellant's and respondent's briefs, it is in a position to make an informed decision as to whether oral argument will add anything to the case.

The proposed new rule is intended to speed decision-making and save the time of litigants and the court when it is reasonable to do so. The proposed rule allows for flexibility by local courts. Those courts which feel that oral argument should be allowed are not required to waive oral argument as the rule is optional in this regard under proposed RALJ 8.4.

It is expected that this new rule will result in more efficient use of litigant and judicial time in the appropriate circumstances.

**Hearing:** None Recommended.

**Expedited Consideration:** Not requested.

**RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)**

**Suggested New Rule**

**[NEW] RULE 8.4. WAIVER OF ORAL ARGUMENT**

The parties may, at any time, agree to waive oral argument and submit the matter for consideration by the court on the briefs that have been submitted. The court may, on its own initiative, direct that there be no oral argument, once it has received the brief of appellant and the brief of respondent.

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

**WSR 04-15-032  
RULES OF COURT  
STATE SUPREME COURT  
[July 8, 2004]**

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENTS TO APR 11, ) NO. 25700-A-796  
REGULATIONS 103(g) AND 110 )

The Washington State Bar Association having recommended the adoption of the proposed amendments to Regula-

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tions 103(g) and 110 to APR 11, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments to Regulations 103(g) and 110 of APR 11, will be published in the Washington Register, Washington State Bar Association and Administrative Office of the Court's websites and, in addition to the above, the amendments will also be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Owens, J.

Ireland, J.

Fairhurst, J.

PROPOSED AMENDMENT

REGULATIONS OF THE WASHINGTON STATE BOARD OF CONTINUING LEGAL EDUCATION

Regulation 110. Exemptions, Waivers, Modifications

(a) As a general proposition, all active members of the Bar Association are required to comply with the provisions of APR 11. The alternative to compliance is transfer to inactive status. The CLE Board may grant extensions, waivers or modifications of the time deadlines or education requirements specified in APR 11 and these Regulations in cases of undue hardship, age or infirmity. Requests Applications for extensions, waivers or modifications shall be made in writing and supported by a sworn statement in the form of an affidavit or declaration.

(b) Exemptions Based on Undue Hardship Age, Restricted Practice or Disability. Exemptions from the continuing legal education requirement, or waiver, or modification of such requirement, based upon undue hardship, age and/or restricted practice or disability should be granted only sparingly. Consequently, before the CLE Board will consider granting an application for exemption, waiver, or modification requests for exemptions or waivers based upon any of these these grounds, it must be satisfied, by appropriate and properly executed affidavit, that the individual making such request is not, or will not, be engaged in the unsupervised practice of law. the applicant must establish to the satisfaction of the CLE Board that: (1) such condition of undue hardship, age, or disability warrants granting an exemption, waiver, or modification; and (2) the applicant has not been

engaged in and will not be engaged in the unsupervised practice of law during the relevant period. Such affidavit may be in the form of a sworn statement that the affiant has completely retired from the practice of law.

Upon the receipt of such an affidavit, the CLE Board may, in its discretion, grant the exemption or waiver requested on the basis of the statements contained therein. Affidavits so submitted An application for exemption, waiver or modification, including the sworn statement in support thereof, shall be filed for each reporting period and shall be retained in the files of the CLE Board.

Individuals granted an exemption, waiver, or modification from the continuing legal education requirements on the above-stated basis may continue to hold the status of active member of the Bar Association. The granting of such an exemption does not, in any way, affect or diminish the active member's duties and obligations as established by the bylaws, rules and regulations of the Bar Association or the Supreme Court. Exemptions, waivers, or modifications from the continuing legal education requirements may be revoked by the CLE Board upon a change in the facts or circumstances upon which such exemption, waiver, or modification was granted.

(c) Exemptions Based on Judicial Status. Full-time judges, magistrates, court commissioners, administrative law judges, and members of the judiciary, who are prohibited from practicing law, are exempt from the continuing legal education requirement established by APR 11. Part-time or pro-tem judges who are active members of the Bar Association, are fully subject to the requirements of APR 11. Judges who have been exempt, upon return to active membership status, are fully subject to the continuing legal education requirements during the year in which they return to practice.

(d) Exemptions Based on Legislative Status. Members of the Washington State Congressional Delegation and Members of the Washington State Legislature, otherwise subject to the continuing legal education requirements of APR 11 as active members of the Bar Association, are specifically exempted, during their terms of office and while otherwise members in good standing with the Bar Association, from the requirements of APR 11. This exemption applies only to the members of the Washington State Congressional Delegation, and to members of the Washington State Legislature, under the terms and conditions stated above. The exemption does not extend to active members of the Bar Association: (a) (1) serving in the legislature of any other state; (b) (2) serving in the administrative branch of any state government; or (c) (3) serving on the staff of any member of the Washington State Congressional Delegation or the Washington State Legislature.

(e) Active Members Living Outside the United States. Active members of the Bar Association who live or are employed outside the United States are required to comply with the continuing legal education requirements as provided for in Reg. 104 (c)(6), or to transfer to inactive status until such time as compliance can be attained. [Regulation 110 amended effective May 2, 2000.]

(f) Active Military Duty. Members employed by the military may be granted an exemption, waiver, or modification upon proof of undue hardship.

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## PROPOSED AMENDMENTS

## REGULATIONS OF THE WASHINGTON STATE BOARD OF

## CONTINUING LEGAL EDUCATION

**Regulation 103. Credits: Computation**

(a) Continuing legal education credit may be obtained by attending, or teaching or participating in, continuing legal education activities which have been (1) approved by the CLE Board, (2) afforded retroactive approval by the CLE Board pursuant to APR 11 and these Regulations, or (3) conducted by an accredited sponsor, as set forth herein.

(b) Credit shall be awarded on the basis of one (1) hour for each sixty (60) minutes actually spent by a member in attendance at an approved activity. Otherwise stated, a "credit hour" equals one (1) clock hour of actual attendance.

(c) Meals and Banquets. Credit may not be denied merely because continuing legal education activities are presented at a meal or banquet.

(d) **Teaching or participating.** Credit toward the continuing legal education requirement set forth in APR 11.2(a) and Regulation 102 may be earned through teaching or participating in an approved continuing legal education activity on the following basis:

(1) An active member teaching in an approved activity shall receive credit on the basis of one credit for each sixty (60) minutes actually spent by such member in attendance at and teaching in presentation of such activity. Additionally, an active member teaching in such an activity shall also be awarded further credit on the basis of one credit hour for each sixty (60) minutes actually spent in preparation time, *provided* that in no event shall more than ten (10) hours of credit be awarded for the preparation of one hour or less of actual presentation.

**EXAMPLES:** Attorney X, an active member, gives a one hour lecture presentation at a six (6) credit hour seminar presented in each of three cities. Attorney X is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at presentation of the seminar. In addition, attorney X may be awarded up to ten (10) additional credits for time spent in preparation. Accordingly, Attorney X, if he attends and teaches in an entire presentation of the seminar, may claim a total of sixteen (16) credits maximum for his involvement in the three-city series of seminars.

Attorney Y, an active member, gives a two (2) hour lecture at the same seminar. Attorney Y is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at presentation of the seminar. In addition, Attorney Y may be awarded up to twenty (20) additional credits for time spent in preparation. Accordingly, Attorney Y, if he attends and teaches in an entire presentation of the seminar, may claim a total of twenty-six (26) credits maximum for his involvement in the three-city series of seminars.

(2) An active member participating in an approved activity shall receive credit on the basis of one credit hour for each sixty (60) minutes actually spent by such member in attendance at presentation of such activity. Additionally, an active member participating in such an activity shall also be awarded further credit on the basis of one hour for each sixty (60) minutes actually spent in preparation time, *provided* that

in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing legal education activity.

**EXAMPLE:** Attorney Z, an active member, participates in a one hour panel discussion at a six (6) credit hour seminar presented in each of three cities. Attorney Z is entitled to one credit hour for each sixty (60) minutes of actual attendance at presentation of the seminar. In addition, Attorney Z may be awarded additional credits for preparation time for the panel discussion. Accordingly, Attorney Z, if he actually attends an entire presentation of the seminar, may claim a total of eleven (11) credits maximum for his involvement in the three-city series of seminars.

(e) **Law School Courses.** Credit under the provisions of APR 11 shall be computed on the basis of one (1) credit for each clock hour of instructed law school class time actually attended up to a maximum of 15.00 hours per course. For example, under this formula an active member who actually attends 30 hours of instruction in a law school course may claim a maximum of 15.00 hours of credit under APR 11, with the remaining 15.00 hours being inapplicable toward the requirement and not capable of being carried over to the next reporting period. However, an active member attending two separate courses may earn a maximum of 15.00 hours of credit per course and in such instance may carry the excess 15.00 hours of credit over to the next reporting period.

An active member taking such a course shall arrange with the instructor for verification of the active member's actual attendance at the various sessions of the course and for the reporting of such attendance to the Board.

Success on any examination given in connection with such a course is not a prerequisite to obtaining CLE credit for attendance at the a course under the provisions of APR 11.

(f) An active member shall receive a maximum of one-third of the continuing legal education required under APR 11.2(a) through self-study credits or audio/videotaped instruction (defined in Regulations Section 104 (b)(1)).

(g) **Pro Bono Legal Services:** A member may earn up to six (6) hours of credit annually by certifying that the member has fulfilled the following requirements under the auspices of a qualified legal services provider:

(1) Each attorney seeking CLE credit will have received at least two (2) hours of education, under the auspices of a qualified legal services provider, which may consist of:

(i) not less than two (2) hours of training with live presentation(s); or

(ii) not less than two (2) hours viewing or listening individually to video or audio tapes approved by the CLE Board; or

(iii) any combination of the foregoing training; or

(iv) serving as a mentor to a participating attorney who has completed the foregoing training; and

(2) Each attorney seeking CLE credit also will have subsequently completed not less than four (4) hours of pro bono work in providing direct legal advice, representation, or other legal assistance to a low-income client(s) through a qualified legal services provider or in serving as a mentor to other participating attorney(s) who are providing such direct advice, representation, or assistance.

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

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

WSR 04-15-033
RULES OF COURT
STATE SUPREME COURT
[July 8, 2004]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CrR 4.2(g) ) NO. 25700-A-797
AND JuCR 7.7 )

The Washington Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g) and JuCR 7.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 8th day of July 2004.

Alexander, C. J.

Table with 2 columns of names: Johnson, J., Madsen, J., Sanders, J., Ireland, J. and Bridge, J., Chambers, J., Owens, J., Fairhurst, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 04-17 issue of the Register.

WSR 04-15-035
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM
[Memorandum—July 7, 2004]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the Advanced College Tuition Program, known as Guaranteed Education Tuition Program has made a revision to the following committee meeting schedule:

August 2, 2004 - Meeting cancelled.

August 3, 2004 - Replaces the cancelled meeting listed above.

The meeting will begin at 2 p.m. unless public notice is given prior to the meeting in question establishing a different starting time. The meeting will be held at the Washington State General Administration Building in the Training Conference Room.

If anyone wishes to request disability accommodations, notice should be given to the Guaranteed Education Tuition Program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods: (360) 753-7860 (voice), (360) 753-7809 (TDD), or (360) 704-6260 (fax).

WSR 04-15-036
OFFICE OF THE GOVERNOR
[Filed July 12, 2004, 9:17 a.m.]

July 9, 2004

Bobby J. Woolley
4007 Southwest 325th Street
Federal Way, Washington 98023

Dear Mr. Woolley:

Pursuant to RCW 34.05.330(3), I have reviewed your appeal of the Department of Retirement System's (Department) decision to deny your petition to initiate rule-making proceedings for amendment of WAC 415-112-015(3). This subsection defines "contract period" for Teachers' Retirement System (TRS) Plan 1 members as the period from July 1 to June 30 of the following year.

I appreciate your observation that the current language in the rule is now inconsistent with an amendment to the governing statute that was made in 2003. That amendment allows teachers working for school districts operating on an extended school year, rather than fiscal year, to use the extended school year in defining the applicable earnable compensation. Because the statute specifically allows use of the extended school year for calculating earnable compensation, the statutory definition governs the issue rather than the out-of-date WAC.

I also agree that the Department's denial letter did not fully explain the reasoning against adoption of your suggested amendment, as compared to simply asserting that there was a better way to address your underlying concern. Nonetheless, I believe the Department considered your proposal carefully and developed an alternative course of action, due to the unintended and adverse consequences your suggestion would create.

Your suggested solution was to amend the WAC definition to require the Department to accept as the contract period the actual contract period specified in each TRS member's employment contract. The Department acknowledged the conflict between the statute and rule and intends to resolve

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the conflict in a rule-making process, but denied further consideration of your proposed remedy. I also am denying your appeal of the Department's decision for two reasons:

(1) Creating a definition that is based on each teacher's contract could pose a significant administrative burden on the Department, which would have to examine each individual member's contract, rather than relying on the statutory distinction between fiscal year and extended school year on a school district-by-school district basis. This could be necessary because each school district could, potentially, "tailor make" contracts for some teachers. The Department does not have the staff to perform that review, and it would not be an efficient use of the pension contributions of members or their employers.

(2) The current law refers to a fiscal year and an extended school year. The third option of a tailor-made contract period by member is not specifically authorized nor required by the statues governing TRS Plan 1. The Department does not have the authority to create options not contemplated by the Legislature. Even if the legal effect was not to create a third option, it could be confusing for TRS Plan 1 members, who might think there was a third option.

Although I am denying your petition to have the Department initiate a rule-making process to consider your specific solution, I want to thank you for identifying the problem in the first place. I am asking the Department, by a copy of this letter, to pursue as quickly as possible a rule-making process to remove the conflict by eliminating the definition of "contract period" in WAC 415-112-015(3) and by relying solely on the statute. This will get the issue on the table for public discussion, at which time you can offer your input. In any event, because the statute specifically allows use of the extended school year for calculating earnable compensation, this statutory definition governs the issue rather than the out-of-date WAC.

While I have denied your petition, I must commend you for your efforts in making sure that the regulations adopted by the Department are consistent with the underlying statutes. I encourage you to participate in the upcoming rule-making process and to continue to offer suggestions to the Department for its consideration.

Sincerely,

Gary Locke  
Governor

WSR 04-15-058

INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:36 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-10 MAA.  
Subject: Occupational therapy—Aquatic therapy services (CPT code 97113) added to coverage effective April 1, 2004.

Effective Date: March 31, 2004.

Document Description: **Effective for dates of service on and after April 1, 2004**, the Medical Assistance Administration (MAA) will reimburse occupational therapy providers for aquatic therapy with therapeutic exercises.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

WSR 04-15-059

INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-22 MAA.  
Subject: Rescinding the NDC requirement for drugs administered in the provider's office.

Effective Date: April 9, 2004.

Document Description: **Retroactive to dates of service on and after October 16, 2003**, the Medical Assistance Administration (MAA) rescinds the requirement to report the 11-digit national drug code (NDC) for drugs administered in the provider's office.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

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**WSR 04-15-060**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-30 MAA.

Subject: Prescription drug program: Preferred drug list updates, prior authorization changes, and limitations on certain drugs.

Effective Date: June 15, 2004.

Document Description: **Effective for dates of the week of July 5, 2004, and after**, unless otherwise noted the Medical Assistance (MAA) will implement the following changes to the

Prescription drug program:

- Addition of one therapeutic drug class to the Washington preferred drug list;
- Expedited prior authorization changes;
- Drug change to prior authorization; and
- Additions to the list of limitations on certain drugs.

These changes will affect how you bill for these prescription services provided for dates of service on and after July 5, 2004, unless otherwise noted.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-061**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-31 MAA.

Subject: Blood bank services: Fee schedule changes.

Effective Date: June 10, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2004 additions of current procedural terminology (CPT) codes; and

- The additions to healthcare common procedure coding system (HCPCS) Level II codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-062**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-32 MAA.

Subject: July 1, 2004, fee schedule changes, procedure code updates, and program changes.

Effective Date: June 21, 2004.

Document Description: **JULY 1, 2004, FEE SCHEDULE UPDATES ARE NOW AVAILABLE!!!** On the back of this sheet is a list of numbered memoranda that are, or soon will be, published to the Medical Assistance Administration's (MAA) website. **This memo replaces MAA's usual postcard notification of individual updated publications.**

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-063**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:37 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-33 MAA.

Subject: Oxygen and respiratory therapy program: Fee schedule changes.

MISC.

Effective Date: July 1, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) has revised the fee schedule in MAA's oxygen and respiratory therapy billing instructions, dated September 2001, to match Medicare's 2004 fees. The new fee schedule is attached to this memorandum.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

#### WSR 04-15-064

### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-34 MAA.

Subject: Chiropractic services for children: Fee schedule changes.

Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs).

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

#### WSR 04-15-065

### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-35 MAA.

Subject: Dental program: Fee schedule changes.

Effective Date: June 24, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- The year 2004 additions of current procedural terminology (CPT↔) codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

#### WSR 04-15-066

### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-36 MAA.

Subject: Early periodic screening, diagnosis, and treatment (EPSDT) clinics: Fee schedule and billing instruction changes.

Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will:

- Implement the updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- Implement the updated Medicare clinical laboratory fee schedule (MCLFS);
- Implement the updated Medicare single drug pricer (SDP);
- Implement the year 2004 additions of current procedural terminology (CPT) and healthcare common procedure coding system (HCPCS) codes; and
- Update various policies and billing instructions pages.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

### WSR 04-15-067

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-37 MAA.  
Subject: Family planning services and family planning only program: Fee schedule changes.  
Effective Date: Reissued June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The updated Medicare single drug pricer (SDP);
- The year 2004 additions of current procedural terminology (CPT) codes; and
- Changes to healthcare common procedure coding system (HCPCS) Level II codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

### WSR 04-15-068

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-38 MAA.  
Subject: Kidney center services: Fee schedule changes.  
Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the following changes affecting select kidney center services:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2004 additions of current procedural terminology (CPT) codes; and
- The additions to healthcare common procedure coding system (HCPCS) Level II codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
Rules and Publications Section

### WSR 04-15-069

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 14, 2004, 9:38 a.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-39 MAA.  
Subject: Home infusion therapy/parenteral nutrition program: Procedure code changes and fee schedule changes.  
Effective Date: June 21, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will:

- Implement healthcare common procedure coding system (HCPCS) changes; and
- Update the home infusion therapy/parenteral nutrition program fee schedule.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O.

MISC.

Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-070**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-40 MAA.  
Subject: Planned home births and births in birthing centers: Fee schedule changes and maternity policy updates.

Effective Date: June 23, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2004 additions of current procedural terminology (CPT) codes;
- The additions to healthcare common procedure coding system (HCPCS) Level II codes; and
- Maternity policy updates.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-071**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-41 MAA.

Subject: Maternity support services/infant case management: ICM intake criteria, tobacco cessation performance measure, and fee schedule changes.

Effective Date: June 22, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The newly revised infant case management intake criteria;
- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- Reimbursement for healthcare common procedure coding system (HCPCS) Level II procedure code S9075 tobacco cessation performance measure.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-072**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-42 MAA.  
Subject: Medical nutrition therapy: Fee schedule changes.

Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs).

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

MISC.

**WSR 04-15-073**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-43 MAA.  
 Subject: Neurodevelopmental centers: Fee schedule changes.

Effective Date: June 16, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs); and
- The year 2004 additions of current procedural terminology (CPT↔) codes; and
- Changes to healthcare common procedure coding system (HCPCS) Level II codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-074**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-47 MAA.  
 Subject: Outpatient hospitals: Program updates and fee schedule changes.

Effective Date: July 1, 2004.

Document Description: **Effective for dates of service on and after August 1, 2004**, outpatient prospective payment system (OPPS) providers must bill in a completely OPPS-ready format.

**Effective for dates of service on and after July 1, 2004**, MAA will begin using the outpatient hospital fee schedule attached to this memorandum.

Also included in this memorandum is information concerning new data validation by MAA and an updated list of MAA-approved sleep center providers.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assis-

tance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-075**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:39 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-49 MAA.  
 Subject: Prenatal diagnosis genetic counseling: Fee schedule changes.

Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs).

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004

E. A. Myers, Manager  
 Rules and Publications Section

**WSR 04-15-076**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:40 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-54 MAA.  
 Subject: No vendor rate increase for the 2005 state fiscal year.

Effective Date: June 30, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the maximum allowable fees for the programs listed in this numbered memorandum will remain at their current levels.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-077**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:40 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-57 MAA.  
Subject: Spoken language interpreter services: New broker contracts awarded and reimbursement granted for no-shows and canceled appointments.

Effective Date: June 24, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Department of Social and Health Services (DSHS) will cover spoken language interpreter services for DSHS clients through new contracts awarded to interpreter services brokers. This memorandum outlines:

- The process for requesting spoken language interpreter services; and
- The list of brokers to contact.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-078**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2004, 9:40 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 04-58 MAA.

Subject: Prescription drug program: Maximum allowable cost update.

Effective Date: June 28, 2004.

Document Description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement the following changes to the prescription drug program:

1. New additions to the maximum allowable cost (MAC) list;
2. Deletions from the MAC list; and
3. Adjustments to existing MACs.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 7, 2004  
E. A. Myers, Manager  
Rules and Publications Section

**WSR 04-15-083**  
**OFFICE OF THE GOVERNOR**

[Filed July 15, 2004, 9:58 a.m.]

**NOTICE OF APPEAL**  
**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 July 13, 2004, the Governor received an appeal to a formal rule petition denial by the Department of Retirement Systems regarding WAC 415-112-015(10), which pertains the contract period for Teachers Retirement System (TRS) members. The appeal of the formal rule petition has been requested by Mr. Bobby J. Woolley.

DATE: July 14, 2004

Jennifer Joly  
General Counsel  
to the Governor

**WSR 04-15-084**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**

[Memorandum—July 12, 2004]

The October commission meeting has been rescheduled to Thursday, October 14, 2004. The time and location have remained the same.

If you have any questions, please call Michelle Nicholls at (360) 586-3864.

MISC.

**WSR 04-15-085****AGENDA****UNIVERSITY OF WASHINGTON**

[Filed July 15, 2004, 9:59 a.m.]

The University of Washington has recently revised the following policy statements:

Revised effective March 2004, "Student Employees" (*University Handbook*, Volume 4, Part IV, Chapter 9, Section 1).

Revised effective March 26, 2004, "Faculty Legislative and Deputy Representatives" (*University Handbook*, Volume 2, Part IV, Chapter 44, Section 44-31).

Revised effective April 16, 2004, Administrative Policy Statement, "Personal Use of University Facilities, Computers, and Equipment by University Employees."

Revised effective May 2004, "Types of University Personnel" (*University Handbook*, Volume 4, Part IV, Chapter 1).

Revised effective June 1, 2004, "Election of Senate Officers" (*University Handbook*, Volume 2, Part II, Chapter 22, Section 22-53).

Revised effective June 1, 2004, "Senate Committee on Planning and Budgeting," (*University Handbook*, Volume 2, Part II, Chapter 22, Section 22-91).

Revised effective June 1, 2004, Administrative Policy Statement 53.4, "The U-PASS Program."

To view any policy statement from the *University Handbook*, go to the *University Handbook* website: <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>; to view a UW administrative policy statement, go to the *Administrative Policy Statements* website: <http://www.washington.edu/admin/rules/APS/APSIndex.html>. Or, to request a paper copy of any policy statement, contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, or by e-mail at [rules@u.washington.edu](mailto:rules@u.washington.edu), or by fax at (206) 616-6294.

**WSR 04-15-095****NOTICE OF PUBLIC MEETINGS****CONVENTION AND****TRADE CENTER**

[Memorandum—July 12, 2004]

The board of directors of the Washington State Convention and Trade Center will meet for a planning retreat **July 16 and 17, 2004**. The retreat will take place at Salish Lodge and Spa, 6501 Railroad Avenue S.E., Snoqualmie, WA.

The Friday program, July 16, will begin with meetings 8:30 a.m. through noon. Following a lunch break, meetings will continue 1:00 p.m. through 5 p.m. The agenda for Friday will include discussion of trends in the hospitality industry, and an overview of WSCTC corporate goals for 2005.

The Saturday program, July 17, will begin with a work session at 8:30 a.m., followed by a board meeting 10:00 a.m. through noon. Actions taken at the board meeting will include approval of the Fiscal Year 2004-2005 corporate goals.

If you have any questions regarding this meeting, please call (206) 694-5000.

Kathleen Smith  
Office Services Supervisor

**WSR 04-15-096****NOTICE OF PUBLIC MEETINGS****OFFICE OF THE  
STATE ACTUARY**

[Memorandum—July 19, 2004]

**Select Committee on Pension Policy Full Committee Meetings**

September 7, 2004	Senate Hearing Room 4 10:00 a.m. - 1:00 p.m.
October 19, 2004	Senate Hearing Room 4 10:00 a.m. - 1:00 p.m.
November 9, 2004	Senate Hearing Room 4 10:00 a.m. - 1:00 p.m.
December 7, 2004	Senate Hearing Room 4 10:00 a.m. - 1:00 p.m.

**Select Committee on Pension Policy Executive Committee Meetings**

September 7, 2004	Senate Conference Room A-B-C 9:30 a.m. - 10:00 a.m. and 1:00 p.m. - 2:30 p.m.
October 19, 2004	Senate Conference Room A-B-C 9:30 a.m. - 10:00 a.m. and 1:00 p.m. - 2:30 p.m.
November 9, 2004	Senate Conference Room A-B-C 9:30 a.m. - 10:00 a.m. and 1:00 p.m. - 2:30 p.m.
December 7, 2004	Senate Conference Room A-B-C 9:30 a.m. - 10:00 a.m. and 1:00 p.m. - 2:30 p.m.

**WSR 04-15-097****RULES COORDINATOR****HOME CARE****QUALITY AUTHORITY**

[Filed July 16, 2004, 4:51 p.m.]

This letter is to inform you that I have assigned Jackie Myers as the Home Care Quality Authority's Rules Coordinator.

If there are any questions you may contact Mindy Schaffner at (360) 725-2635.

**WSR 04-15-099**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Memorandum—July 14, 2004]

This is to advise you that the Walla Walla Community College board of trustees (District 20) will hold a special meeting (retreat) on Wednesday, July 21, 2004, at 9 a.m. The meeting will be held at the Three Rivers Winery Conference Room, 5641 West Highway 12, Walla Walla, WA 99362.

The board of trustees will not hold a regular meeting the month of July. If you have any questions, you can contact Irma Leonetti at (509) 527-4274 or irma.leonetti@wwcc.edu.

**WSR 04-15-102**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 20, 2004, 8:52 a.m.]

In accordance with RCW 34.05.230(12), the following is a list of policy and interpretive statements issued by the department for May and June 2004.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

**POLICY AND INTERPRETIVE STATEMENTS**

**Insurance Services Division**

**Provider Bulletin 04-06: Coverage Decision (November 2003 to March 2004)**

Provider Bulletin 04-06 describes policies currently in effect for State Fund and Self-Insurance claims in all locations: Noncoverage of Electrodiagnostic Sensory Nerve Conduction Threshold Testing; Noncoverage of Extracorporeal Shockwave Therapy; Noncoverage of Percutaneous Discectomy for Disc Herniation; Noncoverage of Percutaneous Neuromodulation Therapy (PNT); and Coverage of MedX Lumbar Extension Machine. This policy was issued May 2004.

Contact Grace Wang, mailstop 4321, phone (360) 902-5227.

**Autologous Blood Injections**

Autologous blood injection/patch therapy is not a covered therapy at this time for lateral epicondylitis or any other indication. Autologous blood injections are intended to treat lateral epicondylitis, or "tennis elbow." It has been hypothesized that blood injections contain the cellular and humoral mediators to induce a healing cascade. Autologous blood injections are considered experimental at this time due to a lack of published literature indicating safety and effectiveness. This is a different therapy from the epidural blood

patch used for spinal leaks; the epidural blood patch is still a covered therapy. This new policy is effective June 25, 2004.

Contact Molly Belozer, mailstop 4312, phone (360) 902-5026.

**Powered Traction Devices for Intervertebral Decompression**

This coverage decision memo updates the VAX-D policy as communicated in Provider Bulletin 00-09. This decision applies to all FDA approved powered traction devices. When powered traction is a proper and necessary treatment, the department or self-insured employer may pay for powered traction therapy administered by a licensed practitioner. Indications for use of powered traction tables are limited to patients that have demonstrable presence of disc protrusion or nerve root entrapment. Contraindications include: Spondylolisthesis or spondylolysis, infection, neoplasm, osteoporosis, bilateral pars defect, fractures, surgical hardware in the spine, caudal equina syndrome, and lateral or central stenosis with severe secondary changes. Published literature has not substantially shown whether powered traction devices are more effective than other forms of traction, other conservative treatments, or surgery. For billing and payment purposes, CPT 97012 is used for the provision of powered traction therapy. Only one unit of this code will be paid per visit, regardless of the length of time traction is applied. The department will not pay any additional cost when powered traction devices are used. This policy was amended June 25, 2004.

Contact Grace Wang, mailstop 4321, phone (360) 902-5227.

**Tinnitus Retraining Therapy**

Tinnitus Retraining Therapy for tinnitus is a noncovered service at this time because it is considered investigational and controversial.

Tinnitus Retraining Therapy (TRT) is a program intended to address and treat chronic tinnitus. TRT is based on a neurophysiological model and aims to allow a patient to habituate to the tinnitus signal by modifying the neural connections linking the auditory with the limbic and autonomic nervous systems.

TRT is considered investigational and controversial due to the lack of evidence addressing effectiveness. No prospective studies with comparison groups have been published to evaluate TRT for chronic tinnitus. As a result, the efficacy of TRT for tinnitus has not been established.

In addition, published criticism of TRT suggests that TRT is not fundamentally different from cognitive therapy. TRT has also been criticized for not involving trained psychologists and for not using validated diagnostic and evaluation instruments. This policy was amended June 25, 2004.

Contact Grace Wang, mailstop 4321, phone (360) 902-5227.

**INTERIM POLICY 63.70 Revoked Accounts With Current Employees**

This policy provides department staff with guidelines needed when notified that an employer with a revoked Certificate of



Coverage has workers. This new policy is effective June 4, 2004.

Contact Linda Norris, mailstop 4310, phone (360) 902-4999.

#### Specialty Compliance Services Division

#### ES.D.2 Record Keeping and access to Payroll Records-Agricultural Employment

This policy provides the department's interpretation of the state's record-keeping regulations for agricultural workers under the Agricultural Labor Act, chapter 49.30 RCW and chapter 296-131 WAC. This policy was amended to include a policy on rounding practices when employers use time clocks or written records keeping systems that clearly show the time the employee clocks in or checks in for work at beginning and end of their shift. This policy was amended May 7, 2004.

#### Process for objections to apprenticeship program standards, 03-01.

This policy clarified the apprenticeship program standard process. This policy was issued on October 17, 2003 and will now be repealed from policy and included in WAC 296-05-008, effective June 1, 2004.

Contact Christine Swanson, mailstop 4400, phone (360) 902-6411.

#### WISHA Services Division

#### WISHA Regional Directive (WRD) 7.06, "Use of Powered Industrial Truck Load Engaging Means to Reduce Awkward Lifting"

WISHA Regional Directive (WRD) 7.06, "Use of Powered Industrial Truck Load Engaging Means to Reduce Awkward Lifting," which will remain in effect indefinitely, provides guidance to WISHA enforcement and consultation staff in applying the requirements of the Powered Industrial Truck Operations Standard when the operator of the truck has dismounted to transfer loads by hand with the load engaging means raised. This new policy is effective May 14, 2004.

Contact Marcia Benn, mailstop 44648, phone (360) 902-5503.

#### WISHA Regional Directive (WRD) 27.25, "Operating Dump Trucks in Reverse"

WISHA Regional Directive (WRD) 27.25, "Operating Dump Trucks in Reverse," provides guidance to WISHA enforcement and consultation staff initiating inspections on construction sites where dump trucks are operating. It replaces all other instructions on this issue, whether formal or informal. This new policy is effective May 12, 2004.

Contact Marcia Benn, mailstop 44648, phone (360) 902-5503.

Carmen Moore  
Legislative and  
Governmental Affairs Office

#### WSR 04-15-125

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 20, 2004, 3:24 p.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing instructions.

Subject: Chemical using pregnant (CUP) women.

Effective Date: August 1, 2004.

Document Description: These are billing instructions for physicians and users of the chemical using pregnant (CUP) women billing instruction fee schedule to use when billing for medical assistance eligible clients. Included in this document are definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Billing Instructions"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 16, 2004

Ann Myers, Manager

Rules and Publications Section

#### WSR 04-15-126

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 20, 2004, 3:25 p.m.]

#### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing instructions.

Subject: Physician-related services.

Effective Date: July 1, 2004.

Document Description: These are billing instructions for physicians and users of the RBRVS fee schedule to use when billing for medical assistance eligible clients. Included in this document are definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Billing Instructions"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 16, 2004

Ann Myers, Manager

Rules and Publications Section

**WSR 04-15-127****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed July 20, 2004, 3:25 p.m.]

## DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-60 MAA.

Subject: CUP women program: Changes in authorization and program administration.

Effective Date: July 12, 2004.

Document Description: **Effective for dates of service on and after August 1, 2004**, providers must begin using the new authorization and program administration guidelines outlined in this memorandum. Providers **must** bill MAA according to these guidelines for services provided to chemical-using pregnant (CUP) women.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos" "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 16, 2004

Ann Myers, Manager  
Rules and Publications Section**WSR 04-15-128****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed July 20, 2004, 3:26 p.m.]

## DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 04-52 MAA.

Subject: Physician-related services: Fee schedule changes and technical changes.

Effective Date: July 6, 2004.

Document description: **Effective for dates of service on and after July 1, 2004**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2004 relative value units (RVUs);
- The updated year 2004 relative value guide base anesthesia units (BAUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The updated Medicare single drug pricer (SDP);
- The year 2004 additions of current procedural terminology (CPT™) codes;
- The additions to healthcare common procedure coding system (HCPCS) Level II codes; and
- The technical changes listed in this numbered memorandum.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Rules and Publications Section, DSHS, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to website <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos" "Year 2003"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [salmobl@dshs.wa.gov](mailto:salmobl@dshs.wa.gov).

July 16, 2004

Ann Myers, Manager  
Rules and Publications Section**WSR 04-15-136****NOTICE OF PUBLIC MEETINGS  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Memorandum—July 20, 2004]

MEETING NOTICE: October 21, 2004  
County Road Administration Board  
2404 Chandler Court S.W.  
Suite 240  
Olympia, WA 98504  
1:00 p.m. to 5:00 p.m.

MEETING NOTICE: October 22, 2004  
County Road Administration Board  
2404 Chandler Court S.W.  
Suite 240  
Olympia, WA 98504  
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact Karen Pendleton at (360) 753-5989.

**WSR 04-15-137****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
NATURAL RESOURCES**

[Memorandum—July 20, 2004]

The forest health strategy work group is in need of publishing the following meetings.

The July 27th meeting will be in Spokane, at the Ramada Inn Airport, in the Washington Room, 8909 Airport Road. The meeting will start at 9:00 a.m.

The August 18th meeting will be in Seattle, at the University of Washington at the HUB, Room 108. The meeting will start at 9:00 a.m.

If you have any questions regarding these meetings please feel free to e-mail or call Jill Nunez at (360) 902-1308.

**WSR 04-15-138**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Memorandum—July 21, 2004]

**NOTICE OF SPECIAL MEETING**

**BOARD OF TRUSTEES**  
**COMMUNITY COLLEGE DISTRICT NO. 4**  
**SKAGIT VALLEY COLLEGE**

2405 East College Way  
 Mount Vernon, WA 98273

Wednesday, July 21, 2004  
 4:30 p.m.

Mount Vernon Campus - Board Room

Chairperson, Tom Moser, has called a special meeting of the board of trustees for Wednesday, July 21, 2004, at 4:30 p.m. This meeting is being held as a study session with members of the Skagit Regional Public Facilities District.

**WSR 04-15-139**  
**NOTICE OF PUBLIC MEETINGS**  
**BIG BEND**  
**COMMUNITY COLLEGE**  
 [Memorandum—July 16, 2004]

In accordance with RCW 42.30.075 please be advised that the board of trustees for Big Bend Community College, District No. 18, adopted a revised regular meeting schedule during their meeting of July 13, 2004. The revised schedule of the regular meeting dates to be held during the remainder of calendar year 2004 is as follows:

- August 24
- September 28
- November 23
- December 28

The meetings will be held at 1:30 p.m. in the lobby of Building 1100, Wallenstein Theater, on the campus of Big Bend Community College, 7662 Chanute Street, Moses Lake, WA.

**WSR 04-15-142**  
**AGENDA**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed July 21, 2004, 9:24 a.m.]

Following is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2004, through December 31, 2004, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call George Huffman at (360) 902-1802 or e-mail at ghuffman@agr.wa.gov.

**Washington State Department of Agriculture**  
**Semi-Annual Rules Agenda**  
**July 1, 2004 - December 31, 2004**  
 P.O. Box 42560, Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
<b>Commodity Inspection Division</b>						
Chapter 16-403 WAC	Standards for apples marketed within the state of Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	8-18-04	10-6-04	11-17-04	Rewrite in a clear and readable format and possibly amend to mimic U.S. grades.
Chapter 16-404 WAC	Standards for summer apples marketed within Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	N/A	8-4-04 (CR-105)	10-6-04	Since this chapter is now obsolete, the department will use the expedited rule-making process to repeal it.
Chapter 16-409 WAC	Standards for asparagus	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	8-4-04	9-22-04	11-3-04	Rewrite in a clear and readable format and possibly amend to reflect recent statutory changes regarding inspection exemption.

**MISC.**

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-414 WAC and chapter 16-463 WAC	Cherries Prohibiting the sale and/or movement of infested cherries	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	8-18-04	11-3-04	12-15-04	Rewrite chapter 16-414 WAC in a clear and readable format and update content to include Rainer S. S. and size requirements. Also, incorporate chapter 16-463 WAC into rewritten chapter 16-414 WAC.
Chapter 16-445 WAC	Standards for Italian prunes	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	8-18-04	10-20-04	12-1-04	Rewrite in a clear and readable format and update where needed.
Chapter 16-448 WAC	Standards for potatoes	Jim Quigley Fruit and Vegetable Inspection Program Manager phone (360) 902-1883	N/A	8-4-04 (CR-105)	10-6-04	Since this chapter is no longer necessary due to U. S. grades and standards, the department will use the expedited rule-making process to repeal it.
Chapter 16-570 WAC	Rapeseed production and establishment of districts	Randy Deike Grain Inspection Program Manager phone (360) 902-1921	9-1-04	10-20-04	11-30-04	The department, with the support of Washington Canola and Rapeseed Commission, plans to repeal a chapter that is obsolete and no longer needed.
<b>Pesticide Management Division</b>						
WAC 16-228-1220	What are the restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers?	Ann Wick Program Development Program Manager phone (360) 902-2051	1-8-04	TBD	TBD	Based upon public comments received in 2003 when chapter 16-228 WAC, General pesticide rules, was revised, the department will consider rule making to clarify the restrictions in WAC 16-228-1220(4) that apply to any person applying pesticides near schools, hospitals or similar establishments by airblast sprayers or aircraft. The department will solicit additional comments from stakeholders and other interested parties before considering possible rule amendments.
WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.	Ann Wick Program Development Program Manager phone (360) 902-2051	1-8-04	TBD	TBD	Amend subsections (1) and (4) to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-228-1250 WAC 16-230-400 through WAC 16-230-470 WAC 16-230-600 through WAC 16-230-675 WAC 16-230-800 through WAC 16-230-868 WAC 16-231-100 through WAC 16-231-183	Phenoxy herbicide restrictions. Restricted use herbicides—Spokane County. High volatile ester and dust formulations, area under order and specific rules for eastern Washington. Application of pesticides in Benton County. Restricted use herbicides—Franklin County.	Ann Wick Program Development Program Manager phone (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-231-200 through WAC 16-231-235	Restricted use herbicides—Yakima County.					
WAC 16-231-300 through WAC 16-231-335 WAC 16-231-400 through WAC 16-231-425 WAC 16-231-500 through WAC 16-231-530 WAC 16-231-600 through WAC 16-231-620 WAC 16-231-700 through WAC 16-231-725 WAC 16-231-800 through WAC 16-231-840 WAC 16-231-900 through WAC 16-231-935 WAC 16-232-001 through WAC 16-232-077 WAC 16-232-100 through WAC 16-232-120 WAC 16-232-200 through WAC 16-232-225 WAC 16-232-300 through WAC 16-232-315	Restricted use herbicides—Adams County. Restricted use herbicides—Columbia County. Restricted use herbicides—Whitman County. Restricted use herbicides—Klickitat County. Restricted use herbicides—Okanogan County. Restricted use herbicides—Douglas and Chelan counties. Restricted use herbicides—Grant County. Restricted use herbicides and application of pesticides—Walla Walla County. Restricted use herbicides—Lincoln County. Restricted use herbicides—Garfield County. Restricted use herbicides—Kititas County.	Ann Wick Program Development Program Manager phone (360) 902-2051	1-8-04	TBD	TBD	Amend sections to define herbicides and related container sizes that should be considered restricted use or have restrictions due to product volatility causing phytotoxicity.
WAC 16-230-860 WAC 16-230-835	Application of pesticides in Benton County—Area 6. Application of pesticides in Benton County—Area 1.	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	6-11-04	TBD	TBD	The department is considering amendments that would move eight sections of land from Area 1 to Area 6. This would allow the aerial application of pesticides in areas where they are currently prohibited except by special permit.
WAC 16-219-010	Ziram-Bosc pears.	Ann Wick Program Development Program Manager phone (360) 902-2051	N/A	6-11-04 (CR-105 Expedited Repeal)	8-24-04	The department is using the expedited rule-making process to repeal WAC 16-219-010 because its content has been incorporated into WAC 16-228-1238 and, therefore, WAC 16-219-010 is redundant.
WAC 16-230-250 through WAC 16-230-290	Rules relating to the use of microencapsulated methyl parathion.	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	N/A	6-11-04 (CR-105 Expedited Repeal)	8-24-04	The department is using the expedited rule-making process to repeal WAC 16-230-250 through 16-230-290 because the content has been incorporated into WAC 16-228-1220 and, therefore, WAC 16-230-250 through 16-230-290 are redundant rule sections.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-229-010	Definitions.	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	7-7-04	TBD	TBD	In response to a petition received from the Washington State Horticultural Association, the department is considering amending WAC 16-229-010 Definitions, to exempt pesticides containing only kaolin clay as the active ingredient from the definition of "pesticide." If exempt, pesticides containing only kaolin clay as the active ingredient would no longer be counted for the purpose of establishing permanent mixing/loading site threshold.
<b>Plant Protection Division</b>						
NEW WAC	Planting stock certification.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	3-3-04	TBD	TBD	The department is considering developing and adopting permanent rules to establish standards, fees and other provisions for a planting stock certification program for some types of nursery stock such as rhododendrons.
WAC 16-401-027	Schedule of fees and charges— Applicable rates and charges.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	4-20-04	6-23-04	8-10-04	The proposal increases nursery inspection fees by the 2005 fiscal growth rate factor of 3.03%.
WAC 16-470-912  WAC 16-470-917	Schedule of fees and charges— Applicable fees and charges.  Schedule of fees and charges—Fees for post entry inspection services.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	4-20-04	6-23-04	8-10-04	The proposal increases plant pathology laboratory diagnostic fees, hourly fees, and post entry inspection fees by the fiscal growth rate factor for 2005 of 3.03%.
WAC 16-328-011	Strawberry plant certification fees.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	4-20-04	6-23-04	8-10-04	Based upon the authority granted to the department by chapter 25, Laws of 2003 1st sp.s. (ESSB 5404), the proposal increases the strawberry plant certification hourly inspection fee beyond the fiscal growth rate factor and slightly decrease the strawberry plant certification application fee.
WAC 16-333-041	Caneberry certification fees.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	4-20-04	6-23-04	8-10-04	Based upon the authority granted to the department by chapter 25, Laws of 2003 1st sp.s. (ESSB 5404), the proposal increases the caneberry certification hourly inspection fee beyond the fiscal growth rate factor and slightly decrease the caneberry certification application fee.
WAC 16-354-040	Hop rootstock certification application and fees.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	6-23-04	8-18-04	10-6-04	The department is reviewing the fees in WAC 16-354-040 with the intent to revise them.
Chapter 16-481 WAC	Grape phylloxera.	Tom Wessels Plant Services Program Manager phone (360) 902-1984	4-20-04	6-23-04	8-10-04	The proposal adds the vine mealybug to the current quarantine.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-752-500 WAC 16-752-505 WAC 16-752-610	Establishing wetland and aquatic weed quarantine. Wetland and aquatic weed quarantine—Regulated articles. Noxious weed seed and plant quarantine—Regulated articles.	Mary Toohey Assistant Director Plant Protection Division phone (360) 902-1907	5-5-04	7-7-04	9-2-04	The department will propose adding several species to the quarantine plant lists in WAC 16-752-505 and 16-752-610 and revising WAC 16-752-500 for clarity.
Chapter 16-675 WAC	Calibration services, special inspection and testing fees.	Jerry Buendel Weights and Measures Program Manager phone (360) 902-1856	4-20-04	TBD	TBD	The department is reviewing fees to see if they need to be increased. Also, it is considering rewriting the chapter to improve clarity and updating its content to comply with current industry and regulatory standards.
<b>Food Safety, Animal Health and Consumer Services Division</b>						
Chapter 16-101 WAC Chapter 16-101X WAC Chapter 16-102 WAC Chapter 16-103 WAC Chapter 16-124 WAC Chapter 16-125 WAC	Milk and milk products. Degrades, license suspensions and revocations for dairy producers and processors. Butterfat testing of milk. Milk processing assessments and collections. Licensed testers, weighers, samplers and graders. Farm milk storage tanks and bulk milk tanker-requirements.	Jim Pressley Food Safety Assistant Program Manager phone (360) 902-1860	TBD	TBD	TBD	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to combine its dairy rules into one, clearly written and easy to use chapter.
Chapter 16-129 WAC Chapter 16-144 WAC	Labeling and advertising of products resembling genuine dairy products. Processing frozen desserts.	Jim Pressley Assistant Program Manager Food Safety Program phone (360) 902-1860	TBD	TBD	TBD	As part of its ongoing Executive Order 97-02 rule review process, the department is proposing to combine its dairy rules into one, clearly written and easy to use chapter.
WAC 16-157-020	Adoption of the national organic program.	Miles McEvoy Program Manager Organic Food Program phone (360) 902-1924	N/A	TBD (Expedited Adoption)	TBD	The USDA National Organic Program was amended last November and the department needs to amend WAC 16-157-020 to adopt these recent USDA amendments.
Chapter 16-610 WAC	Livestock inspection and identification.	Wendy Rude Program Manager Livestock Identification Program	TBD	TBD	TBD	The department, with industry involvement, will develop rule language that defines how many special open consignment horse sales can be conducted by one entity in one year.

MISC.

George Huffman  
Rules Coordinator

**WSR 04-15-158  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed July 21, 2004, 10:53 a.m.]

**WITHDRAWAL OF TECHNICAL ASSISTANCE ADVISORY**

With the passage of SSB 5793 T 03-02 is no longer needed. The technical assistance advisory was meant to provide relief to companies during the period of low interest rates. The revisions to RCW 48.23.440, which became effective on July 1, 2004, have provided the necessary relief and allowing T 03-02 to remain effective could possibly cause some degree of confusion. Therefore, the following technical assistance advisory is being withdrawn: **T 03-02 Standard Nonforfeiture Law for Individual Deferred Annuities.**

Any forms filed and approved under the terms of T 03-02 remain approved and are not changed in any way by the withdrawal of T 03-02.

For specific questions regarding this advisory contact Alan Hudina, (360) 725-7126, AlanH@oic.wa.gov. For general questions contact Kacy Scott, (360) 725-7041, kacys@oic.wa.gov.

R 2004-04 Agent/broker continuing education

**Possible Rule makings:** The commissioner notes that there may be rule makings necessary to implement legislation adopted this session. In addition to those activities, the commissioner continues the effort to update and clarify the code. In the period before January, 2005, subjects that may be considered for rule making in this effort include:

- |                     |                                  |
|---------------------|----------------------------------|
| Chapter 284-13 WAC  | Reinsurance contracts            |
| Chapter 284-15 WAC  | Surplus line insurance           |
| Chapter 284-24B WAC | Credit P&C                       |
| Chapter 284-43 WAC  | Health carriers and health plans |
| Chapter 284-48 WAC  | Bulletins                        |
| Chapter 284-53 WAC  | Conversion regulations           |
| Chapter 284-74 WAC  | Approved insurance tables        |

Please direct questions or comments regarding this agenda or any ongoing or possible rule making to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 725-7041, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

**WSR 04-15-159  
AGENDA  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed July 21, 2004, 10:53 a.m.]

**Rules Agenda  
July 21, 2004**

**Pending Rule makings:** The following rule makings have been proposed and are currently between the CR-101, CR-102, and CR-103 stage. They are currently under review and there may be further rule-making activity before January, 2005.

- R 2001-13 Grievance review and dispute resolution
- R 2001-14 Compliance with federal Health Insurance Portability and Accountability Act of 1996
- R 2002-01 Establishing a market assistance plan for medical malpractice insurance
- R 2002-02 Credit life and credit accident
- R 2002-10 WAC 284-30-510 Date certain payment of automobile premium
- R 2003-03 Chapter 284-20 WAC - standard fire policies
- R 2003-05 WAC 284-24-065 - simplify the process to show compliance with RCW 48.19.020
- R 2003-06 Chapter 284-24 WAC - improve the clarity and efficiency
- R 2003-08 Chapter 284-53 WAC - chemical dependency standards chapter
- R 2003-09 Chapter 284-02 WAC - OIC operations
- R 2003-10 Chapter 284-03 WAC, Public access to information and records
- R 2004-01 Insurance scoring
- R 2004-02 Market assistance plans
- R 2004-03 Corporate-owned life insurance

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	04-02-071	16- 54-030	AMD-E	04-15-021	16-170-140	NEW	04-08-062
4- 25-400	PREP	04-08-033	16-170-010	NEW-P	04-05-119	16-170-145	NEW-P	04-05-119
4- 25-410	PREP	04-08-033	16-170-010	NEW	04-08-062	16-170-145	NEW	04-08-062
4- 25-510	PREP	04-08-033	16-170-020	NEW-P	04-05-119	16-170-150	NEW-P	04-05-119
4- 25-530	PREP	04-06-085	16-170-020	NEW	04-08-062	16-170-150	NEW	04-08-062
4- 25-540	PREP	04-08-033	16-170-030	NEW-P	04-05-119	16-170-155	NEW-P	04-05-119
4- 25-550	PREP	04-08-033	16-170-030	NEW	04-08-062	16-170-155	NEW	04-08-062
4- 25-551	PREP	04-08-033	16-170-035	NEW-P	04-05-119	16-170-170	NEW-P	04-05-119
4- 25-610	PREP	04-08-033	16-170-035	NEW	04-08-062	16-170-170	NEW	04-08-062
4- 25-620	PREP	04-08-033	16-170-037	NEW-P	04-05-119	16-170-175	NEW-P	04-05-119
4- 25-626	PREP	04-08-033	16-170-037	NEW	04-08-062	16-170-175	NEW	04-08-062
4- 25-630	PREP	04-08-033	16-170-040	NEW-P	04-05-119	16-170-180	NEW-P	04-05-119
4- 25-631	PREP	04-08-033	16-170-040	NEW	04-08-062	16-170-180	NEW	04-08-062
4- 25-640	PREP	04-08-033	16-170-050	NEW-P	04-05-119	16-219-010	REP-X	04-13-059
4- 25-650	PREP	04-08-033	16-170-050	NEW	04-08-062	16-219-100	REP-X	04-06-073
4- 25-660	PREP	04-08-033	16-170-060	NEW-P	04-05-119	16-219-100	REP	04-10-105
4- 25-661	PREP	04-08-033	16-170-060	NEW	04-08-062	16-219-105	REP-X	04-06-073
4- 25-670	PREP	04-08-033	16-170-070	NEW-P	04-05-119	16-219-105	REP	04-10-105
4- 25-710	PREP	04-08-033	16-170-070	NEW	04-08-062	16-228-1220	PREP	04-03-005
4- 25-720	PREP	04-08-033	16-170-075	NEW-P	04-05-119	16-228-1231	PREP	04-03-004
4- 25-721	PREP	04-08-033	16-170-075	NEW	04-08-062	16-228-1250	PREP	04-03-004
4- 25-730	PREP	04-08-033	16-170-080	NEW-P	04-05-119	16-229	PREP	04-14-102
4- 25-735	PREP	04-08-033	16-170-080	NEW	04-08-062	16-230-250	REP-X	04-13-058
4- 25-745	PREP	04-08-033	16-170-090	NEW-P	04-05-119	16-230-260	REP-X	04-13-058
4- 25-746	PREP	04-08-033	16-170-090	NEW	04-08-062	16-230-270	REP-X	04-13-058
4- 25-750	PREP	04-08-033	16-170-100	NEW-P	04-05-119	16-230-281	REP-X	04-13-058
4- 25-756	PREP	04-11-033	16-170-100	NEW	04-08-062	16-230-290	REP-X	04-13-058
4- 25-782	PREP	04-11-033	16-170-110	NEW-P	04-05-119	16-230-400	PREP	04-03-004
4- 25-783	PREP	04-08-033	16-170-110	NEW	04-08-062	16-230-410	PREP	04-03-004
4- 25-790	PREP	04-08-033	16-170-115	NEW-P	04-05-119	16-230-420	PREP	04-03-004
4- 25-791	PREP	04-08-033	16-170-115	NEW	04-08-062	16-230-430	PREP	04-03-004
4- 25-792	PREP	04-08-033	16-170-120	NEW-P	04-05-119	16-230-440	PREP	04-03-004
4- 25-793	PREP	04-08-033	16-170-120	NEW	04-08-062	16-230-450	PREP	04-03-004
4- 25-795	PREP	04-08-033	16-170-125	NEW-P	04-05-119	16-230-460	PREP	04-03-004
4- 25-820	PREP	04-11-033	16-170-125	NEW	04-08-062	16-230-470	PREP	04-03-004
4- 25-830	PREP	04-08-033	16-170-130	NEW-P	04-05-119	16-230-600	PREP	04-03-004
4- 25-831	PREP	04-08-033	16-170-130	NEW	04-08-062	16-230-605	PREP	04-03-004
4- 25-910	PREP	04-08-033	16-170-135	NEW-P	04-05-119	16-230-610	PREP	04-03-004
16- 08-003	NEW	04-02-063	16-170-135	NEW	04-08-062	16-230-615	PREP	04-03-004
16- 08-004	NEW	04-02-063	16-170-140	NEW-P	04-05-119	16-230-620	PREP	04-03-004

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-230-625	PREP	04-03-004	16-231-230	PREP	04-03-004	16-232-030	PREP	04-03-004
16-230-630	PREP	04-03-004	16-231-235	PREP	04-03-004	16-232-035	PREP	04-03-004
16-230-635	PREP	04-03-004	16-231-300	PREP	04-03-004	16-232-041	PREP	04-03-004
16-230-640	PREP	04-03-004	16-231-305	PREP	04-03-004	16-232-044	PREP	04-03-004
16-230-645	PREP	04-03-004	16-231-310	PREP	04-03-004	16-232-047	PREP	04-03-004
16-230-650	PREP	04-03-004	16-231-315	PREP	04-03-004	16-232-050	PREP	04-03-004
16-230-655	PREP	04-03-004	16-231-320	PREP	04-03-004	16-232-053	PREP	04-03-004
16-230-660	PREP	04-03-004	16-231-325	PREP	04-03-004	16-232-056	PREP	04-03-004
16-230-665	PREP	04-03-004	16-231-330	PREP	04-03-004	16-232-059	PREP	04-03-004
16-230-670	PREP	04-03-004	16-231-335	PREP	04-03-004	16-232-062	PREP	04-03-004
16-230-673	PREP	04-03-004	16-231-400	PREP	04-03-004	16-232-065	PREP	04-03-004
16-230-675	PREP	04-03-004	16-231-405	PREP	04-03-004	16-232-068	PREP	04-03-004
16-230-800	PREP	04-03-004	16-231-410	PREP	04-03-004	16-232-071	PREP	04-03-004
16-230-810	PREP	04-03-004	16-231-413	PREP	04-03-004	16-232-074	PREP	04-03-004
16-230-813	PREP	04-03-004	16-231-415	PREP	04-03-004	16-232-077	PREP	04-03-004
16-230-815	PREP	04-03-004	16-231-420	PREP	04-03-004	16-232-100	PREP	04-03-004
16-230-820	PREP	04-03-004	16-231-425	PREP	04-03-004	16-232-105	PREP	04-03-004
16-230-825	PREP	04-03-004	16-231-500	PREP	04-03-004	16-232-110	PREP	04-03-004
16-230-830	PREP	04-03-004	16-231-505	PREP	04-03-004	16-232-115	PREP	04-03-004
16-230-835	PREP	04-03-004	16-231-510	PREP	04-03-004	16-232-120	PREP	04-03-004
16-230-835	PREP	04-13-057	16-231-515	PREP	04-03-004	16-232-200	PREP	04-03-004
16-230-840	PREP	04-03-004	16-231-520	PREP	04-03-004	16-232-205	PREP	04-03-004
16-230-845	PREP	04-03-004	16-231-525	PREP	04-03-004	16-232-210	PREP	04-03-004
16-230-850	PREP	04-03-004	16-231-530	PREP	04-03-004	16-232-215	PREP	04-03-004
16-230-855	PREP	04-03-004	16-231-600	PREP	04-03-004	16-232-220	PREP	04-03-004
16-230-860	PREP	04-03-004	16-231-605	PREP	04-03-004	16-232-225	PREP	04-03-004
16-230-860	PREP	04-13-057	16-231-610	PREP	04-03-004	16-232-300	PREP	04-03-004
16-230-861	PREP	04-03-004	16-231-613	PREP	04-03-004	16-232-305	PREP	04-03-004
16-230-862	PREP	04-03-004	16-231-615	PREP	04-03-004	16-232-310	PREP	04-03-004
16-230-863	PREP	04-03-004	16-231-620	PREP	04-03-004	16-232-315	PREP	04-03-004
16-230-864	PREP	04-03-004	16-231-700	PREP	04-03-004	16-250-155	PREP	04-06-074
16-230-866	PREP	04-03-004	16-231-705	PREP	04-03-004	16-250-155	AMD-P	04-11-093
16-230-868	PREP	04-03-004	16-231-710	PREP	04-03-004	16-250-155	AMD	04-14-076
16-231-100	PREP	04-03-004	16-231-715	PREP	04-03-004	16-252-155	PREP	04-06-074
16-231-105	PREP	04-03-004	16-231-720	PREP	04-03-004	16-252-155	AMD-P	04-11-093
16-231-107	PREP	04-03-004	16-231-725	PREP	04-03-004	16-252-155	AMD	04-14-076
16-231-110	PREP	04-03-004	16-231-800	PREP	04-03-004	16-301-250	AMD	04-06-019
16-231-115	PREP	04-03-004	16-231-805	PREP	04-03-004	16-301-265	AMD	04-06-019
16-231-119	PREP	04-03-004	16-231-810	PREP	04-03-004	16-301-270	AMD	04-06-019
16-231-125	PREP	04-03-004	16-231-815	PREP	04-03-004	16-301-310	AMD	04-06-019
16-231-130	PREP	04-03-004	16-231-820	PREP	04-03-004	16-301-325	AMD	04-06-019
16-231-135	PREP	04-03-004	16-231-825	PREP	04-03-004	16-301-330	AMD	04-06-019
16-231-140	PREP	04-03-004	16-231-830	PREP	04-03-004	16-301-335	AMD	04-06-019
16-231-145	PREP	04-03-004	16-231-835	PREP	04-03-004	16-301-365	AMD-P	04-05-118
16-231-149	PREP	04-03-004	16-231-840	PREP	04-03-004	16-301-365	AMD	04-08-043
16-231-153	PREP	04-03-004	16-231-900	PREP	04-03-004	16-301-375	AMD-P	04-05-118
16-231-156	PREP	04-03-004	16-231-905	PREP	04-03-004	16-301-375	AMD	04-08-043
16-231-159	PREP	04-03-004	16-231-910	PREP	04-03-004	16-301-380	AMD-P	04-05-118
16-231-162	PREP	04-03-004	16-231-912	PREP	04-03-004	16-301-380	AMD	04-08-043
16-231-165	PREP	04-03-004	16-231-915	PREP	04-03-004	16-301-395	AMD-P	04-05-118
16-231-168	PREP	04-03-004	16-231-920	PREP	04-03-004	16-301-395	AMD	04-08-043
16-231-171	PREP	04-03-004	16-231-925	PREP	04-03-004	16-301-396	NEW-P	04-05-118
16-231-174	PREP	04-03-004	16-231-930	PREP	04-03-004	16-301-396	NEW	04-08-043
16-231-177	PREP	04-03-004	16-231-935	PREP	04-03-004	16-301-410	AMD-P	04-05-118
16-231-180	PREP	04-03-004	16-232-001	PREP	04-03-004	16-301-410	AMD	04-08-043
16-231-183	PREP	04-03-004	16-232-005	PREP	04-03-004	16-301-415	AMD-P	04-05-118
16-231-200	PREP	04-03-004	16-232-007	PREP	04-03-004	16-301-415	AMD	04-08-043
16-231-205	PREP	04-03-004	16-232-010	PREP	04-03-004	16-301-420	AMD-P	04-05-118
16-231-210	PREP	04-03-004	16-232-015	PREP	04-03-004	16-301-420	AMD	04-08-043
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16-231-220	PREP	04-03-004	16-232-025	PREP	04-03-004	16-301-430	AMD	04-08-043
16-231-225	PREP	04-03-004	16-232-027	PREP	04-03-004	16-301-435	AMD-P	04-05-118

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16-301-435	AMD	04-08-043	16-390-150	NEW	04-11-078	16-402-100	NEW	04-14-090
16-301-440	AMD-P	04-05-118	16-390-200	NEW-P	04-08-128	16-402-100	NEW-E	04-14-103
16-301-440	AMD	04-08-043	16-390-200	NEW	04-11-078	16-402-110	NEW-E	04-07-046
16-301-450	REP-P	04-05-118	16-390-210	NEW-P	04-08-128	16-402-110	NEW-P	04-11-111
16-301-450	REP	04-08-043	16-390-210	NEW	04-11-078	16-402-110	NEW	04-14-090
16-301-455	REP-P	04-05-118	16-390-220	NEW-P	04-08-128	16-402-110	NEW-E	04-14-103
16-301-455	REP	04-08-043	16-390-220	NEW	04-11-078	16-402-120	NEW-E	04-07-046
16-301-460	REP-P	04-05-118	16-390-230	NEW-P	04-08-128	16-402-120	NEW-P	04-11-111
16-301-460	REP	04-08-043	16-390-230	NEW	04-11-078	16-402-120	NEW	04-14-090
16-301-465	REP-P	04-05-118	16-390-240	NEW-P	04-08-128	16-402-120	NEW-E	04-14-103
16-301-465	REP	04-08-043	16-390-240	NEW	04-11-078	16-402-130	NEW-E	04-07-046
16-301-470	REP-P	04-05-118	16-390-242	NEW-P	04-08-128	16-402-130	NEW-P	04-11-111
16-301-470	REP	04-08-043	16-390-242	NEW	04-11-078	16-402-130	NEW	04-14-090
16-301-475	REP-P	04-05-118	16-390-245	NEW-P	04-08-128	16-402-130	NEW-E	04-14-103
16-301-475	REP	04-08-043	16-390-245	NEW	04-11-078	16-449-001	REP	04-05-117
16-301-480	REP-P	04-05-118	16-390-250	NEW-P	04-08-128	16-449-010	REP	04-05-117
16-301-480	REP	04-08-043	16-390-250	NEW	04-11-078	16-449-020	REP	04-05-117
16-301-485	REP-P	04-05-118	16-390-260	NEW-P	04-08-128	16-449-030	REP	04-05-117
16-301-485	REP	04-08-043	16-390-260	NEW	04-11-078	16-450-005	NEW	04-05-117
16-302-385	AMD-P	04-05-120	16-390-270	NEW-P	04-08-128	16-450-010	NEW	04-05-117
16-302-385	AMD	04-08-044	16-390-270	NEW	04-11-078	16-450-012	NEW	04-05-117
16-302-685	AMD	04-06-018	16-390-280	NEW-P	04-08-128	16-450-014	NEW	04-05-117
16-303-340	AMD	04-06-029	16-390-280	NEW	04-11-078	16-450-016	NEW	04-05-117
16-319-041	AMD	04-06-028	16-400-007	REP-P	04-08-128	16-450-020	NEW	04-05-117
16-324-375	AMD-X	04-07-170	16-400-007	REP	04-11-078	16-450-022	NEW	04-05-117
16-324-375	AMD	04-12-026	16-400-008	REP-P	04-08-128	16-450-024	NEW	04-05-117
16-324-393	AMD-X	04-07-170	16-400-008	REP	04-11-078	16-450-026	NEW	04-05-117
16-324-393	AMD	04-12-026	16-400-010	REP-P	04-08-128	16-450-028	NEW	04-05-117
16-324-398	AMD-X	04-07-170	16-400-010	REP	04-11-078	16-450-032	NEW	04-05-117
16-324-398	AMD	04-12-026	16-400-040	REP-P	04-08-128	16-450-040	NEW	04-05-117
16-324-720	REP-X	04-07-170	16-400-040	REP	04-11-078	16-450-042	NEW	04-05-117
16-324-720	REP	04-12-026	16-400-045	REP-P	04-08-128	16-450-044	NEW	04-05-117
16-324-730	REP-X	04-07-170	16-400-045	REP	04-11-078	16-450-046	NEW	04-05-117
16-324-730	REP	04-12-026	16-400-060	REP-P	04-08-128	16-450-048	NEW	04-05-117
16-324-740	REP-X	04-07-170	16-400-060	REP	04-11-078	16-450-050	NEW	04-05-117
16-324-740	REP	04-12-026	16-400-100	REP-P	04-08-128	16-450-060	NEW	04-05-117
16-324-750	REP-X	04-07-170	16-400-100	REP	04-11-078	16-450-070	NEW	04-05-117
16-324-750	REP	04-12-026	16-400-150	REP-P	04-08-128	16-458-075	REP-P	04-08-128
16-328	PREP	04-09-082	16-400-150	REP	04-11-078	16-458-075	REP	04-11-078
16-328-011	AMD-P	04-13-150	16-400-210	REP-P	04-08-128	16-458-085	REP-P	04-08-128
16-333	PREP	04-09-081	16-400-210	REP	04-11-078	16-458-085	REP	04-11-078
16-333-041	AMD-P	04-13-149	16-400-270	REP-P	04-08-128	16-459-001	REP	04-05-117
16-350-040	AMD-P	04-07-171	16-400-270	REP	04-11-078	16-459-00101	REP	04-05-117
16-350-040	AMD	04-11-025	16-401	PREP	04-04-108	16-459-010	REP	04-05-117
16-350-045	AMD-P	04-07-171	16-401	PREP	04-06-082	16-459-020	REP	04-05-117
16-350-045	AMD	04-11-025	16-401	PREP	04-09-079	16-459-030	REP	04-05-117
16-354	PREP	04-13-145	16-401-027	AMD-P	04-13-146	16-459-040	REP	04-05-117
16-390-005	NEW-P	04-08-128	16-401-070	NEW-P	04-07-172	16-470	PREP	04-09-080
16-390-005	NEW	04-11-078	16-401-070	NEW	04-11-026	16-470-105	AMD-C	04-05-025
16-390-010	NEW-P	04-08-128	16-402	AMD-P	04-06-083	16-470-105	AMD	04-09-027
16-390-010	NEW	04-11-078	16-402	PREP	04-07-045	16-470-750	NEW-E	04-08-082
16-390-020	NEW-P	04-08-128	16-402	AMD	04-09-084	16-470-755	NEW-E	04-08-082
16-390-020	NEW	04-11-078	16-402-010	AMD-P	04-06-083	16-470-760	NEW-E	04-08-082
16-390-030	NEW-P	04-08-128	16-402-010	AMD	04-09-084	16-470-765	NEW-E	04-08-082
16-390-030	NEW	04-11-078	16-402-020	AMD-P	04-06-083	16-470-770	NEW-E	04-08-082
16-390-040	NEW-P	04-08-128	16-402-020	AMD	04-09-084	16-470-775	NEW-E	04-08-082
16-390-040	NEW	04-11-078	16-402-030	NEW-P	04-06-083	16-470-912	AMD-P	04-13-148
16-390-060	NEW-P	04-08-128	16-402-030	NEW	04-09-084	16-470-917	AMD-P	04-13-148
16-390-060	NEW	04-11-078	16-402-040	NEW-P	04-06-083	16-481	PREP	04-09-078
16-390-100	NEW-P	04-08-128	16-402-040	NEW	04-09-084	16-481	AMD-P	04-13-147
16-390-100	NEW	04-11-078	16-402-100	NEW-E	04-07-046	16-481-010	AMD-P	04-13-147
16-390-150	NEW-P	04-08-128	16-402-100	NEW-P	04-11-111	16-481-015	AMD-P	04-13-147

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16-481-025	AMD-P	04-13-147	16-662-105	AMD-X	04-07-044	51-13-303	AMD-X	04-03-033
16-481-030	AMD-P	04-13-147	16-662-105	AMD	04-12-025	51-13-303	AMD	04-07-192
16-481-050	AMD-P	04-13-147	16-675	PREP	04-09-083	51-13-304	AMD-X	04-03-033
16-481-060	AMD-P	04-13-147	16-690-001	REP	04-05-117	51-13-304	AMD	04-07-192
16-481-070	AMD-P	04-13-147	16-690-010	REP	04-05-117	51-13-402	AMD-X	04-03-033
16-481-075	REP-P	04-13-147	16-690-015	REP	04-05-117	51-13-402	AMD	04-07-192
16-512-002	REP	04-07-128	16-690-020	REP	04-05-117	51-13-502	AMD-X	04-03-033
16-512-005	AMD	04-07-128	16-690-025	REP	04-05-117	51-13-502	AMD	04-07-192
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16-512-010	AMD	04-07-128	16-690-035	REP	04-05-117	51-13-503	AMD	04-07-192
16-512-020	AMD	04-07-128	16-690-040	REP	04-05-117	51-50	PREP	04-13-076
16-512-030	REP	04-07-128	16-690-045	REP	04-05-117	51-50-003	AMD-X	04-13-077
16-512-040	AMD	04-07-128	16-690-100	REP	04-05-117	51-50-005	AMD-X	04-13-077
16-512-050	AMD	04-07-128	16-750	PREP	04-13-015	51-51-2439	NEW-W	04-07-083
16-528-004	NEW	04-10-057	16-750-011	AMD-X	04-07-021	51-51-2802	NEW-W	04-07-083
16-528-005	NEW	04-10-057	16-750-011	AMD	04-13-014	51-52	PREP	04-13-075
16-528-010	AMD	04-10-057	16-750-015	AMD-X	04-07-021	51-52-0504	NEW-W	04-07-084
16-528-020	AMD	04-10-057	16-750-015	AMD	04-13-014	51-54	PREP	04-13-074
16-528-030	REP	04-10-057	16-752	PREP	04-10-111	51-54-0300	AMD-E	04-13-095
16-528-040	AMD	04-10-057	16-752-500	AMD-P	04-14-104	51-54-0400	NEW-E	04-13-095
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16-528-150	AMD	04-10-058	16-752-610	AMD-P	04-14-104	67-16-020	NEW-X	04-07-110
16-528-220	REP	04-10-058	36-12	PREP	04-09-009	67-16-020	NEW	04-12-029
16-530-005	NEW-P	04-03-111	36-12-011	AMD-P	04-13-144	67-16-030	NEW-X	04-07-110
16-530-006	NEW-P	04-03-111	36-12-500	NEW-P	04-13-144	67-16-030	NEW	04-12-029
16-530-010	AMD-P	04-03-111	36-13	PREP	04-09-009	67-16-040	NEW-X	04-07-110
16-530-020	AMD-P	04-03-111	36-14	PREP	04-09-009	67-16-040	NEW	04-12-029
16-530-030	REP-P	04-03-111	36-14-010	NEW-P	04-13-144	82-50-021	AMD-X	04-08-126
16-530-040	AMD-P	04-03-111	36-14-200	NEW-P	04-13-144	82-50-021	AMD	04-15-006
16-532-005	NEW-W	04-10-056	36-14-300	NEW-P	04-13-144	106-116-203	AMD-P	04-14-063
16-532-006	NEW-W	04-10-056	36-14-500	NEW-P	04-13-144	106-116-305	AMD-P	04-14-063
16-532-010	AMD-W	04-10-056	51-04-030	AMD-X	04-03-034	106-116-521	AMD-P	04-14-063
16-532-020	AMD-W	04-10-056	51-04-030	AMD	04-07-193	106-116-603	AMD-P	04-14-063
16-532-030	REP-W	04-10-056	51-11	PREP	04-13-073	106-116-801	AMD-P	04-14-063
16-532-040	AMD-W	04-10-056	51-11-0602	AMD-W	04-07-082	106-124-900	NEW-P	04-06-014
16-532-060	AMD-W	04-10-056	51-11-1006	AMD-W	04-07-082	106-124-900	NEW	04-12-015
16-532-065	REP-W	04-10-056	51-11-1132	AMD-W	04-07-082	106-124-910	NEW-P	04-06-014
16-532-101	REP	04-10-059	51-11-1132	AMD-W	04-07-082	106-124-910	NEW	04-12-015
16-532-103	NEW-W	04-10-055	51-11-1310	AMD-W	04-07-082	106-124-920	NEW-P	04-06-014
16-532-105	NEW-W	04-10-055	51-11-1312	AMD-W	04-07-082	106-124-920	NEW	04-12-015
16-532-110	AMD-W	04-10-075	51-11-1322	AMD-W	04-07-082	118-33-010	REP	04-08-007
16-532-115	NEW-W	04-10-075	51-11-1323	AMD-W	04-07-082	118-33-020	REP	04-08-007
16-532-120	AMD	04-10-059	51-11-1331	AMD-W	04-07-082	118-33-030	REP	04-08-007
16-536-005	NEW-P	04-04-107	51-11-1334	AMD-W	04-07-082	118-33-040	REP	04-08-007
16-536-006	NEW-P	04-04-107	51-11-1411	AMD-W	04-07-082	118-33-050	REP	04-08-007
16-536-010	AMD-P	04-04-107	51-11-1413	AMD-W	04-07-082	118-33-060	REP	04-08-007
16-536-020	AMD-P	04-04-107	51-11-1414	AMD-W	04-07-082	118-33-070	REP	04-08-007
16-536-030	REP-P	04-04-107	51-11-1416	AMD-W	04-07-082	118-33-080	REP	04-08-007
16-536-040	AMD-P	04-04-107	51-11-1423	AMD-W	04-07-082	118-33-090	REP	04-08-007
16-536-060	AMD-P	04-04-107	51-11-1432	AMD-W	04-07-082	118-33-100	REP	04-08-007
16-545-005	NEW-P	04-09-104	51-11-1433	AMD-W	04-07-082	118-33-110	REP	04-08-007
16-545-006	NEW-P	04-09-104	51-11-1436	AMD-W	04-07-082	118-33-120	REP	04-08-007
16-545-010	AMD-P	04-09-104	51-11-1437	AMD-W	04-07-082	131	PREP	04-03-032
16-545-020	AMD-P	04-09-104	51-11-1440	AMD-W	04-07-082	131-16-070	AMD-P	04-04-033
16-545-030	REP-P	04-09-104	51-11-1454	AMD-W	04-07-082	131-16-070	AMD	04-07-094
16-561-005	NEW-P	04-07-194	51-11-1513	AMD-W	04-07-082	131-16-091	AMD-P	04-04-033
16-561-006	NEW-P	04-07-194	51-11-1521	AMD-W	04-07-082	131-16-091	AMD	04-07-094
16-561-010	AMD-P	04-07-194	51-13-106	AMD-X	04-03-033	131-16-092	AMD-P	04-04-033
16-561-020	AMD-P	04-07-194	51-13-106	AMD	04-07-192	131-16-092	AMD	04-07-094
16-561-030	REP-P	04-07-194	51-13-201	AMD-X	04-03-033	131-16-093	AMD-P	04-04-033
16-561-040	AMD-P	04-07-194	51-13-201	AMD	04-07-192	131-16-093	AMD-P	04-04-033
			51-13-302	AMD-X	04-03-033			

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131- 16-095	AMD-P	04-04-033	132L-136-070	AMD-P	04-10-052	132V-120	PREP	04-05-022
131- 16-095	AMD	04-07-094	132L-136-080	AMD-P	04-10-052	132V-120-020	AMD-P	04-09-017
131- 16-450	AMD-P	04-07-095	132L-140-010	AMD-P	04-10-052	132V-120-030	AMD-P	04-09-017
131- 16-450	AMD	04-11-028	132L-140-020	AMD-P	04-10-052	132V-120-040	AMD-P	04-09-017
131- 28-026	AMD-P	04-07-093	132L-140-030	REP-P	04-10-052	132V-120-050	AMD-P	04-09-017
131- 28-026	AMD	04-11-027	132L-276-010	AMD-P	04-10-052	132V-120-070	AMD-P	04-09-017
132G-124-040	PREP	04-12-001	132L-276-020	AMD-P	04-10-052	132V-120-080	AMD-P	04-09-017
132L- 19-010	NEW-P	04-10-052	132L-276-030	REP-P	04-10-052	132V-120-090	AMD-P	04-09-017
132L- 26-010	AMD-P	04-10-052	132L-276-040	REP-P	04-10-052	132V-120-100	AMD-P	04-09-017
132L- 26-025	AMD-P	04-10-052	132L-276-050	AMD-P	04-10-052	132V-120-110	AMD-P	04-09-017
132L- 26-030	AMD-P	04-10-052	132L-276-060	AMD-P	04-10-052	132V-120-120	AMD-P	04-09-017
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132L- 26-040	REP-P	04-10-052	132L-276-080	AMD-P	04-10-052	132V-120-140	AMD-P	04-09-017
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180- 79A-257	AMD	04-04-009	182- 12-123	NEW-P	04-13-156	192- 12-300	REP-E	04-02-039
180- 79A-257	AMD	04-04-011	182- 12-124	REP-P	04-13-156	192- 12-300	REP-E	04-10-071
180- 79A-257	AMD-P	04-15-119	182- 12-128	NEW-P	04-13-156	192- 12-300	REP-P	04-10-114
180- 79A-257	AMD-E	04-15-121	182- 12-131	NEW-P	04-13-156	192- 12-310	REP-E	04-02-039
180- 81	PREP	04-08-056	182- 12-132	REP-P	04-13-156	192- 12-310	REP-E	04-10-071
180- 82	PREP	04-08-056	182- 12-133	NEW-P	04-13-156	192- 12-310	REP-P	04-10-114
180- 82A	PREP	04-08-056	182- 12-136	NEW-P	04-13-156	192- 12-320	REP-E	04-02-039
180- 82A-204	AMD-E	04-15-041	182- 12-138	NEW-P	04-13-156	192- 12-320	REP-E	04-10-071
180- 83	PREP	04-08-056	182- 12-141	NEW-P	04-13-156	192- 12-320	REP-P	04-10-114
			182- 12-145	REP-P	04-13-156	192- 12-330	REP-E	04-02-039
			182- 12-146	NEW-P	04-13-156	192- 12-330	REP-E	04-10-071
			182- 12-148	NEW-P	04-13-156	192- 12-330	REP-P	04-10-114
			182- 12-171	NEW-P	04-13-156	192- 12-340	REP-E	04-02-039

TABLE





Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-180-040	NEW-P	04-10-114	196-12-045	AMD	04-04-001	199-08-428	NEW-E	04-10-002
192-200-005	NEW-E	04-02-039	196-12-050	AMD	04-04-001	199-08-429	NEW-E	04-10-002
192-200-005	NEW-E	04-10-071	196-12-055	NEW	04-04-001	199-08-430	NEW-E	04-10-002
192-200-005	NEW-P	04-10-114	196-12-065	NEW	04-04-001	199-08-435	NEW-E	04-10-002
192-200-010	NEW-E	04-02-039	196-16-006	NEW	04-04-001	199-08-440	NEW-E	04-10-002
192-200-010	NEW-E	04-10-071	196-16-007	AMD	04-04-001	199-08-445	NEW-E	04-10-002
192-200-010	NEW-P	04-10-114	196-16-010	AMD	04-04-001	199-08-450	NEW-E	04-10-002
192-200-030	NEW-E	04-02-039	196-16-020	AMD	04-04-001	199-08-455	NEW-E	04-10-002
192-200-030	NEW-E	04-10-071	196-16-031	AMD	04-04-001	199-08-460	NEW-E	04-10-002
192-200-030	NEW-P	04-10-114	196-16-035	NEW	04-04-001	199-08-465	NEW-E	04-10-002
192-220-010	NEW-E	04-02-039	196-20-005	NEW-P	04-04-027	199-08-470	NEW-E	04-10-002
192-220-010	NEW-E	04-10-071	196-20-005	NEW	04-10-067	199-08-475	NEW-E	04-10-002
192-220-010	NEW-P	04-10-114	196-20-010	AMD-P	04-04-027	199-08-480	NEW-E	04-10-002
192-220-020	NEW-E	04-02-039	196-20-010	AMD	04-10-067	199-08-485	NEW-E	04-10-002
192-220-020	NEW-E	04-10-071	196-20-020	AMD-P	04-04-027	199-08-490	NEW-E	04-10-002
192-220-020	NEW-P	04-10-114	196-20-020	AMD	04-10-067	199-08-495	NEW-E	04-10-002
192-220-030	NEW-E	04-02-039	196-20-030	AMD-P	04-04-027	199-08-500	NEW-E	04-10-002
192-220-030	NEW-E	04-10-071	196-20-030	AMD	04-10-067	199-08-510	NEW-E	04-10-002
192-220-030	NEW-P	04-10-114	196-21-005	NEW	04-04-001	199-08-515	NEW-E	04-10-002
192-230-100	NEW-E	04-02-039	196-21-010	AMD	04-04-001	199-08-520	NEW-E	04-10-002
192-230-100	NEW-E	04-10-071	196-21-020	AMD	04-04-001	199-08-525	NEW-E	04-10-002
192-230-100	NEW-P	04-10-114	196-21-030	AMD	04-04-001	199-08-535	NEW-E	04-10-002
192-240-035	AMD-E	04-02-039	196-23	PREP	04-10-011	199-08-540	NEW-E	04-10-002
192-240-035	AMD-E	04-10-071	196-23-070	AMD	04-04-001	199-08-545	NEW-E	04-10-002
192-240-035	AMD-P	04-10-114	196-24-041	REP	04-04-001	199-08-550	NEW-E	04-10-002
192-240-040	AMD-E	04-02-039	196-24-080	REP	04-04-001	199-08-555	NEW-E	04-10-002
192-240-040	AMD-E	04-10-071	196-24-085	REP	04-04-001	199-08-565	NEW-E	04-10-002
192-240-040	AMD-P	04-10-114	196-24-100	REP	04-04-001	199-08-570	NEW-E	04-10-002
192-300-050	AMD-E	04-02-039	196-24-105	REP	04-04-001	199-08-580	NEW-E	04-10-002
192-300-050	AMD-E	04-10-071	196-24-110	REP-W	04-05-061	204-91A	PREP	04-10-054
192-300-050	AMD-P	04-10-113	196-25-001	AMD	04-04-001	204-91A-030	AMD-P	04-13-040
192-310-010	AMD-E	04-02-039	196-25-002	AMD-W	04-05-061	204-91A-040	AMD-P	04-13-040
192-310-010	AMD-E	04-10-071	196-25-005	AMD	04-04-001	204-91A-050	AMD-P	04-13-040
192-310-010	AMD-P	04-10-113	196-25-010	AMD	04-04-001	204-91A-060	AMD-P	04-13-040
192-310-025	AMD-E	04-02-039	196-25-020	REP	04-04-001	204-91A-070	AMD-P	04-13-040
192-310-025	AMD-E	04-10-071	196-25-030	REP	04-04-001	204-91A-080	AMD-P	04-13-040
192-310-025	AMD-P	04-10-113	196-25-040	AMD-W	04-05-061	204-91A-090	AMD-P	04-13-040
192-310-030	AMD-E	04-02-039	196-25-050	AMD	04-04-001	204-91A-120	AMD-P	04-13-040
192-310-030	AMD-E	04-10-071	196-25-100	REP	04-04-001	204-91A-130	AMD-P	04-13-040
192-310-030	AMD-P	04-10-113	196-26A	PREP	04-10-011	204-91A-140	AMD-P	04-13-040
192-320-070	AMD-E	04-02-039	196-26A	PREP	04-15-079	204-91A-170	AMD-P	04-13-040
192-320-070	AMD-E	04-10-071	196-27A-025	NEW-W	04-05-061	204-96-010	AMD	04-07-012
192-320-070	AMD-P	04-10-113	199-08-300	NEW-E	04-10-002	208-690-010	NEW-E	04-07-182
192-320-075	NEW-E	04-02-039	199-08-305	NEW-E	04-10-002	208-690-010	NEW-P	04-11-110
192-320-075	NEW-E	04-10-071	199-08-310	NEW-E	04-10-002	208-690-010	NEW	04-15-005
192-320-075	NEW-P	04-10-113	199-08-315	NEW-E	04-10-002	208-690-020	NEW-E	04-07-182
192-340-100	NEW-E	04-02-039	199-08-320	NEW-E	04-10-002	208-690-020	NEW-P	04-11-110
192-340-100	NEW-E	04-10-071	199-08-325	NEW-E	04-10-002	208-690-020	NEW	04-15-005
192-340-100	NEW-P	04-10-113	199-08-335	NEW-E	04-10-002	208-690-030	NEW-E	04-07-182
196-09	AMD	04-04-001	199-08-340	NEW-E	04-10-002	208-690-030	NEW-P	04-11-110
196-09	PREP	04-15-050	199-08-350	NEW-E	04-10-002	208-690-030	NEW	04-15-005
196-09-010	AMD	04-04-001	199-08-385	NEW-E	04-10-002	208-690-031	NEW-E	04-07-182
196-09-050	NEW	04-04-001	199-08-390	NEW-E	04-10-002	208-690-031	NEW-P	04-11-110
196-09-055	NEW	04-04-001	199-08-395	NEW-E	04-10-002	208-690-035	NEW-E	04-07-182
196-09-060	NEW	04-04-001	199-08-400	NEW-E	04-10-002	208-690-035	NEW-P	04-11-110
196-09-100	NEW	04-04-001	199-08-405	NEW-E	04-10-002	208-690-035	NEW	04-15-005
196-09-110	NEW	04-04-001	199-08-410	NEW-E	04-10-002	208-690-040	NEW-E	04-07-182
196-09-120	NEW	04-04-001	199-08-415	NEW-E	04-10-002	208-690-040	NEW-P	04-11-110
196-12-005	NEW	04-04-001	199-08-420	NEW-E	04-10-002	208-690-040	NEW	04-15-005
196-12-010	AMD	04-04-001	199-08-425	NEW-E	04-10-002	208-690-045	NEW-E	04-07-182
196-12-020	AMD	04-04-001	199-08-426	NEW-E	04-10-002	208-690-045	NEW-P	04-11-110
196-12-030	AMD	04-04-001	199-08-427	NEW-E	04-10-002	208-690-045	NEW	04-15-005

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-690-050	NEW-E	04-07-182	212- 17-530	NEW-E	04-11-061	220- 32-05100Z	REP-E	04-15-051
208-690-050	NEW-P	04-11-110	212- 17-535	NEW-E	04-11-061	220- 32-05100Z	REP-E	04-15-133
208-690-050	NEW	04-15-005	212- 17-540	NEW-E	04-11-061	220- 32-06000B	NEW-E	04-10-064
208-690-060	NEW-E	04-07-182	220- 12-020	AMD	04-07-009	220- 32-06000B	REP-E	04-10-064
208-690-060	NEW-P	04-11-110	220- 16-270	AMD	04-07-009	220- 33-01000A	NEW-E	04-08-011
208-690-060	NEW	04-15-005	220- 16-470	AMD-X	04-12-073	220- 33-01000A	REP-E	04-08-026
208-690-070	NEW-E	04-07-182	220- 16-47000B	NEW-E	04-10-034	220- 33-01000B	NEW-E	04-08-026
208-690-070	NEW-P	04-11-110	220- 16-550	AMD	04-07-009	220- 33-01000B	REP-E	04-09-021
208-690-070	NEW	04-15-005	220- 16-800	NEW	04-07-009	220- 33-01000C	NEW-E	04-09-021
208-690-075	NEW-E	04-07-182	220- 16-800	NEW-W	04-14-085	220- 33-01000C	REP-E	04-11-001
208-690-075	NEW-P	04-11-110	220- 16-810	NEW	04-07-009	220- 33-01000D	NEW-E	04-11-075
208-690-075	NEW	04-15-005	220- 16-810	NEW-W	04-14-085	220- 33-01000D	REP-E	04-11-075
208-690-080	NEW-E	04-07-182	220- 16-820	NEW-W	04-14-085	220- 33-01000E	NEW-E	04-14-048
208-690-080	NEW-P	04-11-110	220- 16-830	NEW-W	04-14-085	220- 33-01000E	REP-E	04-14-048
208-690-080	NEW	04-15-005	220- 16-840	NEW-W	04-14-085	220- 33-01000Q	REP-E	04-04-071
208-690-090	NEW-E	04-07-182	220- 16-850	NEW-W	04-14-085	220- 33-01000R	NEW-E	04-04-071
208-690-090	NEW-P	04-11-110	220- 20-056	REP	04-10-108	220- 33-01000R	REP-E	04-04-071
208-690-090	NEW	04-15-005	220- 20-080	AMD	04-08-025	220- 33-01000S	NEW-E	04-06-002
208-690-100	NEW-E	04-07-182	220- 20-100	AMD-W	04-14-085	220- 33-01000S	REP-E	04-06-002
208-690-100	NEW-P	04-11-110	220- 22-40000F	NEW-E	04-13-024	220- 33-01000S	REP-E	04-06-059
208-690-100	NEW	04-15-005	220- 24-04000L	NEW-E	04-10-001	220- 33-01000T	NEW-E	04-06-059
208-690-110	NEW-E	04-07-182	220- 24-04000L	REP-E	04-10-001	220- 33-01000T	REP-E	04-07-008
208-690-110	NEW-P	04-11-110	220- 24-04000L	REP-E	04-11-010	220- 33-01000U	NEW-E	04-07-008
208-690-110	NEW	04-15-005	220- 24-04000M	NEW-E	04-11-052	220- 33-01000U	REP-E	04-07-028
208-690-112	NEW-E	04-07-182	220- 24-04000M	REP-E	04-11-052	220- 33-01000V	NEW-E	04-07-028
208-690-112	NEW-P	04-11-110	220- 24-04000N	NEW-E	04-12-011	220- 33-01000V	REP-E	04-07-050
208-690-112	NEW	04-15-005	220- 24-04000N	REP-E	04-12-011	220- 33-01000W	NEW-E	04-07-050
208-690-115	NEW-E	04-07-182	220- 24-04000P	NEW-E	04-14-009	220- 33-01000W	REP-E	04-07-078
208-690-115	NEW-P	04-11-110	220- 24-04000P	REP-E	04-14-009	220- 33-01000X	NEW-E	04-07-078
208-690-115	NEW	04-15-005	220- 24-04000Q	NEW-E	04-14-092	220- 33-01000X	REP-E	04-07-118
208-690-120	NEW-E	04-07-182	220- 24-04000Q	REP-E	04-14-092	220- 33-01000Y	NEW-E	04-07-118
208-690-120	NEW-P	04-11-110	220- 24-04000Q	REP-E	04-15-086	220- 33-01000Y	REP-E	04-07-169
208-690-120	NEW	04-15-005	220- 24-04000R	NEW-E	04-15-086	220- 33-01000Z	NEW-E	04-07-169
208-690-130	NEW-E	04-07-182	220- 32-05100A	NEW-E	04-15-133	220- 33-01000Z	REP-E	04-08-011
208-690-130	NEW-P	04-11-110	220- 32-05100A	REP-E	04-15-133	220- 33-03000U	NEW-E	04-09-018
208-690-130	NEW	04-15-005	220- 32-05100P	NEW-E	04-03-075	220- 33-03000U	REP-E	04-09-018
208-690-140	NEW-E	04-07-182	220- 32-05100P	REP-E	04-03-075	220- 33-04000U	REP-E	04-07-117
208-690-140	NEW-P	04-11-110	220- 32-05100P	REP-E	04-04-053	220- 33-04000V	NEW-E	04-07-117
208-690-140	NEW	04-15-005	220- 32-05100Q	NEW-E	04-04-053	220- 33-04000V	REP-E	04-07-117
208-690-150	NEW-E	04-07-182	220- 32-05100Q	REP-E	04-04-053	220- 33-070	NEW-W	04-10-074
208-690-150	NEW-P	04-11-110	220- 32-05100Q	REP-E	04-07-027	220- 36-023	AMD-X	04-11-109
208-690-150	NEW	04-15-005	220- 32-05100R	NEW-E	04-07-027	220- 40-027	AMD-X	04-11-109
208-690-160	NEW-E	04-07-182	220- 32-05100R	REP-E	04-07-027	220- 44-05000A	NEW-E	04-03-010C
208-690-160	NEW-P	04-11-110	220- 32-05100S	NEW-E	04-10-064	220- 44-05000A	REP-E	04-12-012
208-690-160	NEW	04-15-005	220- 32-05100S	REP-E	04-10-064	220- 44-05000B	NEW-E	04-12-012
208-690-170	NEW-E	04-07-182	220- 32-05100T	NEW-E	04-11-022	220- 44-05000Z	REP-E	04-03-010C
208-690-170	NEW-P	04-11-110	220- 32-05100T	REP-E	04-11-022	220- 47-301	AMD-X	04-12-129
208-690-170	NEW	04-15-005	220- 32-05100T	REP-E	04-11-074	220- 47-302	AMD-X	04-12-129
208-690-180	NEW-E	04-07-182	220- 32-05100U	NEW-E	04-11-074	220- 47-303	AMD-X	04-12-129
208-690-180	NEW-P	04-11-110	220- 32-05100U	REP-E	04-11-074	220- 47-307	AMD-X	04-12-129
208-690-180	NEW	04-15-005	220- 32-05100U	REP-E	04-12-021	220- 47-311	AMD-X	04-12-129
212- 17-060	AMD-E	04-11-061	220- 32-05100V	NEW-E	04-12-021	220- 47-325	AMD-X	04-12-129
212- 17-480	NEW-E	04-11-061	220- 32-05100V	REP-E	04-12-021	220- 47-401	AMD-X	04-12-129
212- 17-485	NEW-E	04-11-061	220- 32-05100W	NEW-E	04-13-065	220- 47-411	AMD-X	04-12-129
212- 17-490	NEW-E	04-11-061	220- 32-05100W	REP-E	04-13-117	220- 47-428	AMD-X	04-12-129
212- 17-495	NEW-E	04-11-061	220- 32-05100X	NEW-E	04-13-117	220- 47-430	REP-X	04-12-129
212- 17-500	NEW-E	04-11-061	220- 32-05100X	REP-E	04-13-117	220- 48-01500T	NEW-E	04-07-029
212- 17-505	NEW-E	04-11-061	220- 32-05100X	REP-E	04-14-046	220- 48-01500T	REP-E	04-14-047
212- 17-510	NEW-E	04-11-061	220- 32-05100Y	NEW-E	04-14-046	220- 48-01500U	NEW-E	04-14-047
212- 17-515	NEW-E	04-11-061	220- 32-05100Y	REP-E	04-14-046	220- 48-029	AMD-P	04-13-005
212- 17-520	NEW-E	04-11-061	220- 32-05100Y	REP-E	04-15-051	220- 48-02900D	NEW-E	04-05-056
212- 17-525	NEW-E	04-11-061	220- 32-05100Z	NEW-E	04-15-051	220- 48-02900D	REP-E	04-13-055

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-48-02900E	NEW-E	04-13-055	220-52-05100R	NEW-E	04-11-044	220-56-25000G	REP-E	04-10-042
220-48-02900F	NEW-E	04-14-007	220-52-05100R	REP-E	04-13-007	220-56-25500K	NEW-E	04-10-027
220-48-032	AMD-P	04-13-005	220-52-05100S	NEW-E	04-13-007	220-56-25500K	REP-E	04-10-043
220-48-03200C	NEW-E	04-05-056	220-52-05100S	REP-E	04-13-027	220-56-25500L	NEW-E	04-10-043
220-48-03200C	REP-E	04-13-055	220-52-05100T	NEW-E	04-13-027	220-56-25500L	REP-E	04-12-002
220-48-03200D	NEW-E	04-13-055	220-52-05100T	REP-E	04-13-082	220-56-25500M	NEW-E	04-12-002
220-48-03200E	NEW-E	04-14-007	220-52-05100U	NEW-E	04-13-082	220-56-25500M	REP-E	04-12-032
220-48-062	AMD-P	04-13-005	220-52-05100U	REP-E	04-14-058	220-56-25500N	NEW-E	04-12-032
220-48-06200C	NEW-E	04-05-056	220-52-05100V	NEW-E	04-14-058	220-56-25500N	REP-E	04-13-026
220-48-06200C	REP-E	04-13-055	220-52-05100V	REP-E	04-15-024	220-56-25500P	NEW-E	04-13-026
220-48-06200D	NEW-E	04-13-055	220-52-05100W	NEW-E	04-15-024	220-56-25500P	REP-E	04-14-024
220-49-020	AMD-P	04-13-005	220-52-05100W	REP-E	04-15-087	220-56-25500Q	NEW-E	04-14-024
220-49-02000P	NEW-E	04-05-056	220-52-05100X	NEW-E	04-15-087	220-56-267	AMD-P	04-13-005
220-49-02000P	REP-E	04-13-055	220-52-05100X	REP-E	04-15-132	220-56-26700B	NEW-E	04-05-057
220-49-02000Q	NEW-E	04-13-055	220-52-05100Y	NEW-E	04-15-132	220-56-26700B	REP-E	04-13-056
220-49-023	AMD-P	04-13-163	220-52-07100D	NEW-E	04-03-031	220-56-26700C	NEW-E	04-13-056
220-49-056	AMD-P	04-13-005	220-52-07100D	REP-E	04-05-008	220-56-270	AMD-P	04-13-005
220-49-05600C	NEW-E	04-05-056	220-52-07100E	NEW-E	04-05-008	220-56-27000R	REP-E	04-07-116
220-49-05600C	REP-E	04-13-055	220-52-07100E	REP-E	04-05-045	220-56-27000R	REP-E	04-07-123
220-49-05600D	NEW-E	04-13-055	220-52-07100F	NEW-E	04-05-045	220-56-27000S	NEW-E	04-05-057
220-52-03000U	NEW-E	04-11-051	220-52-07100F	REP-E	04-06-041	220-56-27000S	REP-E	04-13-056
220-52-03000U	REP-E	04-11-051	220-52-07100G	NEW-E	04-06-041	220-56-27000T	NEW-E	04-07-116
220-52-03000V	NEW-E	04-14-004	220-52-07100H	NEW-E	04-14-093	220-56-27000T	REP-E	04-07-116
220-52-03000V	REP-E	04-14-004	220-52-073	AMD-P	04-13-033	220-56-27000T	REP-E	04-07-123
220-52-04000A	NEW-E	04-13-024	220-52-07300J	REP-E	04-03-010B	220-56-27000U	NEW-E	04-07-123
220-52-04000A	REP-E	04-13-024	220-52-07300K	NEW-E	04-03-010B	220-56-27000U	REP-E	04-07-123
220-52-04000B	NEW-E	04-13-060	220-52-07300K	REP-E	04-03-074	220-56-27000V	NEW-E	04-13-056
220-52-04000B	REP-E	04-13-060	220-52-07300L	NEW-E	04-03-074	220-56-282	AMD	04-07-009
220-52-04000U	REP-E	04-05-007	220-52-07300L	REP-E	04-06-012	220-56-310	AMD	04-07-009
220-52-04000V	NEW-E	04-05-007	220-55-061	NEW-P	04-05-068	220-56-310	AMD-P	04-13-023
220-52-04000V	REP-E	04-05-014	220-55-061	NEW	04-08-063	220-56-315	AMD	04-07-009
220-52-04000W	NEW-E	04-05-014	220-55-115	AMD-P	04-13-061	220-56-325	AMD	04-07-009
220-52-04000W	REP-E	04-06-003	220-56-100	AMD-W	04-05-060	220-56-32500K	NEW-E	04-09-020
220-52-04000X	NEW-E	04-06-003	220-56-100	AMD	04-07-009	220-56-32500K	REP-E	04-09-052
220-52-04000X	REP-E	04-07-013	220-56-100	AMD-X	04-11-119	220-56-32500L	NEW-E	04-09-052
220-52-04000Y	NEW-E	04-07-013	220-56-10000C	NEW-E	04-10-034	220-56-32500L	REP-E	04-09-102
220-52-04000Y	REP-E	04-07-019	220-56-115	AMD	04-07-009	220-56-32500M	NEW-E	04-09-102
220-52-04000Z	NEW-E	04-07-019	220-56-118	NEW	04-07-009	220-56-32500M	REP-E	04-10-028
220-52-04600D	REP-E	04-03-049	220-56-123	AMD-X	04-11-119	220-56-32500N	NEW-E	04-10-028
220-52-04600F	REP-E	04-05-007	220-56-128	AMD-X	04-11-119	220-56-32500N	REP-E	04-11-014
220-52-04600G	NEW-E	04-03-049	220-56-128	AMD-P	04-13-005	220-56-32500P	NEW-E	04-11-014
220-52-04600G	REP-E	04-06-042	220-56-12800H	NEW-E	04-10-034	220-56-32500P	REP-E	04-11-077
220-52-04600H	NEW-E	04-05-007	220-56-150	AMD	04-07-009	220-56-32500Q	NEW-E	04-11-077
220-52-04600H	REP-E	04-06-013	220-56-175	AMD	04-10-033	220-56-32500Q	REP-E	04-12-036
220-52-04600I	NEW-E	04-06-013	220-56-180	AMD-X	04-11-119	220-56-32500R	NEW-E	04-12-036
220-52-04600I	REP-E	04-07-013	220-56-18000C	NEW-E	04-10-034	220-56-32500R	REP-E	04-12-061
220-52-04600J	NEW-E	04-06-042	220-56-195	AMD-X	04-11-119	220-56-32500S	NEW-E	04-12-061
220-52-04600J	REP-E	04-08-038	220-56-19500M	NEW-E	04-10-034	220-56-32500S	REP-E	04-13-034
220-52-04600K	NEW-E	04-07-013	220-56-215	AMD	04-07-009	220-56-32500T	NEW-E	04-13-034
220-52-04600K	REP-E	04-07-042	220-56-232	NEW-W	04-10-077	220-56-32500T	REP-E	04-13-093
220-52-04600L	NEW-E	04-07-042	220-56-235	AMD	04-07-009	220-56-32500U	NEW-E	04-13-093
220-52-04600L	REP-E	04-13-024	220-56-235	AMD-W	04-10-073	220-56-32500U	REP-E	04-15-023
220-52-04600M	NEW-E	04-08-038	220-56-235	AMD-P	04-13-005	220-56-32500V	NEW-E	04-15-023
220-52-04600M	REP-E	04-08-038	220-56-23500S	NEW-E	04-05-057	220-56-330	AMD	04-07-009
220-52-04600N	NEW-E	04-13-024	220-56-23500S	REP-E	04-13-056	220-56-33000J	NEW-E	04-13-004
220-52-04600N	REP-E	04-13-024	220-56-23500T	NEW-E	04-07-006	220-56-33000J	REP-E	04-13-028
220-52-04600P	NEW-E	04-13-060	220-56-23500T	REP-E	04-07-006	220-56-33000K	NEW-E	04-13-008
220-52-04600P	REP-E	04-13-060	220-56-23500U	NEW-E	04-13-056	220-56-33000L	NEW-E	04-13-066
220-52-05100P	NEW-E	04-09-007	220-56-250	AMD	04-07-009	220-56-33000L	REP-E	04-13-066
220-52-05100P	REP-E	04-10-025	220-56-250	AMD-W	04-10-073	220-56-335	AMD	04-07-009
220-52-05100Q	NEW-E	04-10-025	220-56-25000F	NEW-E	04-07-005	220-56-350	AMD	04-07-009
220-52-05100Q	REP-E	04-11-044	220-56-25000G	NEW-E	04-10-042	220-56-35000Q	NEW-E	04-03-010A

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-35000Q	REP-E	04-06-035	220-100-110	AMD-X	04-09-046	230-40-825	AMD-P	04-11-089
220-56-35000R	NEW-E	04-06-035	220-100-110	AMD	04-14-006	232-12-004	AMD-P	04-05-099
220-56-35000R	REP-E	04-07-043	220-110-035	PREP	04-04-008	232-12-004	AMD	04-11-036
220-56-35000S	NEW-E	04-07-043	220-110-035	AMD-P	04-08-064	232-12-005	NEW-P	04-05-099
220-56-35000S	REP-E	04-09-006	220-120-010	REP-P	04-13-141	232-12-005	NEW	04-11-036
220-56-35000T	NEW-E	04-09-006	220-120-020	REP-P	04-13-141	232-12-014	AMD-P	04-05-110
220-56-36000A	NEW-E	04-10-070	220-120-030	REP-P	04-13-141	232-12-014	AMD	04-11-036
220-56-36000A	REP-E	04-10-070	220-120-040	REP-P	04-13-141	232-12-019	AMD	04-07-009
220-56-36000W	NEW-E	04-03-048	220-120-050	REP-P	04-13-141	232-12-047	AMD-P	04-05-106
220-56-36000W	REP-E	04-03-048	220-120-060	REP-P	04-13-141	232-12-047	AMD	04-11-036
220-56-36000X	NEW-E	04-05-100	220-120-070	REP-P	04-13-141	232-12-054	AMD-P	04-05-106
220-56-36000X	REP-E	04-05-100	220-120-080	REP-P	04-13-141	232-12-054	AMD	04-11-036
220-56-36000Y	NEW-E	04-07-097	220-120-090	REP-P	04-13-141	232-12-064	AMD-P	04-05-099
220-56-36000Y	REP-E	04-07-097	220-120-100	REP-P	04-13-141	232-12-064	AMD	04-11-036
220-56-36000Z	NEW-E	04-09-058	220-125-010	AMD	04-05-026	232-12-168	AMD	04-07-009
220-56-36000Z	REP-E	04-09-058	222-08-010	AMD	04-05-122	232-12-224	REP-P	04-13-038
220-56-370	REP	04-07-009	222-08-020	AMD	04-05-122	232-12-243	AMD-P	04-13-165
220-56-380	AMD	04-07-009	222-08-020	DECOD	04-05-122	232-12-271	AMD-P	04-05-099
220-56-38000G	NEW-E	04-03-010A	222-08-030	AMD	04-05-122	232-12-271	AMD	04-11-036
220-56-390	AMD-P	04-13-005	222-08-030	DECOD	04-05-122	232-12-275	AMD-P	04-13-167
220-56-39000B	NEW-E	04-05-057	222-08-035	DECOD	04-05-122	232-12-31500K	REP-E	04-08-065
220-56-39000B	REP-E	04-13-056	222-08-040	AMD	04-05-122	232-12-31500L	NEW-E	04-08-065
220-56-39000C	NEW-E	04-13-056	222-08-050	NEW	04-05-122	232-12-31500L	REP-E	04-08-065
220-56-410	AMD-P	04-13-005	222-08-060	NEW	04-05-122	232-12-619	AMD	04-07-009
220-56-41000A	NEW-E	04-05-057	222-08-070	NEW	04-05-122	232-12-619	AMD-X	04-11-119
220-56-41000A	REP-E	04-13-056	222-08-080	NEW	04-05-122	232-12-619	AMD-P	04-13-094
220-56-41000B	NEW-E	04-13-056	222-08-090	NEW	04-05-122	232-12-61900V	NEW-E	04-10-034
220-69-210	AMD-P	04-13-193	222-08-100	NEW	04-05-122	232-12-828	AMD-P	04-05-106
220-69-215	AMD-P	04-13-193	222-08-120	NEW	04-05-122	232-12-828	AMD	04-11-036
220-69-220	AMD-P	04-13-193	222-08-130	NEW	04-05-122	232-16-270	REP-P	04-13-168
220-69-23402	AMD-P	04-13-193	222-08-140	RECOD	04-05-122	232-16-610	NEW-P	04-13-168
220-69-236	AMD-P	04-13-193	222-08-150	RECOD	04-05-122	232-16-740	AMD-P	04-13-168
220-69-240	AMD-P	04-13-033	222-08-160	RECOD	04-05-122	232-28-248	AMD-P	04-05-115
220-69-240	AMD-P	04-13-193	222-12-090	AMD	04-05-087	232-28-248	AMD	04-11-036
220-69-241	AMD	04-05-028	222-16-010	AMD	04-05-087	232-28-271	AMD	04-03-026
220-69-241	AMD-P	04-13-193	230-02-030	AMD-X	04-12-038	232-28-272	AMD-P	04-05-109
220-69-242	AMD-P	04-13-193	230-02-035	AMD-X	04-12-038	232-28-272	AMD	04-11-036
220-69-243	AMD-P	04-13-193	230-02-205	AMD-P	04-15-049	232-28-272	AMD-P	04-13-165
220-69-250	AMD-P	04-13-193	230-04-124	AMD-W	04-05-059	232-28-273	AMD-P	04-05-111
220-69-254	AMD-P	04-13-193	230-04-192	REP-P	04-05-078	232-28-273	AMD	04-11-036
220-69-260	AMD-P	04-13-193	230-04-192	REP	04-09-028	232-28-282	AMD-P	04-05-111
220-69-262	REP-P	04-13-193	230-04-196	REP-P	04-05-078	232-28-282	AMD	04-11-036
220-69-264	AMD-P	04-13-193	230-04-196	REP	04-09-028	232-28-285	NEW-P	04-13-170
220-69-26401	AMD-P	04-13-193	230-12-045	AMD-P	04-07-103	232-28-333	AMD-P	04-05-113
220-69-270	AMD-P	04-13-193	230-12-045	AMD	04-11-091	232-28-335	AMD-P	04-05-114
220-69-274	AMD-P	04-13-193	230-12-330	AMD-P	04-11-090	232-28-335	AMD	04-11-036
220-69-280	AMD-P	04-13-193	230-12-340	AMD-P	04-11-090	232-28-337	AMD-P	04-05-116
220-69-300	AMD-P	04-13-193	230-20-059	AMD	04-07-102	232-28-337	AMD	04-11-036
220-72-01000B	NEW-E	04-08-037	230-30-033	AMD-P	04-09-088	232-28-341	AMD-P	04-05-112
220-72-011	AMD-P	04-05-069	230-30-033	AMD	04-15-047	232-28-341	AMD	04-11-036
220-72-089	AMD-P	04-05-069	230-30-072	AMD-P	04-02-045	232-28-341	AMD-P	04-13-169
220-72-08900C	NEW-E	04-08-037	230-30-072	AMD-W	04-15-108	232-28-351	AMD-P	04-05-107
220-72-090	AMD-P	04-05-069	230-40-070	PREP	04-04-061	232-28-351	AMD	04-11-036
220-72-09000C	NEW-E	04-08-037	230-40-070	AMD-P	04-07-147	232-28-352	AMD-P	04-05-108
220-88B-030	AMD	04-05-027	230-40-070	AMD-P	04-09-087	232-28-352	AMD	04-11-036
220-88B-040	AMD	04-05-027	230-40-070	AMD	04-11-092	232-28-427	REP-P	04-13-171
220-88C-030	AMD-P	04-07-186	230-40-120	AMD-C	04-04-036	232-28-428	NEW-P	04-13-171
220-88C-030	AMD	04-10-035	230-40-120	AMD	04-06-005	232-28-515	AMD-P	04-13-166
220-88C-03000	NEW-E	04-10-041	230-40-120	AMD-W	04-07-051	232-28-619	AMD	04-07-009
220-88C-040	AMD-P	04-07-186	230-40-120	AMD-P	04-15-048	232-28-619	AMD-X	04-11-069
220-88C-040	AMD	04-10-035	230-40-625	AMD-P	04-11-089	232-28-619	AMD-X	04-11-119
220-88C-04000	NEW-E	04-10-041	230-40-823	AMD	04-06-058	232-28-619	AMD-P	04-13-094

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 28-61900A	NEW-E	04-09-103	232- 28-61900Q	NEW-E	04-13-064	236- 51-310	NEW	04-07-104
232- 28-61900A	REP-E	04-09-103	232- 28-61900Q	REP-E	04-13-164	236- 51-320	NEW	04-07-104
232- 28-61900A	REP-E	04-11-003	232- 28-61900R	NEW-E	04-08-005	236- 51-400	NEW	04-07-104
232- 28-61900A	NEW-E	04-15-022	232- 28-61900R	REP-E	04-08-005	236- 51-405	NEW	04-07-104
232- 28-61900B	NEW-E	04-10-005	232- 28-61900R	REP-E	04-08-013	236- 51-410	NEW	04-07-104
232- 28-61900B	REP-E	04-10-005	232- 28-61900R	NEW-E	04-13-069	236- 51-500	NEW	04-07-104
232- 28-61900B	REP-E	04-10-036	232- 28-61900S	NEW-E	04-08-013	236- 51-502	NEW	04-07-104
232- 28-61900B	NEW-E	04-15-044	232- 28-61900S	NEW-E	04-13-164	236- 51-505	NEW	04-07-104
232- 28-61900B	REP-E	04-15-044	232- 28-61900S	REP-E	04-14-008	236- 51-510	NEW	04-07-104
232- 28-61900C	NEW-E	04-10-034	232- 28-61900T	NEW-E	04-08-049	236- 51-515	NEW	04-07-104
232- 28-61900C	REP-E	04-13-069	232- 28-61900T	REP-E	04-08-049	236- 51-600	NEW	04-07-104
232- 28-61900C	NEW-E	04-15-146	232- 28-61900T	NEW-E	04-14-008	236- 51-605	NEW	04-07-104
232- 28-61900C	REP-E	04-15-146	232- 28-61900T	REP-E	04-14-091	236- 51-610	NEW	04-07-104
232- 28-61900D	NEW-E	04-10-036	232- 28-61900U	NEW-E	04-09-047	236- 51-615	NEW	04-07-104
232- 28-61900D	REP-E	04-10-036	232- 28-61900U	REP-E	04-14-059	236- 51-620	NEW	04-07-104
232- 28-61900D	REP-E	04-11-002	232- 28-61900V	NEW-E	04-09-019	236- 51-700	NEW	04-07-104
232- 28-61900E	NEW-E	04-10-063	232- 28-61900V	REP-E	04-09-019	236- 51-710	NEW	04-07-104
232- 28-61900E	REP-E	04-12-060	232- 28-61900V	NEW-E	04-14-049	236- 51-715	NEW	04-07-104
232- 28-61900F	REP-E	04-07-004	232- 28-61900W	NEW-E	04-09-023	236- 51-720	NEW	04-07-104
232- 28-61900F	NEW-E	04-11-002	232- 28-61900W	REP-E	04-09-023	236- 51-725	NEW	04-07-104
232- 28-61900F	REP-E	04-11-073	232- 28-61900W	REP-E	04-09-103	236- 51-730	NEW	04-07-104
232- 28-61900G	NEW-E	04-03-047	232- 28-61900W	NEW-E	04-14-057	236- 51-735	NEW	04-07-104
232- 28-61900G	REP-E	04-03-047	232- 28-61900X	NEW-E	04-09-022	236- 51-740	NEW	04-07-104
232- 28-61900G	REP-E	04-04-028	232- 28-61900X	REP-E	04-09-022	236- 51-745	NEW	04-07-104
232- 28-61900G	NEW-E	04-11-003	232- 28-61900X	NEW-E	04-14-059	246- 01	PREP	04-06-043
232- 28-61900G	REP-E	04-11-003	232- 28-61900X	REP-E	04-15-022	246- 08	PREP	04-06-043
232- 28-61900H	NEW-E	04-04-028	232- 28-61900Y	NEW-E	04-09-048	246- 50-001	AMD-W	04-02-066
232- 28-61900H	REP-E	04-04-028	232- 28-61900Y	REP-E	04-11-072	246- 50-005	NEW-W	04-02-066
232- 28-61900H	REP-E	04-05-032	232- 28-61900Z	NEW-E	04-09-049	246- 50-010	AMD-W	04-02-066
232- 28-61900H	NEW-E	04-11-021	232- 28-61900Z	REP-E	04-09-049	246- 50-020	AMD-W	04-02-066
232- 28-61900H	REP-E	04-11-021	232- 28-61900Z	REP-E	04-10-005	246- 50-030	AMD-W	04-02-066
232- 28-61900I	NEW-E	04-04-060	232- 28-61900Z	NEW-E	04-14-091	246- 50-035	NEW-W	04-02-066
232- 28-61900I	NEW-E	04-11-050	232- 28-620	AMD-X	04-11-079	246- 50-040	REP-W	04-02-066
232- 28-61900I	REP-E	04-11-050	232- 28-62000P	NEW-E	04-10-034	246- 50-990	AMD-W	04-02-066
232- 28-61900J	NEW-E	04-05-015	232- 28-62000P	REP-E	04-13-142	246-100-166	PREP	04-15-148
232- 28-61900J	REP-E	04-05-015	232- 28-62000Q	NEW-E	04-13-142	246-101-015	PREP	04-12-119
232- 28-61900J	NEW-E	04-11-076	232- 28-62000Q	REP-E	04-15-110	246-101-101	PREP	04-12-119
232- 28-61900J	REP-E	04-11-076	232- 28-62000R	NEW-E	04-15-110	246-101-201	PREP	04-12-119
232- 28-61900K	NEW-E	04-05-033	232- 28-621	AMD-X	04-11-079	246-101-301	PREP	04-12-119
232- 28-61900K	REP-E	04-05-033	232- 28-62100N	NEW-E	04-10-034	246-217-010	PREP-W	04-06-020
232- 28-61900K	REP-E	04-07-026	232- 28-62100N	REP-E	04-13-068	246-217-010	AMD-P	04-09-056
232- 28-61900K	NEW-E	04-12-013	232- 28-62100P	NEW-E	04-13-068	246-217-010	AMD-C	04-11-097
232- 28-61900K	REP-E	04-12-013	236- 12-290	AMD-P	04-05-101	246-217-015	PREP-W	04-06-020
232- 28-61900L	NEW-E	04-05-048	236- 12-470	PREP	04-10-112	246-232-020	AMD	04-04-055
232- 28-61900L	REP-E	04-05-048	236- 51-001	NEW	04-07-104	246-232-040	AMD	04-04-055
232- 28-61900L	NEW-E	04-12-033	236- 51-005	NEW	04-07-104	246-232-050	AMD	04-04-055
232- 28-61900L	REP-E	04-12-033	236- 51-006	NEW	04-07-104	246-232-060	AMD	04-04-055
232- 28-61900M	NEW-E	04-07-007	236- 51-010	NEW	04-07-104	246-233-001	AMD	04-04-055
232- 28-61900M	REP-E	04-07-007	236- 51-100	NEW	04-07-104	246-233-005	NEW	04-04-055
232- 28-61900M	NEW-E	04-12-060	236- 51-110	NEW	04-07-104	246-233-015	NEW	04-04-055
232- 28-61900M	REP-E	04-14-049	236- 51-115	NEW	04-07-104	246-233-020	AMD	04-04-055
232- 28-61900N	NEW-E	04-07-004	236- 51-120	NEW	04-07-104	246-233-025	NEW	04-04-055
232- 28-61900N	REP-E	04-07-004	236- 51-200	NEW	04-07-104	246-233-030	NEW	04-04-055
232- 28-61900N	NEW-E	04-13-035	236- 51-205	NEW	04-07-104	246-233-035	NEW	04-04-055
232- 28-61900N	REP-E	04-13-035	236- 51-210	NEW	04-07-104	246-233-040	NEW	04-04-055
232- 28-61900P	NEW-E	04-07-026	236- 51-215	NEW	04-07-104	246-235-093	AMD	04-04-055
232- 28-61900P	REP-E	04-07-026	236- 51-220	NEW	04-07-104	246-235-095	AMD	04-04-055
232- 28-61900P	REP-E	04-09-049	236- 51-225	NEW	04-07-104	246-235-097	AMD	04-04-055
232- 28-61900P	NEW-E	04-13-054	236- 51-300	NEW	04-07-104	246-239-080	AMD	04-04-055
232- 28-61900P	REP-E	04-13-054	236- 51-302	NEW	04-07-104	246-247-010	AMD-P	04-07-180
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246-247-080	AMD-P	04-07-180	246-260-221	NEW-P	04-08-099	246-325-990	AMD-P	04-13-161
246-247-085	AMD-P	04-07-180	246-260-230	REP-P	04-08-099	246-326-990	AMD-P	04-13-161
246-247-110	AMD-W	04-02-067	246-260-240	REP-P	04-08-099	246-329-990	AMD-P	04-13-161
246-247-110	AMD-P	04-07-180	246-260-250	REP-P	04-08-099	246-335-990	PREP	04-09-054
246-247-120	AMD-W	04-02-067	246-260-260	REP-P	04-08-099	246-335-990	AMD-P	04-13-160
246-247-120	AMD-P	04-07-180	246-260-999	NEW-P	04-08-099	246-360-001	AMD-P	04-12-117
246-247-130	AMD-W	04-02-067	246-260-99901	NEW-P	04-08-099	246-360-010	AMD-P	04-12-117
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246-254-053	AMD	04-12-125	246-282-990	AMD-P	04-11-098	246-360-035	NEW-P	04-12-117
246-254-070	AMD-P	04-07-175	246-282-990	AMD	04-15-154	246-360-040	AMD-P	04-12-117
246-254-070	AMD	04-12-124	246-290	PREP	04-06-044	246-360-050	AMD-P	04-12-117
246-254-080	AMD-P	04-07-175	246-290-010	AMD	04-04-056	246-360-070	AMD-P	04-12-117
246-254-080	AMD	04-12-124	246-290-025	AMD	04-04-056	246-360-080	AMD-P	04-12-117
246-254-090	AMD	04-04-055	246-290-130	AMD	04-04-056	246-360-090	AMD-P	04-12-117
246-254-090	AMD-P	04-07-175	246-290-300	AMD	04-04-056	246-360-100	AMD-P	04-12-117
246-254-090	AMD	04-12-124	246-290-310	AMD	04-04-056	246-360-110	AMD-P	04-12-117
246-254-100	AMD-P	04-07-175	246-290-320	AMD	04-04-056	246-360-120	AMD-P	04-12-117
246-254-100	AMD	04-12-124	246-290-480	AMD	04-04-056	246-360-130	AMD-P	04-12-117
246-254-120	AMD-P	04-07-175	246-290-601	AMD	04-04-056	246-360-140	AMD-P	04-12-117
246-254-120	AMD	04-12-124	246-290-630	AMD	04-04-056	246-360-150	AMD-P	04-12-117
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246-260-010	AMD-P	04-08-099	246-290-666	AMD	04-04-056	246-360-200	AMD-P	04-12-117
246-260-020	REP-P	04-08-099	246-290-72010	AMD	04-04-056	246-360-220	NEW-P	04-12-117
246-260-021	NEW-P	04-08-099	246-290-72012	AMD	04-04-056	246-360-230	NEW-P	04-12-117
246-260-030	REP-P	04-08-099	246-290-990	AMD-P	04-06-046	246-360-500	AMD-P	04-12-117
246-260-031	NEW-P	04-08-099	246-290-990	AMD-C	04-10-013	246-360-990	AMD-P	04-13-161
246-260-040	REP-P	04-08-099	246-290-990	AMD	04-12-123	246-802-060	PREP	04-15-149
246-260-041	NEW-P	04-08-099	246-292	PREP	04-13-051	246-808-190	PREP	04-02-064
246-260-050	REP-P	04-08-099	246-292-160	AMD-P	04-06-046	246-808-535	PREP	04-02-064
246-260-051	NEW-P	04-08-099	246-292-160	AMD-C	04-10-013	246-809-610	AMD	04-06-010
246-260-060	REP-P	04-08-099	246-292-160	AMD	04-12-123	246-809-620	AMD	04-06-010
246-260-061	NEW-P	04-08-099	246-294	PREP	04-15-147	246-809-630	AMD	04-06-010
246-260-070	REP-P	04-08-099	246-294-001	AMD	04-06-047	246-809-700	NEW	04-06-011
246-260-071	NEW-P	04-08-099	246-294-010	AMD	04-06-047	246-809-710	NEW	04-06-011
246-260-080	REP-P	04-08-099	246-294-020	AMD	04-06-047	246-809-720	NEW	04-06-011
246-260-081	NEW-P	04-08-099	246-294-030	AMD	04-06-047	246-812	PREP	04-12-120
246-260-090	REP-P	04-08-099	246-294-040	AMD	04-06-047	246-815-020	AMD-P	04-12-122
246-260-091	NEW-P	04-08-099	246-294-050	AMD	04-06-047	246-815-050	AMD-P	04-12-122
246-260-100	REP-P	04-08-099	246-294-060	AMD	04-06-047	246-815-100	AMD-P	04-12-122
246-260-101	NEW-P	04-08-099	246-294-070	AMD	04-06-047	246-815-110	AMD-P	04-12-122
246-260-110	REP-P	04-08-099	246-294-080	AMD	04-06-047	246-815-115	AMD-P	04-12-122
246-260-111	NEW-P	04-08-099	246-294-090	AMD	04-06-047	246-817-135	PREP	04-08-096
246-260-120	REP-P	04-08-099	246-310-010	AMD-X	04-10-014	246-817-180	PREP	04-15-151
246-260-121	NEW-P	04-08-099	246-310-010	PREP	04-15-150	246-817-440	PREP	04-08-095
246-260-130	REP-P	04-08-099	246-310-132	REP-P	04-11-099	246-817-560	PREP	04-09-055
246-260-131	NEW-P	04-08-099	246-310-210	PREP	04-15-150	246-828-030	REP	04-02-068
246-260-140	REP-P	04-08-099	246-310-220	PREP	04-15-150	246-828-045	AMD	04-02-068
246-260-141	NEW-P	04-08-099	246-310-230	PREP	04-15-150	246-828-055	REP	04-02-068
246-260-150	REP-P	04-08-099	246-310-240	PREP	04-15-150	246-828-061	REP	04-02-068
246-260-151	NEW-P	04-08-099	246-310-261	AMD-P	04-11-099	246-828-070	REP	04-02-068
246-260-160	REP-P	04-08-099	246-310-262	AMD-P	04-11-099	246-828-075	AMD	04-02-068
246-260-170	REP-P	04-08-099	246-310-263	NEW-P	04-11-099	246-828-090	AMD	04-02-068
246-260-171	NEW-P	04-08-099	246-310-280	PREP	04-15-150	246-828-095	AMD	04-02-068
246-260-181	NEW-P	04-08-099	246-310-990	AMD-P	04-11-099	246-828-100	AMD	04-02-068
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246-828-350	AMD	04-02-068	246-851-600	NEW	04-05-004	246-919-320	AMD	04-04-067
246-828-500	AMD	04-02-068	246-851-610	NEW-P	04-06-045	246-919-330	AMD-W	04-04-078
246-828-500	PREP	04-13-050	246-851-610	NEW	04-12-127	246-919-360	AMD	04-04-067
246-828-510	PREP	04-13-050	246-873-090	PREP-W	04-07-010	246-919-480	PREP	04-03-106
246-828-530	PREP	04-13-050	246-887-160	AMD-X	04-03-105	246-924-510	NEW-P	04-08-098
246-828-550	AMD	04-02-068	246-887-160	AMD	04-13-162	246-924-515	NEW-P	04-08-098
246-828-550	PREP	04-13-050	246-888-010	AMD-P	04-08-097	246-930-010	PREP-W	04-10-012
246-828-990	AMD	04-02-068	246-888-020	AMD-P	04-08-097	246-930-010	PREP	04-13-158
246-834-990	AMD-P	04-15-152	246-888-030	AMD-P	04-08-097	246-930-030	PREP-W	04-10-012
246-840-010	AMD-E	04-05-043	246-888-040	RECOD-P	04-08-097	246-930-040	PREP-W	04-10-012
246-840-010	AMD-P	04-09-057	246-888-040	REP-P	04-08-097	246-930-040	PREP	04-13-159
246-840-010	AMD	04-13-053	246-888-050	DECOD-P	04-08-097	246-930-050	PREP-W	04-10-012
246-840-700	AMD-E	04-06-009	246-888-050	RECOD-P	04-08-097	246-930-050	PREP	04-13-159
246-840-700	AMD-P	04-10-078	246-888-060	DECOD-P	04-08-097	246-930-060	PREP	04-13-158
246-840-700	AMD	04-14-065	246-888-060	RECOD-P	04-08-097	246-930-075	PREP-W	04-10-012
246-840-840	AMD-E	04-05-043	246-888-070	AMD-P	04-08-097	246-930-075	PREP	04-13-159
246-840-840	AMD-P	04-09-057	246-888-070	DECOD-P	04-08-097	246-930-200	PREP-W	04-10-012
246-840-840	AMD	04-13-053	246-888-070	RECOD-P	04-08-097	246-930-310	PREP-W	04-10-012
246-840-850	AMD-E	04-05-043	246-888-080	DECOD-P	04-08-097	246-930-320	PREP-W	04-10-012
246-840-850	AMD-P	04-09-057	246-888-080	RECOD-P	04-08-097	246-930-320	PREP	04-13-158
246-840-850	AMD	04-13-053	246-888-090	DECOD-P	04-08-097	246-930-330	PREP-W	04-10-012
246-840-860	AMD-E	04-05-043	246-888-090	RECOD-P	04-08-097	246-930-330	PREP	04-13-159
246-840-860	AMD-P	04-09-057	246-888-100	DECOD-P	04-08-097	246-930-410	PREP-W	04-10-012
246-840-860	AMD	04-13-053	246-888-100	RECOD-P	04-08-097	246-976-161	AMD	04-08-103
246-840-870	AMD-E	04-05-043	246-888-110	DECOD-P	04-08-097	246-976-171	AMD	04-08-103
246-840-870	AMD-P	04-09-057	246-915-010	AMD-P	04-08-046	246-976-930	AMD	04-08-103
246-840-870	AMD	04-13-053	246-915-010	AMD	04-13-052	246-976-935	AMD-P	04-07-179
246-840-880	AMD-E	04-05-043	246-915-040	PREP	04-07-195	246-976-935	AMD	04-12-126
246-840-880	AMD-P	04-09-057	246-915-050	PREP	04-07-178	250-20-041	AMD-P	04-03-108
246-840-880	AMD	04-13-053	246-915-078	AMD-P	04-08-046	250-20-041	AMD	04-08-060
246-840-890	AMD-E	04-05-043	246-915-078	AMD	04-13-052	250-65	PREP	04-08-059
246-840-890	AMD-P	04-09-057	246-915-085	AMD-P	04-03-104	251-01-160	AMD-P	04-11-115
246-840-890	AMD	04-13-053	246-915-085	AMD	04-08-101	251-01-160	AMD	04-15-020
246-840-900	REP-E	04-05-043	246-915-100	PREP	04-07-173	251-01-201	AMD-P	04-11-115
246-840-900	AMD-P	04-09-057	246-915-105	PREP	04-07-174	251-01-201	AMD	04-15-020
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246-840-905	NEW	04-13-053	246-915-140	AMD	04-13-052	251-01-310	AMD-P	04-11-115
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246-840-910	AMD-P	04-10-078	246-915-160	AMD	04-13-052	251-01-382	AMD-P	04-11-115
246-840-910	AMD	04-14-065	246-915-180	PREP	04-07-177	251-01-382	AMD	04-15-020
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246-840-930	AMD-P	04-10-078	246-915-182	NEW	04-08-102	251-04-030	AMD	04-15-020
246-840-930	AMD	04-14-065	246-915-210	AMD-P	04-03-107	251-04-050	REP-P	04-11-115
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246-840-940	AMD-P	04-10-078	246-915-220	AMD-P	04-03-107	251-04-060	AMD-P	04-11-115
246-840-940	AMD	04-14-065	246-915-220	AMD	04-08-100	251-04-060	AMD	04-15-020
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246-841-405	AMD	04-14-064	246-915-240	AMD	04-08-100	251-04-160	AMD	04-15-020
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251-08-005	AMD	04-15-020	251-30-060	REP-P	04-07-188	260-49-090	NEW-E	04-11-056
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251-08-031	AMD	04-15-020	257-01-060	NEW-P	04-15-131	260-70-545	NEW	04-05-094
251-08-070	AMD-P	04-11-115	257-02-020	NEW-P	04-15-131	260-70-630	AMD	04-05-095
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251-08-112	AMD	04-15-020	257-02-080	NEW-P	04-15-131	260-88-010	AMD	04-05-096
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251-08-160	AMD	04-15-020	257-02-120	NEW-P	04-15-131	263-12-020	AMD-P	04-11-117
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251-09-090	AMD-P	04-11-115	257-02-180	NEW-P	04-15-131	263-12-117	AMD-P	04-11-117
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251-19-070	AMD	04-15-020	260-08-650	AMD	04-05-089	284-03-015	NEW	04-15-157
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251-22-240	AMD	04-15-020	260-24-510	AMD-P	04-07-144	284-03-030	AMD	04-15-157
251-23-010	AMD-P	04-11-115	260-24-510	AMD-E	04-09-053	284-03-035	NEW-P	04-11-107
251-23-010	AMD	04-15-020	260-24-510	AMD-W	04-10-006	284-03-035	NEW	04-15-157
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251-24-010	AMD	04-15-020	260-24-510	AMD-E	04-15-038	284-03-040	AMD	04-15-157
251-30-010	AMD-P	04-07-188	260-24-650	AMD-P	04-04-045	284-03-045	NEW-P	04-11-107
251-30-010	DECOD-P	04-07-188	260-24-650	AMD	04-07-074	284-03-045	NEW	04-15-157
251-30-010	RECOD-P	04-07-188	260-28-140	REP	04-05-092	284-03-050	AMD-P	04-11-107
251-30-010	AMD	04-11-045	260-32-200	PREP	04-10-007	284-03-050	AMD	04-15-157
251-30-010	DECOD	04-11-045	260-36-030	AMD-P	04-11-071	284-03-055	NEW-P	04-11-107
251-30-010	RECOD	04-11-045	260-36-030	AMD	04-15-039	284-03-055	NEW	04-15-157
251-30-020	AMD-P	04-07-188	260-36-120	AMD-P	04-04-046	284-03-060	AMD-P	04-11-107
251-30-020	DECOD-P	04-07-188	260-36-120	AMD	04-07-075	284-03-060	AMD	04-15-157
251-30-020	RECOD-P	04-07-188	260-40-100	AMD-P	04-05-088	284-03-065	NEW-P	04-11-107
251-30-020	AMD	04-11-045	260-40-100	AMD	04-09-026	284-03-065	NEW	04-15-157
251-30-020	DECOD	04-11-045	260-40-160	AMD-P	04-04-047	284-03-070	AMD-P	04-11-107
251-30-020	RECOD	04-11-045	260-40-160	AMD	04-07-076	284-03-070	AMD	04-15-157
251-30-030	AMD-P	04-07-188	260-48	PREP	04-10-048	284-03-075	NEW-P	04-11-107
251-30-030	DECOD-P	04-07-188	260-48-620	AMD-P	04-04-048	284-03-075	NEW	04-15-157
251-30-030	RECOD-P	04-07-188	260-48-620	AMD	04-07-077	284-03-080	REP-P	04-11-107
251-30-030	AMD	04-11-045	260-48-700	AMD-E	04-11-056	284-03-080	REP	04-15-157
251-30-030	DECOD	04-11-045	260-48-890	AMD-P	04-04-048	284-03-090	REP-P	04-11-107
251-30-030	RECOD	04-11-045	260-48-890	AMD	04-07-077	284-03-090	REP	04-15-157
251-30-032	NEW-P	04-07-188	260-48-900	AMD-P	04-04-048	284-03-100	AMD-P	04-11-107
251-30-032	NEW	04-11-045	260-48-900	AMD	04-07-077	284-03-100	AMD	04-15-157
251-30-034	NEW-P	04-07-188	260-48-910	AMD-P	04-04-048	284-03-105	NEW-P	04-11-107
251-30-034	NEW	04-11-045	260-48-910	AMD	04-07-077	284-03-105	NEW	04-15-157
251-30-040	REP-P	04-07-188	260-49-010	NEW-E	04-11-056	284-03-110	REP-P	04-11-107
251-30-040	REP	04-11-045	260-49-020	NEW-E	04-11-056	284-03-110	REP	04-15-157
251-30-050	REP-P	04-07-188	260-49-030	NEW-E	04-11-056	284-03-120	REP-P	04-11-107
251-30-050	REP	04-11-045	260-49-040	NEW-E	04-11-056	284-03-120	REP	04-15-157

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284-03-130	REP-P	04-11-107	296-14-4122	NEW-P	04-14-082	296-20-02705	AMD-P	04-03-082
284-03-130	REP	04-15-157	296-14-4123	NEW-P	04-14-082	296-20-02705	AMD	04-08-040
284-03-140	REP-P	04-11-107	296-14-4124	NEW-P	04-14-082	296-20-03011	AMD-P	04-03-082
284-03-140	REP	04-15-157	296-14-4125	NEW-P	04-14-082	296-20-03011	AMD	04-08-040
284-03-990	REP-P	04-11-107	296-14-4126	NEW-P	04-14-082	296-20-03012	AMD-P	04-03-082
284-03-990	REP	04-15-157	296-14-4127	NEW-P	04-14-082	296-20-03012	AMD	04-08-040
284-03-99001	REP-P	04-11-107	296-14-4128	NEW-P	04-14-082	296-20-06101	AMD-E	04-13-063
284-03-99001	REP	04-15-157	296-14-4129	NEW-P	04-14-082	296-20-06101	PREP	04-13-131
284-17-200	PREP	04-15-155	296-16	PREP	04-15-103	296-20-135	AMD-P	04-05-075
284-17-210	PREP	04-15-155	296-17	PREP	04-04-098	296-20-135	AMD	04-09-100
284-17-220	PREP	04-15-155	296-17	PREP	04-04-100	296-20-200	AMD	04-04-029
284-17-230	PREP	04-15-155	296-17	PREP	04-09-098	296-20-2010	NEW	04-04-029
284-17-235	PREP	04-15-155	296-17	PREP	04-13-130	296-20-2015	NEW	04-04-029
284-17-240	PREP	04-15-155	296-17-31002	AMD-P	04-13-128	296-20-2020	NEW-W	04-10-072
284-17-250	PREP	04-15-155	296-17-31004	AMD-P	04-14-081	296-20-2025	NEW	04-04-029
284-17-260	PREP	04-15-155	296-17-310041	NEW-P	04-14-081	296-20-2030	NEW	04-04-029
284-17-270	PREP	04-15-155	296-17-310042	NEW-P	04-14-081	296-20-210	REP	04-04-029
284-17-275	PREP	04-15-155	296-17-310043	NEW-P	04-14-081	296-23-220	AMD-P	04-05-075
284-17-280	PREP	04-15-155	296-17-310044	NEW-P	04-14-081	296-23-220	AMD	04-09-100
284-17-290	PREP	04-15-155	296-17-310045	NEW-P	04-14-081	296-23-230	AMD-P	04-05-075
284-17-300	PREP	04-15-155	296-17-310046	NEW-P	04-14-081	296-23-230	AMD	04-09-100
284-17-320	PREP	04-15-155	296-17-310047	NEW-P	04-14-081	296-23-240	AMD-E	04-13-063
284-17B-005	NEW-P	04-15-156	296-17-31009	AMD-P	04-13-128	296-23-240	PREP	04-13-131
284-17B-010	NEW-P	04-15-156	296-17-31013	AMD-P	04-07-122	296-23-241	NEW-E	04-13-063
284-17B-015	NEW-P	04-15-156	296-17-31013	AMD	04-13-017	296-23-241	PREP	04-13-131
284-17B-020	NEW-P	04-15-156	296-17-31013	AMD-P	04-13-128	296-23-255	REP	04-04-029
284-17B-025	NEW-P	04-15-156	296-17-31013	AMD-P	04-14-081	296-23-260	REP	04-04-029
284-17B-030	NEW-P	04-15-156	296-17-31014	AMD-P	04-13-128	296-23-265	REP	04-04-029
284-17B-035	NEW-P	04-15-156	296-17-31024	AMD-P	04-13-128	296-23-26501	REP	04-04-029
284-17B-040	NEW-P	04-15-156	296-17-31025	AMD-P	04-13-128	296-23-26502	REP	04-04-029
284-17B-045	NEW-P	04-15-156	296-17-31030	NEW-P	04-14-081	296-23-26503	REP	04-04-029
284-17B-050	NEW-P	04-15-156	296-17-31031	NEW-P	04-14-081	296-23-26504	REP	04-04-029
284-17B-055	NEW-P	04-15-156	296-17-31032	NEW-P	04-14-081	296-23-26505	REP	04-04-029
284-17B-060	NEW-P	04-15-156	296-17-31033	NEW-P	04-14-081	296-23-26506	REP	04-04-029
284-17B-065	NEW-P	04-15-156	296-17-517	AMD-P	04-14-081	296-23-267	REP	04-04-029
284-17B-070	NEW-P	04-15-156	296-17-52002	AMD-P	04-14-081	296-23-270	REP	04-04-029
284-17B-075	NEW-P	04-15-156	296-17-52102	AMD-P	04-14-081	296-23-302	NEW	04-04-029
284-17B-080	NEW-P	04-15-156	296-17-52150	AMD-P	04-14-081	296-23-307	NEW	04-04-029
284-24A	PREP	04-11-108	296-17-527	AMD-P	04-13-128	296-23-312	NEW	04-04-029
284-74-400	NEW	04-04-070	296-17-644	AMD-W	04-06-060	296-23-317	NEW	04-04-029
284-74-410	NEW	04-04-070	296-17-64999	AMD-P	04-13-128	296-23-322	NEW	04-04-029
284-74-420	NEW	04-04-070	296-17-67701	NEW-P	04-07-122	296-23-327	NEW	04-04-029
284-74-430	NEW	04-04-070	296-17-67701	NEW	04-13-017	296-23-332	NEW	04-04-029
284-74-440	NEW	04-04-070	296-17-72202	AMD-P	04-13-128	296-23-337	NEW	04-04-029
284-74-450	NEW	04-04-070	296-17-870	AMD-P	04-07-121	296-23-342	NEW	04-04-029
284-74-460	NEW	04-04-070	296-17-870	AMD	04-10-045	296-23-347	NEW	04-04-029
287-01-030	AMD	04-03-114	296-17-895	AMD-P	04-07-122	296-23-352	NEW	04-04-029
287-02-030	AMD	04-03-114	296-17-895	AMD	04-13-017	296-23-357	NEW	04-04-029
287-02-130	AMD	04-03-114	296-19A-210	AMD-S	04-03-035	296-23-362	NEW	04-04-029
288-02-010	NEW-X	04-14-019	296-19A-210	AMD	04-08-045	296-23-367	NEW	04-04-029
288-02-020	NEW-X	04-14-019	296-19A-480	AMD-S	04-03-035	296-23-372	NEW	04-04-029
288-02-030	NEW-X	04-14-019	296-19A-480	AMD	04-08-045	296-23-377	NEW	04-04-029
292-10-040	AMD-X	04-12-005	296-20-01002	AMD-P	04-03-082	296-23-381	NEW	04-04-029
292-110-060	AMD-P	04-12-077	296-20-01002	AMD	04-08-040	296-23-382	NEW	04-04-029
296-05	PREP	04-15-134	296-20-01002	AMD-E	04-13-063	296-23-387	NEW	04-04-029
296-05-007	AMD-P	04-04-014	296-20-01002	PREP	04-13-131	296-23-392	NEW	04-04-029
296-05-007	AMD	04-10-032	296-20-01501	AMD-E	04-13-063	296-24	PREP	04-05-074
296-05-008	NEW-P	04-04-014	296-20-01501	PREP	04-13-131	296-24	PREP	04-06-078
296-05-008	NEW	04-10-032	296-20-01502	NEW-E	04-13-063	296-24	PREP	04-07-154
296-14-400	AMD-E	04-13-063	296-20-01502	PREP	04-13-131	296-24	PREP	04-07-157
296-14-400	PREP	04-13-131	296-20-02704	AMD-P	04-03-082	296-24	PREP	04-08-090
296-14-4121	NEW-P	04-14-082	296-20-02704	AMD	04-08-040	296-24	PREP	04-11-062

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296-24-012	AMD	04-07-161	296-24-16515	REP	04-14-028	296-24-19505	REP	04-14-028
296-24-110	REP-P	04-03-102	296-24-16517	REP-P	04-03-085	296-24-19507	REP-P	04-03-085
296-24-110	REP	04-15-105	296-24-16517	REP	04-14-028	296-24-19507	REP	04-14-028
296-24-11001	REP-P	04-03-102	296-24-16519	REP-P	04-03-085	296-24-19509	REP-P	04-03-085
296-24-11001	REP	04-15-105	296-24-16519	REP	04-14-028	296-24-19509	REP	04-14-028
296-24-11003	REP-P	04-03-102	296-24-16521	REP-P	04-03-085	296-24-19511	REP-P	04-03-085
296-24-11003	REP	04-15-105	296-24-16521	REP	04-14-028	296-24-19511	REP	04-14-028
296-24-11005	REP-P	04-03-102	296-24-16523	REP-P	04-03-085	296-24-19513	REP-P	04-03-085
296-24-11005	REP	04-15-105	296-24-16523	REP	04-14-028	296-24-19513	REP	04-14-028
296-24-11007	REP-P	04-03-102	296-24-16525	REP-P	04-03-085	296-24-19514	REP-P	04-03-085
296-24-11007	REP	04-15-105	296-24-16525	REP	04-14-028	296-24-19514	REP	04-14-028
296-24-11009	REP-P	04-03-102	296-24-16527	REP-P	04-03-085	296-24-19517	REP-P	04-03-085
296-24-11009	REP	04-15-105	296-24-16527	REP	04-14-028	296-24-19517	REP	04-14-028
296-24-11011	REP-P	04-03-102	296-24-16529	REP-P	04-03-085	296-24-197	REP-P	04-03-085
296-24-11011	REP	04-15-105	296-24-16529	REP	04-14-028	296-24-197	REP	04-14-028
296-24-11013	REP-P	04-03-102	296-24-16531	REP-P	04-03-085	296-24-200	REP-P	04-03-085
296-24-11013	REP	04-15-105	296-24-16531	REP	04-14-028	296-24-200	REP	04-14-028
296-24-11015	REP-P	04-03-102	296-24-16533	REP-P	04-03-085	296-24-20001	REP-P	04-03-085
296-24-11015	REP	04-15-105	296-24-16533	REP	04-14-028	296-24-20001	REP	04-14-028
296-24-11017	REP-P	04-03-102	296-24-16535	REP-P	04-03-085	296-24-20003	REP-P	04-03-085
296-24-11017	REP	04-15-105	296-24-16535	REP	04-14-028	296-24-20003	REP	04-14-028
296-24-119	REP-P	04-03-102	296-24-16537	REP-P	04-03-085	296-24-20005	REP-P	04-03-085
296-24-119	REP	04-15-105	296-24-16537	REP	04-14-028	296-24-20005	REP	04-14-028
296-24-120	REP	04-07-161	296-24-16539	REP-P	04-03-085	296-24-20007	REP-P	04-03-085
296-24-135	REP-X	04-12-069	296-24-16539	REP	04-14-028	296-24-20007	REP	04-14-028
296-24-13501	REP-X	04-12-069	296-24-180	REP-P	04-03-085	296-24-20009	REP-P	04-03-085
296-24-140	REP-X	04-12-069	296-24-180	REP	04-14-028	296-24-20009	REP	04-14-028
296-24-14001	REP-X	04-12-069	296-24-18001	REP-P	04-03-085	296-24-20011	REP-P	04-03-085
296-24-14003	REP-X	04-12-069	296-24-18001	REP	04-14-028	296-24-20011	REP	04-14-028
296-24-14005	REP-X	04-12-069	296-24-18003	REP-P	04-03-085	296-24-20013	REP-P	04-03-085
296-24-14007	REP-X	04-12-069	296-24-18003	REP	04-14-028	296-24-20013	REP	04-14-028
296-24-14009	REP-X	04-12-069	296-24-18005	REP-P	04-03-085	296-24-20015	REP-P	04-03-085
296-24-14011	REP-X	04-12-069	296-24-18005	REP	04-14-028	296-24-20015	REP	04-14-028
296-24-150	REP-P	04-03-085	296-24-18007	REP-P	04-03-085	296-24-20017	REP-P	04-03-085
296-24-150	REP	04-14-028	296-24-18007	REP	04-14-028	296-24-20017	REP	04-14-028
296-24-15001	REP-P	04-03-085	296-24-18009	REP-P	04-03-085	296-24-20019	REP-P	04-03-085
296-24-15001	REP	04-14-028	296-24-18009	REP	04-14-028	296-24-20019	REP	04-14-028
296-24-15003	REP-P	04-03-085	296-24-190	REP-P	04-03-085	296-24-20021	REP-P	04-03-085
296-24-15003	REP	04-14-028	296-24-190	REP	04-14-028	296-24-20021	REP	04-14-028
296-24-15005	REP-P	04-03-085	296-24-19001	REP-P	04-03-085	296-24-205	REP-P	04-03-085
296-24-15005	REP	04-14-028	296-24-19001	REP	04-14-028	296-24-205	REP	04-14-028
296-24-15007	REP-P	04-03-085	296-24-19003	REP-P	04-03-085	296-24-20501	REP-P	04-03-085
296-24-15007	REP	04-14-028	296-24-19003	REP	04-14-028	296-24-20501	REP	04-14-028
296-24-15009	REP-P	04-03-085	296-24-19005	REP-P	04-03-085	296-24-20503	REP-P	04-03-085
296-24-15009	REP	04-14-028	296-24-19005	REP	04-14-028	296-24-20503	REP	04-14-028
296-24-165	REP-P	04-03-085	296-24-19007	REP-P	04-03-085	296-24-20505	REP-P	04-03-085
296-24-165	REP	04-14-028	296-24-19007	REP	04-14-028	296-24-20505	REP	04-14-028
296-24-16501	REP-P	04-03-085	296-24-19009	REP-P	04-03-085	296-24-20507	REP-P	04-03-085
296-24-16501	REP	04-14-028	296-24-19009	REP	04-14-028	296-24-20507	REP	04-14-028
296-24-16503	REP-P	04-03-085	296-24-19011	REP-P	04-03-085	296-24-20509	REP-P	04-03-085
296-24-16503	REP	04-14-028	296-24-19011	REP	04-14-028	296-24-20509	REP	04-14-028
296-24-16505	REP-P	04-03-085	296-24-19013	REP-P	04-03-085	296-24-20511	REP-P	04-03-085
296-24-16505	REP	04-14-028	296-24-19013	REP	04-14-028	296-24-20511	REP	04-14-028
296-24-16507	REP-P	04-03-085	296-24-19015	REP-P	04-03-085	296-24-20513	REP-P	04-03-085
296-24-16507	REP	04-14-028	296-24-19015	REP	04-14-028	296-24-20513	REP	04-14-028
296-24-16509	REP-P	04-03-085	296-24-195	REP-P	04-03-085	296-24-20515	REP-P	04-03-085
296-24-16509	REP	04-14-028	296-24-195	REP	04-14-028	296-24-20515	REP	04-14-028
296-24-16511	REP-P	04-03-085	296-24-19501	REP-P	04-03-085	296-24-20517	REP-P	04-03-085
296-24-16511	REP	04-14-028	296-24-19501	REP	04-14-028	296-24-20517	REP	04-14-028
296-24-16513	REP-P	04-03-085	296-24-19503	REP-P	04-03-085	296-24-20519	REP-P	04-03-085
296-24-16513	REP	04-14-028	296-24-19503	REP	04-14-028	296-24-20519	REP	04-14-028
296-24-16515	REP-P	04-03-085	296-24-19505	REP-P	04-03-085	296-24-20521	REP-P	04-03-085

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296-24-20521	REP	04-14-028	296-24-86005	REP-P	04-14-027	296-46B-911	AMD-P	04-08-088
296-24-20523	REP-P	04-03-085	296-24-86010	REP-P	04-14-027	296-46B-911	AMD	04-12-049
296-24-20523	REP	04-14-028	296-24-86015	REP-P	04-14-027	296-46B-915	AMD-P	04-08-088
296-24-20525	REP-P	04-03-085	296-24-86020	REP-P	04-14-027	296-46B-915	AMD	04-12-049
296-24-20525	REP	04-14-028	296-24-861	REP-P	04-14-027	296-46B-915	PREP	04-14-088
296-24-20527	REP-P	04-03-085	296-24-86105	REP-P	04-14-027	296-46B-920	AMD-P	04-08-088
296-24-20527	REP	04-14-028	296-24-86110	REP-P	04-14-027	296-46B-920	AMD	04-12-049
296-24-20529	REP-P	04-03-085	296-24-86115	REP-P	04-14-027	296-46B-925	AMD-P	04-08-088
296-24-20529	REP	04-14-028	296-24-86120	REP-P	04-14-027	296-46B-925	AMD	04-12-049
296-24-20531	REP-P	04-03-085	296-24-86125	REP-P	04-14-027	296-46B-925	PREP	04-14-088
296-24-20531	REP	04-14-028	296-24-86130	REP-P	04-14-027	296-46B-930	AMD-P	04-08-088
296-24-20533	REP-P	04-03-085	296-24-88020	AMD-P	04-03-085	296-46B-930	AMD	04-12-049
296-24-20533	REP	04-14-028	296-24-88020	AMD	04-14-028	296-46B-935	AMD-P	04-08-088
296-24-20699	REP-P	04-03-085	296-24-90003	AMD-P	04-03-085	296-46B-935	AMD	04-12-049
296-24-20699	REP	04-14-028	296-24-90003	AMD	04-14-028	296-46B-940	AMD-P	04-08-088
296-24-20700	REP-P	04-03-085	296-24-95603	AMD	04-07-161	296-46B-940	AMD	04-12-049
296-24-20700	REP	04-14-028	296-24-975	AMD-P	04-03-102	296-46B-945	AMD-P	04-08-088
296-24-20710	REP-P	04-03-085	296-24-975	AMD	04-15-105	296-46B-945	AMD	04-12-049
296-24-20710	REP	04-14-028	296-24-980	AMD-X	04-12-069	296-46B-950	AMD-P	04-08-088
296-24-20720	REP-P	04-03-085	296-30-081	PREP	04-04-099	296-46B-950	AMD	04-12-049
296-24-20720	REP	04-14-028	296-30-081	AMD-P	04-08-091	296-46B-970	AMD-P	04-08-088
296-24-20730	REP-P	04-03-085	296-30-081	AMD	04-14-069	296-46B-970	AMD	04-12-049
296-24-20730	REP	04-14-028	296-31-070	AMD-P	04-08-091	296-46B-970	PREP	04-14-088
296-24-21701	REP-P	04-12-071	296-31-070	AMD	04-14-069	296-46B-990	AMD-P	04-08-088
296-24-21703	REP-P	04-12-071	296-37-510	AMD-X	04-11-065	296-46B-990	AMD	04-12-049
296-24-21707	REP-P	04-12-071	296-37-515	AMD-X	04-11-065	296-46B-995	AMD-P	04-08-088
296-24-21709	REP-P	04-12-071	296-37-570	AMD-X	04-11-065	296-46B-995	AMD	04-12-049
296-24-21711	REP-P	04-12-071	296-37-575	AMD	04-10-026	296-46B-999	AMD-P	04-08-088
296-24-21713	REP-P	04-12-071	296-37-595	NEW-X	04-11-065	296-46B-999	AMD	04-12-049
296-24-230	REP-P	04-08-039	296-45-125	AMD	04-07-160	296-54-573	AMD-P	04-03-085
296-24-23001	REP-P	04-08-039	296-45-175	AMD-P	04-03-102	296-54-573	AMD	04-14-028
296-24-23003	REP-P	04-08-039	296-45-175	AMD	04-15-105	296-54-57310	AMD-P	04-03-102
296-24-23005	REP-P	04-08-039	296-46B-010	AMD-P	04-08-088	296-54-57310	AMD	04-15-105
296-24-23007	REP-P	04-08-039	296-46B-010	AMD	04-12-049	296-56	PREP	04-07-154
296-24-23009	REP-P	04-08-039	296-46B-020	AMD-P	04-08-088	296-56-60115	AMD-X	04-05-072
296-24-23011	REP-P	04-08-039	296-46B-020	AMD	04-12-049	296-56-60115	AMD	04-11-066
296-24-23013	REP-P	04-08-039	296-46B-030	AMD-P	04-08-088	296-56-60243	AMD-X	04-05-072
296-24-23015	REP-P	04-08-039	296-46B-030	AMD	04-12-049	296-56-60243	AMD	04-11-066
296-24-23017	REP-P	04-08-039	296-46B-110	AMD-P	04-08-088	296-59-130	AMD-P	04-03-085
296-24-23019	REP-P	04-08-039	296-46B-110	AMD	04-12-049	296-59-130	AMD	04-14-028
296-24-23021	REP-P	04-08-039	296-46B-210	AMD-P	04-08-088	296-62	PREP	04-05-073
296-24-23023	REP-P	04-08-039	296-46B-210	AMD	04-12-049	296-62	PREP	04-07-155
296-24-23025	REP-P	04-08-039	296-46B-250	AMD-P	04-08-088	296-62	PREP	04-07-156
296-24-23027	REP-P	04-08-039	296-46B-250	AMD	04-12-049	296-62	PREP	04-09-097
296-24-23029	REP-P	04-08-039	296-46B-300	AMD-P	04-08-088	296-62-052	REP	04-10-026
296-24-23031	REP-P	04-08-039	296-46B-300	AMD	04-12-049	296-62-05201	REP	04-10-026
296-24-23033	REP-P	04-08-039	296-46B-314	AMD-P	04-08-088	296-62-05203	REP	04-10-026
296-24-23035	REP-P	04-08-039	296-46B-314	AMD	04-12-049	296-62-05205	REP	04-10-026
296-24-23037	REP-P	04-08-039	296-46B-334	AMD-P	04-08-088	296-62-05207	REP	04-10-026
296-24-233	AMD-P	04-12-071	296-46B-334	AMD	04-12-049	296-62-05209	REP	04-10-026
296-24-260	REP	04-09-099	296-46B-410	AMD-P	04-08-088	296-62-05213	REP	04-10-026
296-24-33009	AMD-X	04-12-069	296-46B-410	AMD	04-12-049	296-62-05215	REP	04-10-026
296-24-37013	AMD-X	04-12-069	296-46B-430	AMD-P	04-08-088	296-62-05217	REP	04-10-026
296-24-47511	AMD-P	04-08-039	296-46B-430	AMD	04-12-049	296-62-05219	REP	04-10-026
296-24-56527	AMD	04-07-161	296-46B-900	AMD-P	04-08-088	296-62-05221	REP	04-10-026
296-24-61703	AMD	04-07-161	296-46B-900	AMD	04-12-049	296-62-05223	REP	04-10-026
296-24-63399	AMD	04-07-161	296-46B-900	PREP	04-14-088	296-62-05305	AMD-P	04-07-159
296-24-67509	PREP	04-07-155	296-46B-905	AMD-P	04-08-088	296-62-05305	AMD	04-14-026
296-24-69003	AMD-P	04-03-085	296-46B-905	AMD	04-12-049	296-62-071	REP-P	04-15-107
296-24-69003	AMD	04-14-028	296-46B-905	PREP	04-14-088	296-62-07101	REP-P	04-15-107
296-24-75011	AMD	04-07-161	296-46B-910	AMD-P	04-08-088	296-62-07102	REP-P	04-15-107
296-24-860	REP-P	04-14-027	296-46B-910	AMD	04-12-049	296-62-07103	REP-P	04-15-107

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-3030	REP-P	04-15-107	296-62-31425	REP-P	04-15-107	296-96-00900	NEW	04-12-047
296-62-30305	REP-P	04-15-107	296-62-31430	REP-P	04-15-107	296-96-00902	NEW-P	04-08-087
296-62-30310	REP-P	04-15-107	296-62-31435	REP-P	04-15-107	296-96-00902	NEW	04-12-047
296-62-30315	REP-P	04-15-107	296-62-31440	REP-P	04-15-107	296-96-00903	NEW-P	04-08-087
296-62-3040	REP-P	04-15-107	296-62-31445	REP-P	04-15-107	296-96-00903	NEW	04-12-047
296-62-30405	REP-P	04-15-107	296-62-31450	REP-P	04-15-107	296-96-00904	NEW-P	04-08-087
296-62-30410	REP-P	04-15-107	296-62-31455	REP-P	04-15-107	296-96-00904	NEW	04-12-047
296-62-30415	REP-P	04-15-107	296-62-31460	REP-P	04-15-107	296-96-00906	NEW-P	04-08-087
296-62-30420	REP-P	04-15-107	296-62-31465	REP-P	04-15-107	296-96-00906	NEW	04-12-047
296-62-30425	REP-P	04-15-107	296-62-31470	REP-P	04-15-107	296-96-00910	NEW-P	04-08-087
296-62-30430	REP-P	04-15-107	296-62-3152	REP-P	04-15-107	296-96-00910	NEW	04-12-047
296-62-30435	REP-P	04-15-107	296-62-3160	REP-P	04-15-107	296-96-00912	NEW-P	04-08-087
296-62-30440	REP-P	04-15-107	296-62-3170	REP-P	04-15-107	296-96-00912	NEW	04-12-047
296-62-30445	REP-P	04-15-107	296-62-3180	REP-P	04-15-107	296-96-00914	NEW-P	04-08-087
296-62-30450	REP-P	04-15-107	296-62-3190	REP-P	04-15-107	296-96-00914	NEW	04-12-047
296-62-30455	REP-P	04-15-107	296-62-3195	REP-P	04-15-107	296-96-00916	NEW-P	04-08-087
296-62-30460	REP-P	04-15-107	296-62-40019	AMD	04-10-026	296-96-00916	NEW	04-12-047
296-62-30465	REP-P	04-15-107	296-65	PREP	04-05-073	296-96-00918	NEW-P	04-08-087
296-62-3050	REP-P	04-15-107	296-78-540	AMD	04-07-160	296-96-00918	NEW	04-12-047
296-62-30505	REP-P	04-15-107	296-78-56511	AMD-P	04-03-085	296-96-00920	NEW-P	04-08-087
296-62-30510	REP-P	04-15-107	296-78-56511	AMD	04-14-028	296-96-00920	NEW	04-12-047
296-62-30515	REP-P	04-15-107	296-78-590	AMD-P	04-03-085	296-96-00922	NEW-P	04-08-087
296-62-30520	REP-P	04-15-107	296-78-590	AMD	04-14-028	296-96-00922	NEW	04-12-047
296-62-30525	REP-P	04-15-107	296-78-605	AMD-P	04-03-085	296-96-00924	NEW-P	04-08-087
296-62-30530	REP-P	04-15-107	296-78-605	AMD	04-14-028	296-96-00924	NEW	04-12-047
296-62-30535	REP-P	04-15-107	296-78-615	AMD-P	04-03-085	296-96-00926	NEW-P	04-08-087
296-62-3060	REP-P	04-15-107	296-78-615	AMD	04-14-028	296-96-00926	NEW	04-12-047
296-62-30605	REP-P	04-15-107	296-78-650	AMD-P	04-03-085	296-96-00930	NEW-P	04-08-087
296-62-30610	REP-P	04-15-107	296-78-650	AMD	04-14-028	296-96-00930	NEW	04-12-047
296-62-30615	REP-P	04-15-107	296-78-660	AMD-P	04-03-085	296-96-01000	AMD-P	04-08-087
296-62-3070	REP-P	04-15-107	296-78-660	AMD	04-14-028	296-96-01000	AMD	04-12-047
296-62-30705	REP-P	04-15-107	296-78-665	AMD-P	04-03-085	296-96-01005	AMD-P	04-08-087
296-62-30710	REP-P	04-15-107	296-78-665	AMD	04-14-028	296-96-01005	AMD	04-12-047
296-62-30715	REP-P	04-15-107	296-78-690	AMD-P	04-03-085	296-96-01006	NEW-P	04-08-087
296-62-3080	REP-P	04-15-107	296-78-690	AMD	04-14-028	296-96-01006	NEW	04-12-047
296-62-3090	REP-P	04-15-107	296-78-70503	AMD-P	04-03-085	296-96-01007	NEW-P	04-08-087
296-62-30905	REP-P	04-15-107	296-78-70503	AMD	04-14-028	296-96-01007	NEW	04-12-047
296-62-30910	REP-P	04-15-107	296-78-710	PREP	04-06-078	296-96-01009	NEW-P	04-08-087
296-62-30915	REP-P	04-15-107	296-78-71001	AMD-X	04-12-069	296-96-01009	NEW	04-12-047
296-62-30920	REP-P	04-15-107	296-78-71007	AMD-P	04-03-085	296-96-01010	AMD-P	04-08-087
296-62-30925	REP-P	04-15-107	296-78-71007	AMD	04-14-028	296-96-01010	AMD	04-12-047
296-62-30930	REP-P	04-15-107	296-78-71017	AMD-P	04-03-085	296-96-01027	AMD-P	04-08-087
296-62-30935	REP-P	04-15-107	296-78-71017	AMD	04-14-028	296-96-01027	AMD	04-12-047
296-62-30940	REP-P	04-15-107	296-78-71505	AMD-P	04-03-085	296-96-01035	AMD-P	04-08-087
296-62-3100	REP-P	04-15-107	296-78-71505	AMD	04-14-028	296-96-01035	AMD	04-12-047
296-62-31005	REP-P	04-15-107	296-79-030	AMD-P	04-03-085	296-96-01070	AMD-P	04-08-087
296-62-31110	REP-P	04-15-107	296-79-030	AMD	04-14-028	296-96-01070	AMD	04-12-047
296-62-3120	REP-P	04-15-107	296-79-220	AMD-P	04-03-102	296-96-01075	NEW-P	04-08-087
296-62-3130	REP-P	04-15-107	296-79-220	AMD	04-15-105	296-96-01075	NEW	04-12-047
296-62-31305	REP-P	04-15-107	296-96-00500	AMD-P	04-08-087	296-96-01080	REP-P	04-08-087
296-62-31310	REP-P	04-15-107	296-96-00500	AMD	04-12-047	296-96-01080	REP	04-12-047
296-62-31315	REP-P	04-15-107	296-96-00600	AMD-P	04-08-087	296-96-02230	NEW-P	04-08-087
296-62-31320	REP-P	04-15-107	296-96-00600	AMD	04-12-047	296-96-02230	NEW	04-12-047
296-62-31325	REP-P	04-15-107	296-96-00650	AMD-P	04-08-087	296-96-02232	NEW-P	04-08-087
296-62-31330	REP-P	04-15-107	296-96-00650	AMD	04-12-047	296-96-02232	NEW	04-12-047
296-62-31335	REP-P	04-15-107	296-96-00700	AMD-P	04-08-087	296-96-02235	NEW-P	04-08-087
296-62-3138	REP-P	04-15-107	296-96-00700	AMD	04-12-047	296-96-02235	NEW	04-12-047
296-62-3140	REP-P	04-15-107	296-96-00800	AMD-P	04-08-087	296-96-02240	AMD-P	04-08-087
296-62-31405	REP-P	04-15-107	296-96-00800	AMD	04-12-047	296-96-02240	AMD	04-12-047
296-62-31410	REP-P	04-15-107	296-96-00805	NEW-P	04-08-087	296-96-02275	AMD-P	04-08-087
296-62-31415	REP-P	04-15-107	296-96-00805	NEW	04-12-047	296-96-02275	AMD	04-12-047
296-62-31420	REP-P	04-15-107	296-96-00900	NEW-P	04-08-087	296-96-02276	NEW-P	04-08-087

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-02276	NEW	04-12-047	296-96-05070	AMD	04-12-047	296-96-08175	AMD	04-12-047
296-96-02277	AMD-P	04-08-087	296-96-05160	AMD-P	04-08-087	296-96-08180	AMD-P	04-08-087
296-96-02277	AMD	04-12-047	296-96-05160	AMD	04-12-047	296-96-08180	AMD	04-12-047
296-96-02278	AMD-P	04-08-087	296-96-05170	AMD-P	04-08-087	296-96-08190	AMD-P	04-08-087
296-96-02278	AMD	04-12-047	296-96-05170	AMD	04-12-047	296-96-08190	AMD	04-12-047
296-96-02280	AMD-P	04-08-087	296-96-05230	AMD-P	04-08-087	296-96-08200	AMD-P	04-08-087
296-96-02280	AMD	04-12-047	296-96-05230	AMD	04-12-047	296-96-08200	AMD	04-12-047
296-96-02281	AMD-P	04-08-087	296-96-05290	AMD-P	04-08-087	296-96-08215	NEW-P	04-08-087
296-96-02281	AMD	04-12-047	296-96-05290	AMD	04-12-047	296-96-08215	NEW	04-12-047
296-96-02282	NEW-P	04-08-087	296-96-07010	AMD-P	04-08-087	296-96-08220	AMD-P	04-08-087
296-96-02282	NEW	04-12-047	296-96-07010	AMD	04-12-047	296-96-08220	AMD	04-12-047
296-96-02283	NEW-P	04-08-087	296-96-07021	NEW-P	04-08-087	296-96-08230	AMD-P	04-08-087
296-96-02283	NEW	04-12-047	296-96-07021	NEW	04-12-047	296-96-08230	AMD	04-12-047
296-96-02285	NEW-P	04-08-087	296-96-07024	NEW-P	04-08-087	296-96-08250	AMD-P	04-08-087
296-96-02285	NEW	04-12-047	296-96-07024	NEW	04-12-047	296-96-08250	AMD	04-12-047
296-96-02290	NEW-P	04-08-087	296-96-07080	AMD-P	04-08-087	296-96-09002	AMD-P	04-08-087
296-96-02290	NEW	04-12-047	296-96-07080	AMD	04-12-047	296-96-09002	AMD	04-12-047
296-96-02310	AMD-P	04-08-087	296-96-07100	AMD-P	04-08-087	296-96-09003	NEW-P	04-08-087
296-96-02310	AMD	04-12-047	296-96-07100	AMD	04-12-047	296-96-09003	NEW	04-12-047
296-96-02315	AMD-P	04-08-087	296-96-07170	AMD-P	04-08-087	296-96-09004	NEW-P	04-08-087
296-96-02315	AMD	04-12-047	296-96-07170	AMD	04-12-047	296-96-09004	NEW	04-12-047
296-96-02317	NEW-P	04-08-087	296-96-07180	AMD-P	04-08-087	296-96-10002	NEW-P	04-08-087
296-96-02317	NEW	04-12-047	296-96-07180	AMD	04-12-047	296-96-10002	NEW	04-12-047
296-96-02318	NEW-P	04-08-087	296-96-07190	AMD-P	04-08-087	296-96-11000	REP-P	04-08-087
296-96-02318	NEW	04-12-047	296-96-07190	AMD	04-12-047	296-96-11000	REP	04-12-047
296-96-02320	AMD-P	04-08-087	296-96-07200	AMD-P	04-08-087	296-96-11001	AMD-P	04-08-087
296-96-02320	AMD	04-12-047	296-96-07200	AMD	04-12-047	296-96-11001	AMD	04-12-047
296-96-02325	AMD-P	04-08-087	296-96-07215	NEW-P	04-08-087	296-96-11016	AMD-P	04-08-087
296-96-02325	AMD	04-12-047	296-96-07215	NEW	04-12-047	296-96-11016	AMD	04-12-047
296-96-02330	AMD-P	04-08-087	296-96-07230	AMD-P	04-08-087	296-96-11019	AMD-P	04-08-087
296-96-02330	AMD	04-12-047	296-96-07230	AMD	04-12-047	296-96-11019	AMD	04-12-047
296-96-02340	AMD-P	04-08-087	296-96-07250	AMD-P	04-08-087	296-96-11022	AMD-P	04-08-087
296-96-02340	AMD	04-12-047	296-96-07250	AMD	04-12-047	296-96-11022	AMD	04-12-047
296-96-02350	AMD-P	04-08-087	296-96-08010	AMD-P	04-08-087	296-96-11045	AMD-P	04-08-087
296-96-02350	AMD	04-12-047	296-96-08010	AMD	04-12-047	296-96-11045	AMD	04-12-047
296-96-02355	AMD-P	04-11-063	296-96-08020	AMD-P	04-08-087	296-96-11057	AMD-P	04-08-087
296-96-02355	AMD	04-15-104	296-96-08020	AMD	04-12-047	296-96-11057	AMD	04-12-047
296-96-02360	AMD-P	04-08-087	296-96-08022	NEW-P	04-08-087	296-96-11078	AMD-P	04-08-087
296-96-02360	AMD	04-12-047	296-96-08022	NEW	04-12-047	296-96-11078	AMD	04-12-047
296-96-02361	NEW-P	04-08-087	296-96-08024	NEW-P	04-08-087	296-96-11080	NEW-P	04-08-087
296-96-02361	NEW	04-12-047	296-96-08024	NEW	04-12-047	296-96-11080	NEW	04-12-047
296-96-02362	NEW-P	04-08-087	296-96-08030	AMD-P	04-08-087	296-96-13135	NEW-P	04-08-087
296-96-02362	NEW	04-12-047	296-96-08030	AMD	04-12-047	296-96-13135	NEW	04-12-047
296-96-02363	NEW-P	04-08-087	296-96-08050	AMD-P	04-08-087	296-96-13139	NEW-P	04-08-087
296-96-02363	NEW	04-12-047	296-96-08050	AMD	04-12-047	296-96-13139	NEW	04-12-047
296-96-02364	NEW-P	04-08-087	296-96-08060	AMD-P	04-08-087	296-96-13143	NEW-P	04-08-087
296-96-02364	NEW	04-12-047	296-96-08060	AMD	04-12-047	296-96-13143	NEW	04-12-047
296-96-02365	REP-P	04-08-087	296-96-08090	AMD-P	04-08-087	296-96-13145	NEW-P	04-08-087
296-96-02365	REP	04-12-047	296-96-08090	AMD	04-12-047	296-96-13145	NEW	04-12-047
296-96-02366	NEW-P	04-08-087	296-96-08100	AMD-P	04-08-087	296-96-13147	NEW-P	04-08-087
296-96-02366	NEW	04-12-047	296-96-08100	AMD	04-12-047	296-96-13147	NEW	04-12-047
296-96-02367	NEW-P	04-08-087	296-96-08110	AMD-P	04-08-087	296-96-13149	NEW-P	04-08-087
296-96-02367	NEW	04-12-047	296-96-08110	AMD	04-12-047	296-96-13149	NEW	04-12-047
296-96-02370	NEW-P	04-08-087	296-96-08140	AMD-P	04-08-087	296-96-13151	NEW-P	04-08-087
296-96-02370	NEW	04-12-047	296-96-08140	AMD	04-12-047	296-96-13151	NEW	04-12-047
296-96-02371	NEW-P	04-08-087	296-96-08150	AMD-P	04-08-087	296-96-13153	NEW-P	04-08-087
296-96-02371	NEW	04-12-047	296-96-08150	AMD	04-12-047	296-96-13153	NEW	04-12-047
296-96-05010	AMD-P	04-08-087	296-96-08160	AMD-P	04-08-087	296-96-13155	NEW-P	04-08-087
296-96-05010	AMD	04-12-047	296-96-08160	AMD	04-12-047	296-96-13155	NEW	04-12-047
296-96-05030	AMD-P	04-08-087	296-96-08170	AMD-P	04-08-087	296-96-13157	NEW-P	04-08-087
296-96-05030	AMD	04-12-047	296-96-08170	AMD	04-12-047	296-96-13157	NEW	04-12-047
296-96-05070	AMD-P	04-08-087	296-96-08175	AMD-P	04-08-087	296-96-13159	NEW-P	04-08-087

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-13159	NEW	04-12-047	296-150P-3000	AMD-P	04-08-092	296-155-682	AMD	04-14-028
296-96-13161	NEW-P	04-08-087	296-150P-3000	AMD	04-12-048	296-200A-900	AMD-P	04-08-092
296-96-13161	NEW	04-12-047	296-150R	PREP	04-13-132	296-200A-900	AMD	04-12-048
296-96-13167	NEW-P	04-08-087	296-150R-3000	AMD-P	04-08-092	296-301-020	AMD-P	04-03-085
296-96-13167	NEW	04-12-047	296-150R-3000	AMD	04-12-048	296-301-020	PREP	04-06-078
296-96-13169	NEW-P	04-08-087	296-150T	PREP	04-13-132	296-301-020	AMD-X	04-12-069
296-96-13169	NEW	04-12-047	296-150T-3000	AMD-P	04-08-092	296-301-020	AMD	04-14-028
296-96-13171	NEW-P	04-08-087	296-150T-3000	AMD	04-12-048	296-301-170	AMD-P	04-03-085
296-96-13171	NEW	04-12-047	296-150V	PREP	04-13-132	296-301-170	AMD	04-14-028
296-96-14045	AMD-P	04-08-087	296-150V-3000	AMD-P	04-08-092	296-302-010	REP-P	04-03-085
296-96-14045	AMD	04-12-047	296-150V-3000	AMD	04-12-048	296-302-010	REP	04-14-028
296-96-14060	AMD-P	04-08-087	296-155	PREP	04-03-084	296-302-015	REP-P	04-03-085
296-96-14060	AMD	04-12-047	296-155	PREP	04-05-074	296-302-015	REP	04-14-028
296-96-14070	AMD-P	04-08-087	296-155	PREP	04-11-062	296-302-020	REP-P	04-03-085
296-96-14070	AMD	04-12-047	296-155-120	AMD	04-07-160	296-302-020	REP	04-14-028
296-96-14080	AMD-P	04-08-087	296-155-165	AMD-P	04-14-083	296-302-025	REP-P	04-03-085
296-96-14080	AMD	04-12-047	296-155-17331	AMD	04-10-026	296-302-025	REP	04-14-028
296-96-16040	AMD-P	04-08-087	296-155-174	AMD	04-10-026	296-302-02501	REP-P	04-03-085
296-96-16040	AMD	04-12-047	296-155-200	AMD-P	04-14-083	296-302-02501	REP	04-14-028
296-96-16150	AMD-P	04-08-087	296-155-300	REP-X	04-12-069	296-302-02503	REP-P	04-03-085
296-96-16150	AMD	04-12-047	296-155-300	AMD-P	04-14-083	296-302-02503	REP	04-14-028
296-96-23100	AMD-P	04-08-087	296-155-305	AMD-P	04-14-083	296-302-02505	REP-P	04-03-085
296-96-23100	AMD	04-12-047	296-155-310	AMD-P	04-14-083	296-302-02505	REP	04-14-028
296-96-23101	AMD-P	04-08-087	296-155-315	AMD-P	04-14-083	296-302-02507	REP-P	04-03-085
296-96-23101	AMD	04-12-047	296-155-429	AMD-P	04-03-102	296-302-02507	REP	04-14-028
296-96-23117	NEW-P	04-08-087	296-155-429	AMD	04-15-105	296-302-02509	REP-P	04-03-085
296-96-23117	NEW	04-12-047	296-155-481	REP-P	04-14-027	296-302-02509	REP	04-14-028
296-96-23118	NEW-P	04-08-087	296-155-482	REP-P	04-14-027	296-302-02511	REP-P	04-03-085
296-96-23118	NEW	04-12-047	296-155-483	REP-P	04-14-027	296-302-02511	REP	04-14-028
296-96-23119	NEW-P	04-08-087	296-155-484	REP-P	04-14-027	296-302-02513	REP-P	04-03-085
296-96-23119	NEW	04-12-047	296-155-485	REP-P	04-14-027	296-302-02513	REP	04-14-028
296-96-23151	AMD-P	04-08-087	296-155-487	AMD-P	04-03-085	296-302-02515	REP-P	04-03-085
296-96-23151	AMD	04-12-047	296-155-487	REP-P	04-14-027	296-302-02515	REP	04-14-028
296-96-23240	AMD-P	04-08-087	296-155-487	AMD	04-14-028	296-302-02517	REP-P	04-03-085
296-96-23240	AMD	04-12-047	296-155-488	AMD-P	04-03-085	296-302-02517	REP	04-14-028
296-96-23270	AMD-P	04-08-087	296-155-488	REP-P	04-14-027	296-302-02519	REP-P	04-03-085
296-96-23270	AMD	04-12-047	296-155-488	AMD	04-14-028	296-302-02519	REP	04-14-028
296-96-23287	AMD-P	04-08-087	296-155-489	REP-P	04-14-027	296-302-03001	REP-P	04-03-085
296-96-23287	AMD	04-12-047	296-155-490	REP-P	04-14-027	296-302-03001	REP	04-14-028
296-96-23303	NEW-P	04-11-063	296-155-493	REP-P	04-14-027	296-302-03003	REP-P	04-03-085
296-96-23303	NEW	04-15-104	296-155-494	REP-P	04-14-027	296-302-03003	REP	04-14-028
296-96-23610	AMD-P	04-08-087	296-155-496	REP-P	04-14-027	296-302-035	REP-P	04-03-085
296-96-23610	AMD	04-12-047	296-155-497	REP-P	04-14-027	296-302-035	REP	04-14-028
296-104	PREP	04-08-114	296-155-498	REP-P	04-14-027	296-302-040	REP-P	04-03-085
296-104-700	AMD-P	04-08-115	296-155-525	AMD-P	04-03-085	296-302-040	REP	04-14-028
296-104-700	AMD	04-13-044	296-155-525	AMD	04-14-028	296-302-045	REP-P	04-03-085
296-115-050	AMD-P	04-03-085	296-155-575	REP	04-09-099	296-302-045	REP	04-14-028
296-115-050	AMD	04-14-028	296-155-576	REP	04-09-099	296-302-050	REP-P	04-03-085
296-127	PREP	04-06-063	296-155-610	AMD-E	04-10-107	296-302-050	REP	04-14-028
296-127-011	AMD-X	04-03-083	296-155-610	AMD-P	04-14-083	296-302-05501	REP-P	04-03-085
296-127-011	AMD	04-10-083	296-155-615	AMD-P	04-14-083	296-302-05501	REP	04-14-028
296-127-01377	AMD-P	04-12-068	296-155-617	PREP	04-07-154	296-302-05503	REP-P	04-03-085
296-150C	PREP	04-13-132	296-155-617	REP-P	04-12-071	296-302-05503	REP	04-14-028
296-150C-3000	AMD-P	04-08-092	296-155-61701	REP-P	04-12-071	296-302-060	REP-P	04-03-085
296-150C-3000	AMD	04-12-048	296-155-61703	REP-P	04-12-071	296-302-060	REP	04-14-028
296-150F	PREP	04-13-132	296-155-61705	REP-P	04-12-071	296-302-065	REP-P	04-03-085
296-150F-3000	AMD-P	04-08-092	296-155-61707	REP-P	04-12-071	296-302-065	REP	04-14-028
296-150F-3000	AMD	04-12-048	296-155-61709	REP-P	04-12-071	296-302-06501	REP-P	04-03-085
296-150M	PREP	04-13-132	296-155-61711	REP-P	04-12-071	296-302-06501	REP	04-14-028
296-150M-3000	AMD-P	04-08-092	296-155-61713	REP-P	04-12-071	296-302-06503	REP-P	04-03-085
296-150M-3000	AMD	04-12-048	296-155-655	AMD-P	04-14-083	296-302-06503	REP	04-14-028
296-150P	PREP	04-13-132	296-155-682	AMD-P	04-03-085	296-302-06505	REP-P	04-03-085

**TABLE**

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-302-06505	REP	04-14-028	296-307-45410	REP-P	04-15-107	296-307-62615	NEW-P	04-15-107
296-302-06507	REP-P	04-03-085	296-307-45420	REP-P	04-15-107	296-307-62620	NEW-P	04-15-107
296-302-06507	REP	04-14-028	296-307-45430	REP-P	04-15-107	296-307-62625	NEW-P	04-15-107
296-302-06509	REP-P	04-03-085	296-307-45440	REP-P	04-15-107	296-307-628	NEW-P	04-15-107
296-302-06509	REP	04-14-028	296-307-45450	REP-P	04-15-107	296-307-630	NEW-P	04-15-107
296-302-06511	REP-P	04-03-085	296-307-45600	REP-P	04-15-107	296-307-632	NEW-P	04-15-107
296-302-06511	REP	04-14-028	296-307-45610	REP-P	04-15-107	296-307-63205	NEW-P	04-15-107
296-302-06513	REP-P	04-03-085	296-307-45620	REP-P	04-15-107	296-307-63210	NEW-P	04-15-107
296-302-06513	REP	04-14-028	296-307-45800	REP-P	04-15-107	296-307-63215	NEW-P	04-15-107
296-302-06515	REP-P	04-03-085	296-307-46000	REP-P	04-15-107	296-307-63220	NEW-P	04-15-107
296-302-06515	REP	04-14-028	296-307-50025	AMD-P	04-15-107	296-307-63225	NEW-P	04-15-107
296-302-06517	REP-P	04-03-085	296-307-50029	AMD-P	04-15-107	296-307-63230	NEW-P	04-15-107
296-302-06517	REP	04-14-028	296-307-550	AMD-P	04-15-107	296-307-63235	NEW-P	04-15-107
296-302-06519	REP-P	04-03-085	296-307-55015	AMD-P	04-15-107	296-307-63240	NEW-P	04-15-107
296-302-06519	REP	04-14-028	296-307-55030	AMD-P	04-15-107	296-307-634	NEW-P	04-15-107
296-302-06521	REP-P	04-03-085	296-307-55035	AMD-P	04-15-107	296-307-63405	NEW-P	04-15-107
296-302-06521	REP	04-14-028	296-307-55060	AMD-P	04-15-107	296-307-63410	NEW-P	04-15-107
296-302-06523	REP-P	04-03-085	296-307-560	AMD-P	04-15-107	296-307-63415	NEW-P	04-15-107
296-302-06523	REP	04-14-028	296-307-56025	AMD-P	04-15-107	296-307-636	NEW-P	04-15-107
296-302-06525	REP-P	04-03-085	296-307-56050	AMD-P	04-15-107	296-307-63605	NEW-P	04-15-107
296-302-06525	REP	04-14-028	296-307-594	NEW-P	04-15-107	296-307-63610	NEW-P	04-15-107
296-302-06527	REP-P	04-03-085	296-307-596	NEW-P	04-15-107	296-307-63615	NEW-P	04-15-107
296-302-06527	REP	04-14-028	296-307-59605	NEW-P	04-15-107	296-307-63620	NEW-P	04-15-107
296-302-06529	REP-P	04-03-085	296-307-598	NEW-P	04-15-107	296-307-63625	NEW-P	04-15-107
296-302-06529	REP	04-14-028	296-307-59805	NEW-P	04-15-107	296-307-63630	NEW-P	04-15-107
296-302-06531	REP-P	04-03-085	296-307-59810	NEW-P	04-15-107	296-307-63635	NEW-P	04-15-107
296-302-06531	REP	04-14-028	296-307-600	NEW-P	04-15-107	296-307-638	NEW-P	04-15-107
296-303-030	AMD-P	04-03-085	296-307-60005	NEW-P	04-15-107	296-307-63805	NEW-P	04-15-107
296-303-030	AMD	04-14-028	296-307-60010	NEW-P	04-15-107	296-307-63810	NEW-P	04-15-107
296-305-01515	AMD	04-07-160	296-307-602	NEW-P	04-15-107	296-307-63815	NEW-P	04-15-107
296-305-02501	AMD	04-10-026	296-307-60205	NEW-P	04-15-107	296-307-63820	NEW-P	04-15-107
296-305-04501	PREP	04-08-090	296-307-604	NEW-P	04-15-107	296-307-63825	NEW-P	04-15-107
296-305-04501	PREP	04-11-062	296-307-60405	NEW-P	04-15-107	296-307-640	NEW-P	04-15-107
296-305-06519	AMD-P	04-03-085	296-307-606	NEW-P	04-15-107	296-307-642	NEW-P	04-15-107
296-305-06519	AMD	04-14-028	296-307-60605	NEW-P	04-15-107	296-307-644	NEW-P	04-15-107
296-307	PREP	04-09-097	296-307-608	NEW-P	04-15-107	296-307-64402	NEW-P	04-15-107
296-307-018	AMD-P	04-15-107	296-307-60805	NEW-P	04-15-107	296-307-64404	NEW-P	04-15-107
296-307-039	AMD	04-07-160	296-307-610	NEW-P	04-15-107	296-307-64406	NEW-P	04-15-107
296-307-039	AMD-P	04-15-107	296-307-61005	NEW-P	04-15-107	296-307-646	NEW-P	04-15-107
296-307-03905	AMD	04-07-160	296-307-61010	NEW-P	04-15-107	296-307-64602	NEW-P	04-15-107
296-307-03910	REP	04-07-160	296-307-61015	NEW-P	04-15-107	296-307-64604	NEW-P	04-15-107
296-307-03915	REP	04-07-160	296-307-612	NEW-P	04-15-107	296-307-648	NEW-P	04-15-107
296-307-03920	AMD-P	04-15-107	296-307-61205	NEW-P	04-15-107	296-307-64802	NEW-P	04-15-107
296-307-03925	REP	04-07-160	296-307-61210	NEW-P	04-15-107	296-307-64804	NEW-P	04-15-107
296-307-061	AMD-P	04-15-107	296-307-614	NEW-P	04-15-107	296-307-650	NEW-P	04-15-107
296-307-07013	AMD-P	04-15-107	296-307-61405	NEW-P	04-15-107	296-307-65002	NEW-P	04-15-107
296-307-11015	AMD-P	04-15-107	296-307-616	NEW-P	04-15-107	296-307-65004	NEW-P	04-15-107
296-307-13045	AMD-P	04-15-107	296-307-61605	NEW-P	04-15-107	296-307-65006	NEW-P	04-15-107
296-307-14505	AMD-X	04-07-162	296-307-61610	NEW-P	04-15-107	296-307-65008	NEW-P	04-15-107
296-307-14505	AMD	04-13-129	296-307-61615	NEW-P	04-15-107	296-307-65010	NEW-P	04-15-107
296-307-14510	AMD-X	04-07-162	296-307-618	NEW-P	04-15-107	296-307-65012	NEW-P	04-15-107
296-307-14510	AMD	04-13-129	296-307-61805	NEW-P	04-15-107	296-307-65014	NEW-P	04-15-107
296-307-16340	AMD-P	04-15-107	296-307-620	NEW-P	04-15-107	296-307-65016	NEW-P	04-15-107
296-307-45010	AMD-P	04-15-107	296-307-62005	NEW-P	04-15-107	296-307-65018	NEW-P	04-15-107
296-307-45035	AMD-P	04-15-107	296-307-62010	NEW-P	04-15-107	296-307-65020	NEW-P	04-15-107
296-307-45045	AMD-P	04-15-107	296-307-62015	NEW-P	04-15-107	296-307-65022	NEW-P	04-15-107
296-307-452	REP-P	04-15-107	296-307-62020	NEW-P	04-15-107	296-307-65024	NEW-P	04-15-107
296-307-45210	REP-P	04-15-107	296-307-622	NEW-P	04-15-107	296-307-652	NEW-P	04-15-107
296-307-45220	REP-P	04-15-107	296-307-624	NEW-P	04-15-107	296-307-65202	NEW-P	04-15-107
296-307-45230	REP-P	04-15-107	296-307-626	NEW-P	04-15-107	296-307-65204	NEW-P	04-15-107
296-307-45240	REP-P	04-15-107	296-307-62605	NEW-P	04-15-107	296-307-654	NEW-P	04-15-107
296-307-45400	REP-P	04-15-107	296-307-62610	NEW-P	04-15-107	296-307-65402	NEW-P	04-15-107

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-65404	NEW-P	04-15-107	296-400A-023	NEW	04-12-046	296-802-40005	NEW	04-10-026
296-307-656	NEW-P	04-15-107	296-400A-026	AMD-P	04-08-089	296-802-40010	NEW	04-10-026
296-307-686	NEW-P	04-15-107	296-400A-026	AMD	04-12-046	296-802-40015	NEW	04-10-026
296-307-688	NEW-P	04-15-107	296-400A-028	NEW-P	04-08-089	296-802-500	NEW	04-10-026
296-307-68805	NEW-P	04-15-107	296-400A-028	NEW	04-12-046	296-802-50005	NEW	04-10-026
296-307-68810	NEW-P	04-15-107	296-400A-029	NEW-P	04-08-089	296-802-50010	NEW	04-10-026
296-307-690	NEW-P	04-15-107	296-400A-029	NEW	04-12-046	296-802-600	NEW	04-10-026
296-307-69005	NEW-P	04-15-107	296-400A-030	AMD-P	04-08-089	296-802-60005	NEW	04-10-026
296-307-69010	NEW-P	04-15-107	296-400A-030	AMD	04-12-046	296-802-900	NEW	04-10-026
296-307-69015	NEW-P	04-15-107	296-400A-031	AMD-P	04-08-089	296-803-100	NEW-P	04-03-102
296-307-692	NEW-P	04-15-107	296-400A-031	AMD	04-12-046	296-803-100	NEW	04-15-105
296-307-69205	NEW-P	04-15-107	296-400A-035	AMD-P	04-08-089	296-803-200	NEW-P	04-03-102
296-307-69210	NEW-P	04-15-107	296-400A-035	AMD	04-12-046	296-803-200	NEW	04-15-105
296-307-694	NEW-P	04-15-107	296-400A-045	AMD-P	04-08-089	296-803-20005	NEW-P	04-03-102
296-307-69405	NEW-P	04-15-107	296-400A-045	AMD	04-12-046	296-803-20005	NEW	04-15-105
296-307-69410	NEW-P	04-15-107	296-400A-120	AMD-P	04-08-089	296-803-300	NEW-P	04-03-102
296-307-69415	NEW-P	04-15-107	296-400A-120	AMD	04-12-046	296-803-300	NEW	04-15-105
296-307-69420	NEW-P	04-15-107	296-400A-121	AMD-P	04-08-089	296-803-30005	NEW-P	04-03-102
296-307-69425	NEW-P	04-15-107	296-400A-121	AMD	04-12-046	296-803-30005	NEW	04-15-105
296-307-69430	NEW-P	04-15-107	296-400A-122	AMD-P	04-08-089	296-803-400	NEW-P	04-03-102
296-307-69435	NEW-P	04-15-107	296-400A-122	AMD	04-12-046	296-803-400	NEW	04-15-105
296-307-69440	NEW-P	04-15-107	296-400A-130	AMD-P	04-08-089	296-803-40005	NEW-P	04-03-102
296-307-696	NEW-P	04-15-107	296-400A-130	AMD	04-12-046	296-803-40005	NEW	04-15-105
296-307-69605	NEW-P	04-15-107	296-400A-135	NEW-P	04-08-089	296-803-40010	NEW-P	04-03-102
296-307-69610	NEW-P	04-15-107	296-400A-135	NEW	04-12-046	296-803-40010	NEW	04-15-105
296-307-69615	NEW-P	04-15-107	296-400A-140	AMD-P	04-08-089	296-803-40015	NEW-P	04-03-102
296-307-69620	NEW-P	04-15-107	296-400A-140	AMD	04-12-046	296-803-40015	NEW	04-15-105
296-307-69625	NEW-P	04-15-107	296-400A-150	NEW-P	04-08-089	296-803-40020	NEW-P	04-03-102
296-307-69630	NEW-P	04-15-107	296-400A-150	NEW	04-12-046	296-803-40020	NEW	04-15-105
296-307-698	NEW-P	04-15-107	296-400A-155	NEW-P	04-08-089	296-803-500	NEW-P	04-03-102
296-307-69805	NEW-P	04-15-107	296-400A-155	NEW	04-12-046	296-803-500	NEW	04-15-105
296-307-69810	NEW-P	04-15-107	296-400A-300	AMD-P	04-08-089	296-803-50005	NEW-P	04-03-102
296-307-69815	NEW-P	04-15-107	296-400A-300	AMD	04-12-046	296-803-50005	NEW	04-15-105
296-307-69820	NEW-P	04-15-107	296-400A-400	AMD-P	04-08-089	296-803-50010	NEW-P	04-03-102
296-307-69825	NEW-P	04-15-107	296-400A-400	AMD	04-12-046	296-803-50010	NEW	04-15-105
296-307-69830	NEW-P	04-15-107	296-400A-425	AMD-P	04-08-089	296-803-50015	NEW-P	04-03-102
296-307-700	NEW-P	04-15-107	296-400A-425	AMD	04-12-046	296-803-50015	NEW	04-15-105
296-307-70005	NEW-P	04-15-107	296-800	PREP	04-07-157	296-803-50020	NEW-P	04-03-102
296-307-702	NEW-P	04-15-107	296-800-11045	PREP	04-06-078	296-803-50020	NEW	04-15-105
296-307-704	NEW-P	04-15-107	296-800-11045	AMD-X	04-12-069	296-803-50025	NEW-P	04-03-102
296-307-70410	NEW-P	04-15-107	296-800-150	AMD	04-07-160	296-803-50025	NEW	04-15-105
296-307-70415	NEW-P	04-15-107	296-800-15005	AMD	04-07-160	296-803-50030	NEW-P	04-03-102
296-307-70420	NEW-P	04-15-107	296-800-15010	REP	04-07-160	296-803-50030	NEW	04-15-105
296-307-70425	NEW-P	04-15-107	296-800-15015	REP	04-07-160	296-803-50035	NEW-P	04-03-102
296-307-70430	NEW-P	04-15-107	296-800-15025	REP	04-07-160	296-803-50035	NEW	04-15-105
296-307-70435	NEW-P	04-15-107	296-800-17005	AMD	04-10-026	296-803-50040	NEW-P	04-03-102
296-307-70440	NEW-P	04-15-107	296-800-180	AMD	04-10-026	296-803-50040	NEW	04-15-105
296-307-70445	NEW-P	04-15-107	296-800-310	AMD-W	04-11-058	296-803-50045	NEW-P	04-03-102
296-307-70450	NEW-P	04-15-107	296-800-31010	AMD-W	04-11-058	296-803-50045	NEW	04-15-105
296-307-70455	NEW-P	04-15-107	296-800-31020	AMD-W	04-11-058	296-803-50050	NEW-P	04-03-102
296-307-70460	NEW-P	04-15-107	296-800-31070	AMD-W	04-11-058	296-803-50050	NEW	04-15-105
296-307-70465	NEW-P	04-15-107	296-800-35052	PREP	04-06-078	296-803-50055	NEW-P	04-03-102
296-307-70470	NEW-P	04-15-107	296-800-35052	AMD-X	04-12-069	296-803-50055	NEW	04-15-105
296-307-70475	NEW-P	04-15-107	296-800-370	AMD-W	04-11-058	296-803-50060	NEW-P	04-03-102
296-307-70480	NEW-P	04-15-107	296-802-100	NEW	04-10-026	296-803-50060	NEW	04-15-105
296-400A-005	AMD-P	04-08-089	296-802-200	NEW	04-10-026	296-803-600	NEW-P	04-03-102
296-400A-005	AMD	04-12-046	296-802-20005	NEW	04-10-026	296-803-600	NEW	04-15-105
296-400A-020	AMD-P	04-08-089	296-802-20010	NEW	04-10-026	296-803-60005	NEW-P	04-03-102
296-400A-020	AMD	04-12-046	296-802-20015	NEW	04-10-026	296-803-60005	NEW	04-15-105
296-400A-021	AMD-P	04-08-089	296-802-300	NEW	04-10-026	296-803-60010	NEW-P	04-03-102
296-400A-021	AMD	04-12-046	296-802-30005	NEW	04-10-026	296-803-60010	NEW	04-15-105
296-400A-023	NEW-P	04-08-089	296-802-400	NEW	04-10-026	296-803-60015	NEW-P	04-03-102

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-806-48084	NEW-P	04-03-085	296-823-12010	AMD	04-12-070	296-841-100	AMD-X	04-11-064
296-806-48084	NEW	04-14-028	296-823-13005	AMD-X	04-07-158	296-841-20005	AMD-X	04-11-064
296-806-48086	NEW-P	04-03-085	296-823-13005	AMD	04-12-070	296-841-20010	AMD-X	04-11-064
296-806-48086	NEW	04-14-028	296-823-14005	AMD-X	04-07-158	296-841-20020	AMD-X	04-11-064
296-806-48088	NEW-P	04-03-085	296-823-14005	AMD	04-12-070	296-841-20025	NEW-X	04-11-064
296-806-48088	NEW	04-14-028	296-823-14015	AMD-X	04-07-158	296-841-300	AMD-X	04-11-064
296-806-485	NEW-P	04-03-085	296-823-14015	AMD	04-12-070	296-843-100	NEW	04-02-053
296-806-485	NEW	04-14-028	296-823-14025	AMD-X	04-07-158	296-843-110	NEW	04-02-053
296-806-48502	NEW-P	04-03-085	296-823-14025	AMD	04-12-070	296-843-11005	NEW	04-02-053
296-806-48502	NEW	04-14-028	296-823-14050	AMD-X	04-07-158	296-843-11010	NEW	04-02-053
296-806-500	NEW-P	04-03-085	296-823-14050	AMD	04-12-070	296-843-120	NEW	04-02-053
296-806-500	NEW	04-14-028	296-823-14060	AMD-X	04-07-158	296-843-12005	NEW	04-02-053
296-809-100	NEW	04-03-081	296-823-14060	AMD	04-12-070	296-843-130	NEW	04-02-053
296-809-200	NEW	04-03-081	296-823-14065	AMD-X	04-07-158	296-843-13005	NEW	04-02-053
296-809-20002	NEW	04-03-081	296-823-14065	AMD	04-12-070	296-843-13010	NEW	04-02-053
296-809-20004	NEW	04-03-081	296-823-15010	AMD-X	04-07-158	296-843-140	NEW	04-02-053
296-809-20006	NEW	04-03-081	296-823-15010	AMD	04-12-070	296-843-14005	NEW	04-02-053
296-809-300	NEW	04-03-081	296-823-15015	AMD-X	04-07-158	296-843-150	NEW	04-02-053
296-809-30002	NEW	04-03-081	296-823-15015	AMD	04-12-070	296-843-15005	NEW	04-02-053
296-809-30004	NEW	04-03-081	296-823-15020	AMD-X	04-07-158	296-843-15010	NEW	04-02-053
296-809-400	NEW	04-03-081	296-823-15020	AMD	04-12-070	296-843-15015	NEW	04-02-053
296-809-40002	NEW	04-03-081	296-823-160	AMD-X	04-07-158	296-843-160	NEW	04-02-053
296-809-40004	NEW	04-03-081	296-823-160	AMD	04-12-070	296-843-16005	NEW	04-02-053
296-809-500	NEW	04-03-081	296-823-16005	AMD-X	04-07-158	296-843-170	NEW	04-02-053
296-809-50002	NEW	04-03-081	296-823-16005	AMD	04-12-070	296-843-17005	NEW	04-02-053
296-809-50004	NEW	04-03-081	296-823-16010	AMD-X	04-07-158	296-843-180	NEW	04-02-053
296-809-50006	NEW	04-03-081	296-823-16010	AMD	04-12-070	296-843-18005	NEW	04-02-053
296-809-50008	NEW	04-03-081	296-823-16015	AMD-X	04-07-158	296-843-18010	NEW	04-02-053
296-809-50010	NEW	04-03-081	296-823-16015	AMD	04-12-070	296-843-18015	NEW	04-02-053
296-809-50012	NEW	04-03-081	296-823-16025	AMD-X	04-07-158	296-843-18020	NEW	04-02-053
296-809-50014	NEW	04-03-081	296-823-16025	AMD	04-12-070	296-843-190	NEW	04-02-053
296-809-50016	NEW	04-03-081	296-823-16030	AMD-X	04-07-158	296-843-19005	NEW	04-02-053
296-809-50018	NEW	04-03-081	296-823-16030	AMD	04-12-070	296-843-200	NEW	04-02-053
296-809-50020	NEW	04-03-081	296-823-17010	AMD-X	04-07-158	296-843-20005	NEW	04-02-053
296-809-50022	NEW	04-03-081	296-823-17010	AMD	04-12-070	296-843-20010	NEW	04-02-053
296-809-50024	NEW	04-03-081	296-823-180	AMD-X	04-07-158	296-843-20015	NEW	04-02-053
296-809-600	NEW	04-03-081	296-823-180	AMD	04-12-070	296-843-20020	NEW	04-02-053
296-809-60002	NEW	04-03-081	296-823-18015	AMD-X	04-07-158	296-843-20025	NEW	04-02-053
296-809-60004	NEW	04-03-081	296-823-18015	AMD	04-12-070	296-843-20030	NEW	04-02-053
296-809-700	NEW	04-03-081	296-823-18045	AMD-X	04-07-158	296-843-20035	NEW	04-02-053
296-809-70002	NEW	04-03-081	296-823-18045	AMD	04-12-070	296-843-210	NEW	04-02-053
296-809-70004	NEW	04-03-081	296-823-18050	AMD-X	04-07-158	296-843-21005	NEW	04-02-053
296-809-800	NEW	04-03-081	296-823-18050	AMD	04-12-070	296-843-220	NEW	04-02-053
296-816-100	NEW-P	04-07-159	296-823-18055	AMD-X	04-07-158	296-843-22005	NEW	04-02-053
296-816-100	NEW	04-14-026	296-823-18055	AMD	04-12-070	296-843-22010	NEW	04-02-053
296-816-200	NEW-P	04-07-159	296-823-200	AMD-X	04-07-158	296-843-300	NEW	04-02-053
296-816-200	NEW	04-14-026	296-823-200	AMD	04-12-070	296-849-100	NEW-P	04-15-106
296-816-20005	NEW-P	04-07-159	296-829-100	NEW	04-09-099	296-849-110	NEW-P	04-15-106
296-816-20005	NEW	04-14-026	296-829-200	NEW	04-09-099	296-849-11010	NEW-P	04-15-106
296-816-20010	NEW-P	04-07-159	296-829-20005	NEW	04-09-099	296-849-11020	NEW-P	04-15-106
296-816-20010	NEW	04-14-026	296-829-20010	NEW	04-09-099	296-849-11030	NEW-P	04-15-106
296-816-20015	NEW-P	04-07-159	296-829-300	NEW	04-09-099	296-849-11040	NEW-P	04-15-106
296-816-20015	NEW	04-14-026	296-829-30005	NEW	04-09-099	296-849-11050	NEW-P	04-15-106
296-816-20020	NEW-P	04-07-159	296-829-30010	NEW	04-09-099	296-849-11065	NEW-P	04-15-106
296-816-20020	NEW	04-14-026	296-829-400	NEW	04-09-099	296-849-11070	NEW-P	04-15-106
296-816-300	NEW-P	04-07-159	296-829-40005	NEW	04-09-099	296-849-11090	NEW-P	04-15-106
296-816-300	NEW	04-14-026	296-829-40010	NEW	04-09-099	296-849-120	NEW-P	04-15-106
296-823-100	AMD-X	04-07-158	296-829-40015	NEW	04-09-099	296-849-12010	NEW-P	04-15-106
296-823-100	AMD	04-12-070	296-829-40020	NEW	04-09-099	296-849-12030	NEW-P	04-15-106
296-823-11010	AMD-X	04-07-158	296-829-500	NEW	04-09-099	296-849-12050	NEW-P	04-15-106
296-823-11010	AMD	04-12-070	296-841	PREP	04-07-155	296-849-12080	NEW-P	04-15-106
296-823-12010	AMD-X	04-07-158	296-841	PREP	04-07-156	296-849-130	NEW-P	04-15-106

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296-849-13005	NEW-P	04-15-106	296-864-50020	NEW-P	04-12-071	296-874-30034	NEW-P	04-14-027
296-849-13020	NEW-P	04-15-106	296-864-600	NEW-P	04-12-071	296-874-30036	NEW-P	04-14-027
296-849-13045	NEW-P	04-15-106	296-864-60005	NEW-P	04-12-071	296-874-30038	NEW-P	04-14-027
296-849-190	NEW-P	04-15-106	296-864-60010	NEW-P	04-12-071	296-874-30040	NEW-P	04-14-027
296-863-10005	NEW-P	04-08-039	296-864-700	NEW-P	04-12-071	296-874-30042	NEW-P	04-14-027
296-863-200	NEW-P	04-08-039	296-874-100	NEW-P	04-14-027	296-874-30044	NEW-P	04-14-027
296-863-20005	NEW-P	04-08-039	296-874-200	NEW-P	04-14-027	296-874-30046	NEW-P	04-14-027
296-863-20010	NEW-P	04-08-039	296-874-20002	NEW-P	04-14-027	296-874-400	NEW-P	04-14-027
296-863-20015	NEW-P	04-08-039	296-874-20004	NEW-P	04-14-027	296-874-40002	NEW-P	04-14-027
296-863-20020	NEW-P	04-08-039	296-874-20006	NEW-P	04-14-027	296-874-40004	NEW-P	04-14-027
296-863-20025	NEW-P	04-08-039	296-874-20008	NEW-P	04-14-027	296-874-40006	NEW-P	04-14-027
296-863-20030	NEW-P	04-08-039	296-874-20010	NEW-P	04-14-027	296-874-40008	NEW-P	04-14-027
296-863-20035	NEW-P	04-08-039	296-874-20012	NEW-P	04-14-027	296-874-40010	NEW-P	04-14-027
296-863-20040	NEW-P	04-08-039	296-874-20014	NEW-P	04-14-027	296-874-40012	NEW-P	04-14-027
296-863-300	NEW-P	04-08-039	296-874-20016	NEW-P	04-14-027	296-874-40014	NEW-P	04-14-027
296-863-30005	NEW-P	04-08-039	296-874-20018	NEW-P	04-14-027	296-874-40016	NEW-P	04-14-027
296-863-30010	NEW-P	04-08-039	296-874-20020	NEW-P	04-14-027	296-874-40018	NEW-P	04-14-027
296-863-30015	NEW-P	04-08-039	296-874-20022	NEW-P	04-14-027	296-874-40020	NEW-P	04-14-027
296-863-30020	NEW-P	04-08-039	296-874-20024	NEW-P	04-14-027	296-874-40022	NEW-P	04-14-027
296-863-30025	NEW-P	04-08-039	296-874-20026	NEW-P	04-14-027	296-874-40024	NEW-P	04-14-027
296-863-30030	NEW-P	04-08-039	296-874-20028	NEW-P	04-14-027	296-874-40026	NEW-P	04-14-027
296-863-30035	NEW-P	04-08-039	296-874-20030	NEW-P	04-14-027	296-874-40028	NEW-P	04-14-027
296-863-30040	NEW-P	04-08-039	296-874-20032	NEW-P	04-14-027	296-874-40030	NEW-P	04-14-027
296-863-400	NEW-P	04-08-039	296-874-20034	NEW-P	04-14-027	296-874-40032	NEW-P	04-14-027
296-863-40005	NEW-P	04-08-039	296-874-20036	NEW-P	04-14-027	296-874-40034	NEW-P	04-14-027
296-863-40010	NEW-P	04-08-039	296-874-20038	NEW-P	04-14-027	296-874-40036	NEW-P	04-14-027
296-863-40015	NEW-P	04-08-039	296-874-20040	NEW-P	04-14-027	296-874-40038	NEW-P	04-14-027
296-863-40020	NEW-P	04-08-039	296-874-20042	NEW-P	04-14-027	296-874-40040	NEW-P	04-14-027
296-863-40025	NEW-P	04-08-039	296-874-20044	NEW-P	04-14-027	296-874-40042	NEW-P	04-14-027
296-863-40030	NEW-P	04-08-039	296-874-20046	NEW-P	04-14-027	296-874-500	NEW-P	04-14-027
296-863-40035	NEW-P	04-08-039	296-874-20048	NEW-P	04-14-027	308- 08	PREP	04-15-040
296-863-40040	NEW-P	04-08-039	296-874-20050	NEW-P	04-14-027	308- 11-030	AMD-P	04-14-075
296-863-40045	NEW-P	04-08-039	296-874-20052	NEW-P	04-14-027	308- 13-150	PREP	04-06-030
296-863-40050	NEW-P	04-08-039	296-874-20054	NEW-P	04-14-027	308- 13-150	AMD-P	04-13-143
296-863-40055	NEW-P	04-08-039	296-874-20056	NEW-P	04-14-027	308- 14-010	NEW-P	04-14-073
296-863-40060	NEW-P	04-08-039	296-874-20058	NEW-P	04-14-027	308- 14-085	AMD-P	04-14-073
296-863-40065	NEW-P	04-08-039	296-874-20060	NEW-P	04-14-027	308- 14-090	AMD-P	04-14-073
296-863-500	NEW-P	04-08-039	296-874-20062	NEW-P	04-14-027	308- 14-115	NEW-P	04-14-073
296-863-50005	NEW-P	04-08-039	296-874-20064	NEW-P	04-14-027	308- 14-130	AMD-P	04-14-073
296-863-600	NEW-P	04-08-039	296-874-20066	NEW-P	04-14-027	308- 14-135	AMD-P	04-14-073
296-863-60005	NEW-P	04-08-039	296-874-20068	NEW-P	04-14-027	308- 14-190	NEW-P	04-14-073
296-863-60010	NEW-P	04-08-039	296-874-20070	NEW-P	04-14-027	308- 14-200	AMD-P	04-14-074
296-863-60015	NEW-P	04-08-039	296-874-20072	NEW-P	04-14-027	308- 15	PREP	04-04-050
296-863-700	NEW-P	04-08-039	296-874-20074	NEW-P	04-14-027	308- 17-150	AMD-P	04-07-032
296-864-100	NEW-P	04-12-071	296-874-20076	NEW-P	04-14-027	308- 17-150	AMD	04-12-024
296-864-200	NEW-P	04-12-071	296-874-300	NEW-P	04-14-027	308- 18-150	AMD-P	04-07-031
296-864-20005	NEW-P	04-12-071	296-874-30002	NEW-P	04-14-027	308- 18-150	AMD	04-12-023
296-864-20010	NEW-P	04-12-071	296-874-30004	NEW-P	04-14-027	308- 20-010	AMD	04-05-005
296-864-20015	NEW-P	04-12-071	296-874-30006	NEW-P	04-14-027	308- 20-040	AMD	04-05-005
296-864-300	NEW-P	04-12-071	296-874-30008	NEW-P	04-14-027	308- 20-055	NEW	04-05-005
296-864-30005	NEW-P	04-12-071	296-874-30010	NEW-P	04-14-027	308- 20-090	AMD	04-05-005
296-864-30010	NEW-P	04-12-071	296-874-30012	NEW-P	04-14-027	308- 20-101	NEW	04-05-005
296-864-30015	NEW-P	04-12-071	296-874-30014	NEW-P	04-14-027	308- 20-110	AMD	04-05-005
296-864-400	NEW-P	04-12-071	296-874-30016	NEW-P	04-14-027	308- 20-550	AMD	04-05-005
296-864-40005	NEW-P	04-12-071	296-874-30018	NEW-P	04-14-027	308- 20-555	NEW	04-05-005
296-864-40010	NEW-P	04-12-071	296-874-30020	NEW-P	04-14-027	308- 29-045	AMD-P	04-14-070
296-864-40015	NEW-P	04-12-071	296-874-30022	NEW-P	04-14-027	308- 56A	PREP	04-05-121
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308-66-140	AMD-P	04-12-079	308-96A-313	AMD	04-14-077	308-390-201	AMD-W	04-15-101
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308-66-180	AMD-P	04-12-079	308-96A-560	AMD	04-08-079	308-390-302	AMD	04-15-100
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356-46-090	AMD	04-15-018	357-01-100	NEW-P	04-13-179	357-04-045	NEW-P	04-12-088
356-46-100	AMD-P	04-11-114	357-01-105	NEW-P	04-13-179	357-04-045	NEW	04-15-016
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356-60-050	REP	04-11-045	357-01-280	NEW-P	04-13-179	357-10-005	NEW	04-07-052
356-60-055	AMD-P	04-07-188	357-01-285	NEW-P	04-13-179	357-10-010	NEW-P	04-04-109
356-60-055	AMD	04-11-045	357-01-290	NEW-P	04-13-179	357-10-010	NEW	04-07-052
356-60-057	AMD-P	04-07-188	357-01-295	NEW-P	04-13-179	357-10-020	NEW-P	04-04-109
356-60-057	AMD	04-11-045	357-01-300	NEW-P	04-13-179	357-10-020	NEW	04-07-052
356-60-060	REP-P	04-07-188	357-01-305	NEW-P	04-13-179	357-13-010	NEW-P	04-13-182
356-60-060	REP	04-11-045	357-01-310	NEW-P	04-13-179	357-13-015	NEW-P	04-13-182
357-01-005	NEW-P	04-13-179	357-01-315	NEW-P	04-13-179	357-13-020	NEW-P	04-13-182
357-01-010	NEW-P	04-13-179	357-01-320	NEW-P	04-13-179	357-13-025	NEW-P	04-13-182
357-01-015	NEW-P	04-13-179	357-01-325	NEW-P	04-13-179	357-13-030	NEW-P	04-13-182
357-01-020	NEW-P	04-13-179	357-01-330	NEW-P	04-13-179	357-13-035	NEW-P	04-13-182
357-01-025	NEW-P	04-13-179	357-01-335	NEW-P	04-13-179	357-13-040	NEW-P	04-13-182
357-01-030	NEW-P	04-13-179	357-01-340	NEW-P	04-13-179	357-13-045	NEW-P	04-13-182
357-01-035	NEW-P	04-13-179	357-01-345	NEW-P	04-13-179	357-13-050	NEW-P	04-13-182
357-01-040	NEW-P	04-13-179	357-01-350	NEW-P	04-13-179	357-13-055	NEW-P	04-13-182
357-01-045	NEW-P	04-13-179	357-01-355	NEW-P	04-13-179	357-13-060	NEW-P	04-13-182
357-01-050	NEW-P	04-13-179	357-04-005	NEW-P	04-13-180	357-13-065	NEW-P	04-13-182
357-01-055	NEW-P	04-13-179	357-04-010	NEW-P	04-13-180	357-13-070	NEW-P	04-13-182
357-01-060	NEW-P	04-13-179	357-04-015	NEW-P	04-13-180	357-13-075	NEW-P	04-13-182
357-01-065	NEW-P	04-13-179	357-04-020	NEW-P	04-13-180	357-13-080	NEW-P	04-13-182
357-01-070	NEW-P	04-13-179	357-04-025	NEW-P	04-13-180	357-13-085	NEW-P	04-13-182
357-01-075	NEW-P	04-13-179	357-04-030	NEW-P	04-13-180	357-13-090	NEW-P	04-13-182
357-01-080	NEW-P	04-13-179	357-04-035	NEW-P	04-12-088	357-16-005	NEW-P	04-13-183
357-01-085	NEW-P	04-13-179	357-04-035	NEW	04-15-016	357-16-010	NEW-P	04-13-183

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357-28-220	NEW-P	04-13-029	357-40-040	NEW-P	04-13-190	357-46-175	NEW-P	04-13-030
357-28-225	NEW-P	04-13-029	357-40-045	NEW-P	04-13-190	357-46-180	NEW-P	04-13-030
357-28-230	NEW-P	04-13-029	357-40-050	NEW-P	04-13-190	357-46-185	NEW-P	04-13-030
357-28-235	NEW-P	04-13-029	357-40-055	NEW-P	04-13-190	357-46-190	NEW-P	04-13-030
357-28-240	NEW-P	04-13-029	357-40-060	NEW-P	04-13-190	357-46-195	NEW-P	04-13-030
357-28-245	NEW-P	04-13-029	357-40-065	NEW-P	04-13-190	357-46-200	NEW-P	04-13-030
357-28-250	NEW-P	04-13-029	357-43-001	NEW-P	04-13-191	357-46-205	NEW-P	04-13-030
357-28-252	NEW-P	04-13-029	357-43-005	NEW-P	04-13-191	357-49-010	NEW-P	04-13-192
357-28-255	NEW-P	04-13-029	357-43-010	NEW-P	04-13-191	357-49-015	NEW-P	04-13-192
357-28-260	NEW-P	04-13-029	357-43-015	NEW-P	04-13-191	357-49-020	NEW-P	04-13-192
357-28-265	NEW-P	04-13-029	357-43-020	NEW-P	04-13-191	363-116-070	AMD-P	04-10-030
357-28-275	NEW-P	04-13-029	357-43-025	NEW-P	04-13-191	363-116-070	AMD	04-14-017
357-28-280	NEW-P	04-13-029	357-43-030	NEW-P	04-13-191	363-116-185	AMD-P	04-10-031
357-28-285	NEW-P	04-13-029	357-43-035	NEW-P	04-13-191	363-116-185	AMD	04-14-018
357-28-295	NEW-P	04-13-029	357-43-040	NEW-P	04-13-191	363-116-300	AMD-P	04-08-008
357-28-300	NEW-P	04-13-029	357-43-045	NEW-P	04-13-191	363-116-300	AMD	04-12-014
357-28-310	NEW-P	04-13-029	357-43-050	NEW-P	04-13-191	365-230-010	NEW-P	04-05-062
357-28-315	NEW-P	04-13-029	357-43-055	NEW-P	04-13-191	365-230-010	NEW	04-10-037
357-28-325	NEW-P	04-13-029	357-43-060	NEW-P	04-13-191	365-230-015	NEW-P	04-05-062
357-34-005	NEW-P	04-13-188	357-43-065	NEW-P	04-13-191	365-230-015	NEW	04-10-037
357-34-010	NEW-P	04-13-188	357-43-070	NEW-P	04-13-191	365-230-016	NEW-P	04-05-062
357-34-015	NEW-P	04-13-188	357-43-075	NEW-P	04-13-191	365-230-016	NEW	04-10-037
357-34-020	NEW-P	04-13-188	357-43-080	NEW-P	04-13-191	365-230-016	NEW	04-10-037
357-34-025	NEW-P	04-13-188	357-43-085	NEW-P	04-13-191	365-230-020	NEW-P	04-05-062
357-34-030	NEW-P	04-13-188	357-43-090	NEW-P	04-13-191	365-230-020	NEW	04-10-037
357-34-035	NEW-P	04-13-188	357-43-095	NEW-P	04-13-191	365-230-030	NEW-P	04-05-062
357-34-045	NEW-P	04-13-188	357-43-100	NEW-P	04-13-191	365-230-030	NEW	04-10-037
357-34-050	NEW-P	04-13-188	357-43-105	NEW-P	04-13-191	365-230-035	NEW-P	04-05-062
357-34-055	NEW-P	04-12-087	357-43-110	NEW-P	04-13-191	365-230-035	NEW	04-10-037
357-34-055	NEW	04-15-015	357-43-115	NEW-P	04-13-191	365-230-040	NEW-P	04-05-062
357-34-060	NEW-P	04-13-188	357-46-005	NEW-P	04-13-030	365-230-040	NEW	04-10-037
357-34-065	NEW-P	04-13-188	357-46-010	NEW-P	04-13-030	365-230-050	NEW-P	04-05-062
357-34-070	NEW-P	04-12-087	357-46-015	NEW-P	04-13-030	365-230-050	NEW	04-10-037
357-34-070	NEW	04-15-015	357-46-020	NEW-P	04-13-030	365-230-060	NEW-P	04-05-062
357-34-075	NEW-P	04-12-087	357-46-025	NEW-P	04-13-030	365-230-060	NEW	04-10-037
357-34-075	NEW	04-15-015	357-46-030	NEW-P	04-13-030	365-230-070	NEW-P	04-05-062
357-34-080	NEW-P	04-12-087	357-46-035	NEW-P	04-13-030	365-230-070	NEW	04-10-037
357-34-080	NEW-W	04-15-014	357-46-040	NEW-P	04-13-030	365-230-080	NEW-P	04-05-062
357-34-085	NEW-P	04-12-087	357-46-045	NEW-P	04-13-030	365-230-080	NEW	04-10-037
357-34-085	NEW	04-15-015	357-46-050	NEW-P	04-13-030	365-230-090	NEW-P	04-05-062
357-34-090	NEW-P	04-13-188	357-46-060	NEW-P	04-13-030	365-230-090	NEW	04-10-037
357-37-010	NEW-P	04-13-189	357-46-070	NEW-P	04-13-030	365-230-100	NEW-P	04-05-062
357-37-015	NEW-P	04-13-189	357-46-075	NEW-P	04-13-030	365-230-100	NEW	04-10-037
357-37-020	NEW-P	04-13-189	357-46-080	NEW-P	04-13-030	365-230-110	NEW-P	04-05-062
357-37-025	NEW-P	04-13-189	357-46-085	NEW-P	04-13-030	365-230-110	NEW	04-10-037
357-37-030	NEW-P	04-13-189	357-46-090	NEW-P	04-13-030	365-230-120	NEW-P	04-05-062
357-37-035	NEW-P	04-13-189	357-46-095	NEW-P	04-13-030	365-230-120	NEW	04-10-037
357-37-040	NEW-P	04-13-189	357-46-100	NEW-P	04-13-030	365-230-130	NEW-P	04-05-062
357-37-045	NEW-P	04-13-189	357-46-105	NEW-P	04-13-030	365-230-130	NEW	04-10-037
357-37-050	NEW-P	04-13-189	357-46-110	NEW-P	04-13-030	365-230-132	NEW-P	04-05-062
357-37-055	NEW-P	04-13-189	357-46-115	NEW-P	04-13-030	365-230-132	NEW	04-10-037
357-37-060	NEW-P	04-13-189	357-46-120	NEW-P	04-13-030	365-230-134	NEW-P	04-05-062
357-37-065	NEW-P	04-13-189	357-46-125	NEW-P	04-13-030	365-230-134	NEW	04-10-037
357-37-070	NEW-P	04-13-189	357-46-130	NEW-P	04-13-030	365-230-140	NEW-P	04-05-062
357-37-075	NEW-P	04-13-189	357-46-135	NEW-P	04-13-030	365-230-140	NEW	04-10-037
357-37-080	NEW-P	04-13-189	357-46-140	NEW-P	04-13-030	365-230-150	NEW-P	04-05-062
357-40-010	NEW-P	04-13-190	357-46-145	NEW-P	04-13-030	365-230-150	NEW	04-10-037
357-40-015	NEW-P	04-13-190	357-46-150	NEW-P	04-13-030	365-230-160	NEW-P	04-05-062
357-40-020	NEW-P	04-13-190	357-46-155	NEW-P	04-13-030	365-230-160	NEW	04-10-037
357-40-025	NEW-P	04-13-190	357-46-160	NEW-P	04-13-030	365-230-170	NEW-P	04-05-062
357-40-030	NEW-P	04-13-190	357-46-165	NEW-P	04-13-030	365-230-170	NEW	04-10-037
357-40-035	NEW-P	04-13-190	357-46-170	NEW-P	04-13-030	365-230-180	NEW-P	04-05-062
						365-230-180	NEW	04-10-037

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
365-230-190	NEW-P	04-05-062	388- 14A-4121	NEW-E	04-14-054	388- 25-1010	NEW-E	04-07-091
365-230-190	NEW	04-10-037	388- 14A-4122	NEW-E	04-07-057	388- 25-1010	NEW-E	04-15-055
365-230-200	NEW-P	04-05-062	388- 14A-4122	NEW-P	04-13-139	388- 25-1020	NEW-E	04-07-091
365-230-200	NEW	04-10-037	388- 14A-4122	NEW-E	04-14-054	388- 25-1020	NEW-E	04-15-055
365-230-210	NEW-P	04-05-062	388- 14A-4123	NEW-E	04-07-057	388- 25-1030	NEW-E	04-07-091
365-230-210	NEW	04-10-037	388- 14A-4123	NEW-P	04-13-139	388- 25-1030	NEW-E	04-15-055
365-230-220	NEW-P	04-05-062	388- 14A-4123	NEW-E	04-14-054	388- 25-1040	NEW-E	04-07-091
365-230-220	NEW	04-10-037	388- 14A-4124	NEW-E	04-07-057	388- 25-1040	NEW-E	04-15-055
365-230-230	NEW-P	04-05-062	388- 14A-4124	NEW-P	04-13-139	388- 25-1050	NEW-E	04-07-091
365-230-230	NEW	04-10-037	388- 14A-4124	NEW-E	04-14-054	388- 25-1050	NEW-E	04-15-055
365-230-240	NEW-P	04-05-062	388- 14A-4125	NEW-E	04-07-057	388- 27-0120	AMD-E	04-03-018
365-230-240	NEW	04-10-037	388- 14A-4125	NEW-P	04-13-139	388- 27-0120	AMD	04-06-024
365-230-250	NEW-P	04-05-062	388- 14A-4125	NEW-E	04-14-054	388- 27-0130	AMD-E	04-03-018
365-230-250	NEW	04-10-037	388- 14A-4126	NEW-E	04-07-057	388- 27-0130	AMD	04-06-024
365-230-260	NEW-P	04-05-062	388- 14A-4126	NEW-P	04-13-139	388- 27-0135	AMD-E	04-03-018
365-230-260	NEW	04-10-037	388- 14A-4126	NEW-E	04-14-054	388- 27-0135	AMD	04-06-024
365-230-270	NEW-P	04-05-062	388- 14A-4130	PREP-W	04-07-022	388- 27-0155	AMD-E	04-03-018
365-230-270	NEW	04-10-037	388- 14A-4130	AMD-E	04-07-057	388- 27-0155	AMD	04-06-024
371- 08	PREP	04-15-009	388- 14A-4130	PREP	04-07-062	388- 27-0160	AMD-E	04-03-018
371- 08-305	AMD-E	04-15-010	388- 14A-4130	AMD-P	04-13-139	388- 27-0160	AMD	04-06-024
371- 08-306	NEW	04-03-001	388- 14A-4130	AMD-E	04-14-054	388- 27-0165	AMD-E	04-03-018
371- 08-315	AMD	04-03-001	388- 14A-4135	NEW-E	04-07-057	388- 27-0165	AMD	04-06-024
371- 08-335	AMD-E	04-15-010	388- 14A-4135	NEW-P	04-13-139	388- 27-0175	AMD-E	04-03-018
388- 02-0215	AMD-E	04-07-090	388- 14A-4135	NEW-E	04-14-054	388- 27-0175	AMD	04-06-024
388- 02-0215	AMD-E	04-15-056	388- 14A-4140	NEW-E	04-07-057	388- 27-0190	AMD-E	04-03-018
388- 11-032	PREP-W	04-07-112	388- 14A-4140	NEW-P	04-13-139	388- 27-0190	AMD	04-06-024
388- 11-045	PREP-W	04-07-112	388- 14A-4140	NEW-E	04-14-054	388- 27-0195	AMD-E	04-03-018
388- 11-048	PREP-W	04-07-112	388- 14A-4143	NEW-E	04-07-057	388- 27-0195	AMD	04-06-024
388- 11-205	PREP-W	04-07-112	388- 14A-4143	NEW-P	04-13-139	388- 27-0200	AMD-E	04-03-018
388- 14-045	PREP-W	04-07-112	388- 14A-4143	NEW-E	04-14-054	388- 27-0200	AMD	04-06-024
388- 14-450	PREP-W	04-07-112	388- 14A-4145	NEW-E	04-07-057	388- 27-0210	AMD-E	04-03-018
388- 14A	PREP	04-07-113	388- 14A-4145	NEW-P	04-13-139	388- 27-0210	AMD	04-06-024
388- 14A-1020	PREP	04-06-053	388- 14A-4145	NEW-E	04-14-054	388- 27-0215	AMD-E	04-03-018
388- 14A-1020	AMD-E	04-07-057	388- 14A-4150	NEW-E	04-07-057	388- 27-0215	AMD	04-06-024
388- 14A-1020	PREP	04-09-036	388- 14A-4150	NEW-P	04-13-139	388- 27-0220	AMD-E	04-03-018
388- 14A-1020	AMD-P	04-13-139	388- 14A-4150	NEW-E	04-14-054	388- 27-0220	AMD	04-06-024
388- 14A-1020	AMD-E	04-14-054	388- 14A-4160	NEW-E	04-07-057	388- 27-0225	REP-E	04-03-018
388- 14A-3140	PREP	04-09-036	388- 14A-4160	NEW-P	04-13-139	388- 27-0225	REP	04-06-024
388- 14A-3370	PREP	04-09-036	388- 14A-4160	NEW-E	04-14-054	388- 27-0225	REP	04-06-024
388- 14A-3600	PREP	04-09-036	388- 14A-4165	NEW-E	04-07-057	388- 27-0230	AMD-E	04-03-018
388- 14A-3810	PREP	04-06-053	388- 14A-4165	NEW-P	04-13-139	388- 27-0230	AMD	04-06-024
388- 14A-3810	PREP	04-09-036	388- 14A-4165	NEW-E	04-14-054	388- 27-0235	REP-E	04-03-018
388- 14A-4040	AMD-E	04-07-057	388- 14A-4170	NEW-E	04-07-057	388- 27-0235	REP	04-06-024
388- 14A-4040	AMD-P	04-13-139	388- 14A-4170	NEW-E	04-07-057	388- 27-0240	REP-E	04-03-018
388- 14A-4040	AMD-E	04-14-054	388- 14A-4170	NEW-P	04-13-139	388- 27-0240	REP	04-06-024
388- 14A-4100	PREP-W	04-07-022	388- 14A-4170	NEW-E	04-14-054	388- 27-0245	REP-E	04-03-018
388- 14A-4100	AMD-E	04-07-057	388- 14A-4175	NEW-E	04-07-057	388- 27-0245	REP	04-06-024
388- 14A-4100	PREP	04-07-062	388- 14A-4175	NEW-P	04-13-139	388- 27-0270	REP-E	04-03-018
388- 14A-4100	AMD-P	04-13-139	388- 14A-4175	NEW-E	04-14-054	388- 27-0270	REP	04-06-024
388- 14A-4100	AMD-E	04-14-054	388- 14A-5000	PREP	04-07-166	388- 71-0100	AMD-P	04-13-138
388- 14A-4110	PREP-W	04-07-022	388- 14A-5001	PREP	04-08-069	388- 71-0105	AMD-E	04-06-039
388- 14A-4110	AMD-E	04-07-057	388- 14A-6300	PREP	04-09-036	388- 71-0105	AMD-P	04-13-138
388- 14A-4110	PREP	04-07-062	388- 25	PREP	04-07-059	388- 71-0105	AMD-E	04-14-013
388- 14A-4110	AMD-P	04-13-139	388- 25-0225	PREP	04-08-068	388- 71-0110	AMD-P	04-13-138
388- 14A-4110	AMD-E	04-14-054	388- 25-0225	AMD-E	04-15-082	388- 71-0115	AMD-P	04-13-138
388- 14A-4120	PREP-W	04-07-022	388- 25-0226	PREP	04-08-068	388- 71-0116	NEW-E	04-06-039
388- 14A-4120	AMD-E	04-07-057	388- 25-0226	NEW-E	04-15-082	388- 71-0116	NEW-E	04-14-013
388- 14A-4120	PREP	04-07-062	388- 25-0227	NEW-E	04-15-082	388- 71-0120	REP-P	04-13-138
388- 14A-4120	AMD-P	04-13-139	388- 25-0228	NEW-E	04-15-082	388- 71-01205	NEW-P	04-13-138
388- 14A-4120	AMD-E	04-14-054	388- 25-0230	PREP	04-08-068	388- 71-0121	NEW-P	04-13-138
388- 14A-4121	NEW-E	04-07-057	388- 25-0230	REP-E	04-15-082	388- 71-01210	NEW-P	04-13-138
388- 14A-4121	NEW-P	04-13-139	388- 25-1000	NEW-E	04-07-091	388- 71-01215	NEW-P	04-13-138
			388- 25-1000	NEW-E	04-15-055	388- 71-01220	NEW-P	04-13-138

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388- 71-01225	NEW-P	04-13-138	388- 71-0945	PREP	04-07-061	388- 72A-0060	AMD-P	04-10-101
388- 71-01230	NEW-P	04-13-138	388- 71-0950	PREP	04-07-061	388- 72A-0060	AMD-P	04-14-099
388- 71-01235	NEW-P	04-13-138	388- 71-0955	PREP	04-07-061	388- 72A-0060	AMD-E	04-15-013
388- 71-01240	NEW-P	04-13-138	388- 71-0960	PREP	04-07-061	388- 72A-0065	AMD-E	04-09-094
388- 71-01245	NEW-P	04-13-138	388- 71-0960	AMD-E	04-10-062	388- 72A-0065	AMD-E	04-10-062
388- 71-01250	NEW-P	04-13-138	388- 71-0960	AMD-P	04-10-101	388- 72A-0065	AMD-P	04-10-101
388- 71-01255	NEW-P	04-13-138	388- 71-0965	PREP	04-07-061	388- 72A-0065	AMD-P	04-14-099
388- 71-01260	NEW-P	04-13-138	388- 71-1105	AMD-E	04-10-062	388- 72A-0065	AMD-E	04-15-013
388- 71-01265	NEW-P	04-13-138	388- 71-1105	AMD-P	04-10-101	388- 72A-0069	NEW-E	04-09-094
388- 71-01270	NEW-P	04-13-138	388- 72A	PREP	04-09-089	388- 72A-0069	NEW-P	04-14-099
388- 71-01275	NEW-P	04-13-138	388- 72A-0010	AMD-E	04-09-094	388- 72A-0069	NEW-E	04-15-013
388- 71-01280	NEW-P	04-13-138	388- 72A-0010	AMD-P	04-10-097	388- 72A-0070	AMD-E	04-09-094
388- 71-0150	REP-P	04-13-138	388- 72A-0010	AMD-W	04-11-082	388- 72A-0070	AMD-P	04-14-099
388- 71-0155	REP-P	04-13-138	388- 72A-0010	AMD-S	04-11-086	388- 72A-0070	AMD-E	04-15-013
388- 71-0194	AMD-E	04-10-062	388- 72A-0010	AMD-W	04-14-096	388- 72A-0075	REP-E	04-09-094
388- 71-0194	AMD-P	04-10-101	388- 72A-0010	AMD-P	04-14-099	388- 72A-0075	REP-P	04-14-099
388- 71-0202	AMD	04-04-042	388- 72A-0010	AMD-E	04-15-013	388- 72A-0075	REP-E	04-15-013
388- 71-0202	AMD-E	04-10-062	388- 72A-0035	AMD-P	04-14-099	388- 72A-0080	AMD-E	04-09-094
388- 71-0202	AMD-P	04-10-101	388- 72A-0035	AMD-E	04-15-013	388- 72A-0080	AMD-P	04-14-099
388- 71-0405	AMD-E	04-10-062	388- 72A-0036	NEW-E	04-09-094	388- 72A-0080	AMD-E	04-15-013
388- 71-0405	AMD-P	04-10-101	388- 72A-0036	NEW-P	04-10-097	388- 72A-0081	NEW-E	04-09-094
388- 71-0410	AMD-E	04-10-062	388- 72A-0036	NEW-W	04-11-082	388- 72A-0081	NEW-P	04-14-099
388- 71-0410	AMD-P	04-10-101	388- 72A-0036	NEW-S	04-11-086	388- 72A-0081	NEW-E	04-15-013
388- 71-0415	AMD-E	04-10-062	388- 72A-0036	NEW-W	04-14-096	388- 72A-0082	NEW-E	04-09-094
388- 71-0415	AMD-P	04-10-101	388- 72A-0036	NEW-P	04-14-099	388- 72A-0082	NEW-P	04-14-099
388- 71-0420	AMD-E	04-10-062	388- 72A-0036	NEW-E	04-15-013	388- 72A-0082	NEW-E	04-15-013
388- 71-0420	AMD-P	04-10-101	388- 72A-0037	NEW-E	04-09-094	388- 72A-0083	NEW-E	04-09-094
388- 71-0425	AMD-E	04-10-062	388- 72A-0037	NEW-P	04-14-099	388- 72A-0083	NEW-P	04-14-099
388- 71-0425	AMD-P	04-10-101	388- 72A-0037	NEW-E	04-15-013	388- 72A-0083	NEW-E	04-15-013
388- 71-0440	AMD-E	04-10-062	388- 72A-0038	NEW-E	04-09-094	388- 72A-0084	NEW-E	04-09-094
388- 71-0440	AMD-P	04-10-101	388- 72A-0038	NEW-P	04-14-099	388- 72A-0084	NEW-P	04-14-099
388- 71-0465	AMD-E	04-10-062	388- 72A-0038	NEW-E	04-15-013	388- 72A-0084	NEW-E	04-15-013
388- 71-0465	AMD-P	04-10-101	388- 72A-0039	NEW-E	04-09-094	388- 72A-0085	AMD-E	04-09-094
388- 71-0470	AMD-E	04-10-062	388- 72A-0039	NEW-P	04-14-099	388- 72A-0085	AMD-P	04-14-099
388- 71-0470	AMD-P	04-10-101	388- 72A-0039	NEW-E	04-15-013	388- 72A-0085	AMD-E	04-15-013
388- 71-0480	AMD-E	04-10-062	388- 72A-0040	REP-E	04-09-094	388- 72A-0086	NEW-E	04-09-094
388- 71-0480	AMD-P	04-10-101	388- 72A-0040	REP-P	04-14-099	388- 72A-0086	NEW-P	04-10-097
388- 71-0510	AMD-E	04-10-062	388- 72A-0040	REP-E	04-15-013	388- 72A-0086	NEW-W	04-11-082
388- 71-0510	AMD-P	04-10-101	388- 72A-0041	NEW-E	04-09-094	388- 72A-0086	NEW-S	04-11-086
388- 71-0531	NEW	04-04-042	388- 72A-0041	NEW-P	04-10-097	388- 72A-0086	NEW-W	04-14-096
388- 71-0531	REP-E	04-07-058	388- 72A-0041	NEW-W	04-11-082	388- 72A-0086	NEW-P	04-14-099
388- 71-0531	PREP	04-07-060	388- 72A-0041	NEW-S	04-11-086	388- 72A-0086	NEW-E	04-15-013
388- 71-0531	REP-P	04-11-085	388- 72A-0041	NEW-W	04-14-096	388- 72A-0087	NEW-E	04-09-094
388- 71-0531	REP	04-15-001	388- 72A-0041	NEW-P	04-14-099	388- 72A-0087	NEW-P	04-14-099
388- 71-0531	REP-E	04-15-011	388- 72A-0041	NEW-E	04-15-013	388- 72A-0087	NEW-E	04-15-013
388- 71-05665	AMD-E	04-10-062	388- 72A-0042	NEW-P	04-10-097	388- 72A-0090	AMD-E	04-09-094
388- 71-05665	AMD-P	04-10-101	388- 72A-0042	NEW-W	04-11-082	388- 72A-0090	AMD-P	04-14-099
388- 71-0700	AMD-E	04-10-062	388- 72A-0042	NEW-S	04-11-086	388- 72A-0090	AMD-E	04-15-013
388- 71-0700	AMD-P	04-10-101	388- 72A-0042	NEW-W	04-14-096	388- 72A-0092	NEW-E	04-09-094
388- 71-0708	AMD-E	04-10-062	388- 72A-0042	NEW-P	04-14-099	388- 72A-0092	NEW-P	04-14-099
388- 71-0708	AMD-P	04-10-101	388- 72A-0042	NEW-E	04-15-013	388- 72A-0092	NEW-E	04-15-013
388- 71-0900	PREP	04-07-061	388- 72A-0053	NEW-E	04-10-062	388- 72A-0095	AMD-E	04-09-094
388- 71-0905	PREP	04-07-061	388- 72A-0053	NEW-P	04-10-101	388- 72A-0095	AMD-P	04-10-097
388- 71-0910	PREP	04-07-061	388- 72A-0055	AMD-E	04-09-094	388- 72A-0095	AMD-W	04-11-082
388- 71-0915	PREP	04-07-061	388- 72A-0055	AMD-P	04-14-099	388- 72A-0095	AMD-S	04-11-086
388- 71-0915	AMD-E	04-10-062	388- 72A-0055	AMD-E	04-15-013	388- 72A-0095	AMD-W	04-14-096
388- 71-0915	AMD-P	04-10-101	388- 72A-0057	NEW-E	04-10-062	388- 72A-0095	AMD-P	04-14-099
388- 71-0920	PREP	04-07-061	388- 72A-0057	NEW-P	04-10-101	388- 72A-0095	AMD-E	04-15-013
388- 71-0925	PREP	04-07-061	388- 72A-0058	NEW-E	04-10-062	388- 72A-0100	AMD-E	04-10-062
388- 71-0930	PREP	04-07-061	388- 72A-0058	NEW-P	04-10-101	388- 72A-0100	AMD-P	04-10-101
388- 71-0935	PREP	04-07-061	388- 72A-0060	AMD-E	04-09-094	388- 72A-0115	NEW-E	04-09-094
388- 71-0940	PREP	04-07-061	388- 72A-0060	AMD-E	04-10-062	388- 72A-0115	NEW-P	04-14-099

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-78A-2560	NEW-P	04-11-116	388-78A-3180	NEW-P	04-11-116	388-140-0045	NEW-E	04-03-0100
388-78A-2570	NEW-P	04-11-116	388-78A-3190	NEW-P	04-11-116	388-140-0050	NEW-E	04-03-0100
388-78A-2580	NEW-P	04-11-116	388-78A-3200	NEW-P	04-11-116	388-140-0055	NEW-E	04-03-0100
388-78A-2590	NEW-P	04-11-116	388-78A-3210	NEW-P	04-11-116	388-140-0060	NEW-E	04-03-0100
388-78A-2600	NEW-P	04-11-116	388-78A-3220	NEW-P	04-11-116	388-140-0065	NEW-E	04-03-0100
388-78A-2610	NEW-P	04-11-116	388-78A-3230	NEW-P	04-11-116	388-140-0070	NEW-E	04-03-0100
388-78A-2620	NEW-P	04-11-116	388-96	PREP	04-08-133	388-140-0075	NEW-E	04-03-0100
388-78A-2630	NEW-P	04-11-116	388-97-017	PREP	04-12-095	388-140-0080	NEW-E	04-03-0100
388-78A-2640	NEW-P	04-11-116	388-97-125	PREP	04-06-055	388-140-0085	NEW-E	04-03-0100
388-78A-2650	NEW-P	04-11-116	388-105	PREP	04-10-089	388-140-0090	NEW-E	04-03-0100
388-78A-2660	NEW-P	04-11-116	388-105-0005	AMD-P	04-04-044	388-140-0095	NEW-E	04-03-0100
388-78A-2670	NEW-P	04-11-116	388-105-0005	AMD-E	04-06-038	388-140-0100	NEW-E	04-03-0100
388-78A-2680	NEW-P	04-11-116	388-105-0005	AMD-W	04-06-056	388-140-0105	NEW-E	04-03-0100
388-78A-2690	NEW-P	04-11-116	388-105-0005	AMD-P	04-06-075	388-140-0110	NEW-E	04-03-0100
388-78A-2700	NEW-P	04-11-116	388-105-0005	AMD	04-09-092	388-140-0115	NEW-E	04-03-0100
388-78A-2710	NEW-P	04-11-116	388-105-0030	AMD-P	04-04-044	388-140-0120	NEW-E	04-03-0100
388-78A-2720	NEW-P	04-11-116	388-105-0030	AMD-E	04-06-038	388-140-0125	NEW-E	04-03-0100
388-78A-2730	NEW-P	04-11-116	388-105-0030	AMD-W	04-06-056	388-140-0130	NEW-E	04-03-0100
388-78A-2740	NEW-P	04-11-116	388-105-0030	AMD-P	04-06-075	388-140-0135	NEW-E	04-03-0100
388-78A-2750	NEW-P	04-11-116	388-105-0030	AMD	04-09-092	388-140-0140	NEW-E	04-03-0100
388-78A-2760	NEW-P	04-11-116	388-105-0040	AMD-P	04-04-044	388-140-0145	NEW-E	04-03-0100
388-78A-2770	NEW-P	04-11-116	388-105-0040	AMD-E	04-06-038	388-140-0150	NEW-E	04-03-0100
388-78A-2780	NEW-P	04-11-116	388-105-0040	AMD-W	04-06-056	388-140-0155	NEW-E	04-03-0100
388-78A-2790	NEW-P	04-11-116	388-105-0040	AMD-P	04-06-075	388-140-0160	NEW-E	04-03-0100
388-78A-2800	NEW-P	04-11-116	388-105-0040	AMD	04-09-092	388-140-0165	NEW-E	04-03-0100
388-78A-2810	NEW-P	04-11-116	388-105-0045	NEW-P	04-04-044	388-140-0170	NEW-E	04-03-0100
388-78A-2820	NEW-P	04-11-116	388-105-0045	NEW-E	04-06-038	388-140-0175	NEW-E	04-03-0100
388-78A-2830	NEW-P	04-11-116	388-105-0045	NEW-W	04-06-056	388-140-0180	NEW-E	04-03-0100
388-78A-2840	NEW-P	04-11-116	388-105-0045	NEW-P	04-06-075	388-140-0185	NEW-E	04-03-0100
388-78A-2850	NEW-P	04-11-116	388-105-0045	NEW	04-09-092	388-140-0190	NEW-E	04-03-0100
388-78A-2860	NEW-P	04-11-116	388-110	AMD-P	04-13-021	388-140-0195	NEW-E	04-03-0100
388-78A-2870	NEW-P	04-11-116	388-110-005	AMD-P	04-13-021	388-140-0200	NEW-E	04-03-0100
388-78A-2880	NEW-P	04-11-116	388-110-010	AMD-P	04-13-021	388-140-0205	NEW-E	04-03-0100
388-78A-2890	NEW-P	04-11-116	388-110-020	AMD-P	04-13-021	388-140-0210	NEW-E	04-03-0100
388-78A-2900	NEW-P	04-11-116	388-110-030	AMD-P	04-13-021	388-140-0215	NEW-E	04-03-0100
388-78A-2910	NEW-P	04-11-116	388-110-040	AMD-P	04-13-021	388-140-0220	NEW-E	04-03-0100
388-78A-2920	NEW-P	04-11-116	388-110-050	AMD-P	04-13-021	388-140-0225	NEW-E	04-03-0100
388-78A-2930	NEW-P	04-11-116	388-110-060	REP-P	04-13-021	388-140-0230	NEW-E	04-03-0100
388-78A-2940	NEW-P	04-11-116	388-110-070	AMD-P	04-13-021	388-140-0235	NEW-E	04-03-0100
388-78A-2950	NEW-P	04-11-116	388-110-080	REP-P	04-13-021	388-140-0240	NEW-E	04-03-0100
388-78A-2960	NEW-P	04-11-116	388-110-090	AMD-P	04-13-021	388-140-0245	NEW-E	04-03-0100
388-78A-2970	NEW-P	04-11-116	388-110-100	AMD-P	04-13-021	388-140-0250	NEW-E	04-03-0100
388-78A-2980	NEW-P	04-11-116	388-110-120	AMD-P	04-13-021	388-140-0255	NEW-E	04-03-0100
388-78A-2990	NEW-P	04-11-116	388-110-140	AMD-P	04-13-021	388-140-0260	NEW-E	04-03-0100
388-78A-3000	NEW-P	04-11-116	388-110-150	AMD-P	04-13-021	388-140-0265	NEW-E	04-03-0100
388-78A-3010	NEW-P	04-11-116	388-110-170	REP-P	04-13-021	388-140-0270	NEW-E	04-03-0100
388-78A-3020	NEW-P	04-11-116	388-110-180	REP-P	04-13-021	388-140-0275	NEW-E	04-03-0100
388-78A-3030	NEW-P	04-11-116	388-110-190	REP-P	04-13-021	388-140-0280	NEW-E	04-03-0100
388-78A-3040	NEW-P	04-11-116	388-110-200	REP-P	04-13-021	388-140-0285	NEW-E	04-03-0100
388-78A-3050	NEW-P	04-11-116	388-110-220	AMD-P	04-13-021	388-140-0290	NEW-E	04-03-0100
388-78A-3060	NEW-P	04-11-116	388-110-240	AMD-P	04-13-021	388-140-0295	NEW-E	04-03-0100
388-78A-3070	NEW-P	04-11-116	388-110-260	AMD-P	04-13-021	388-140-0300	NEW-E	04-03-0100
388-78A-3080	NEW-P	04-11-116	388-110-270	AMD-P	04-13-021	388-140-0305	NEW-E	04-03-0100
388-78A-3090	NEW-P	04-11-116	388-110-280	AMD-P	04-13-021	388-140-0310	NEW-E	04-03-0100
388-78A-3100	NEW-P	04-11-116	388-140-0005	NEW-E	04-03-0100	388-140-0315	NEW-E	04-03-0100
388-78A-3110	NEW-P	04-11-116	388-140-0010	NEW-E	04-03-0100	388-140-0320	NEW-E	04-03-0100
388-78A-3120	NEW-P	04-11-116	388-140-0015	NEW-E	04-03-0100	388-140-0325	NEW-E	04-03-0100
388-78A-3130	NEW-P	04-11-116	388-140-0020	NEW-E	04-03-0100	388-140-0330	NEW-E	04-03-0100
388-78A-3140	NEW-P	04-11-116	388-140-0025	NEW-E	04-03-0100	388-140-0335	NEW-E	04-03-0100
388-78A-3150	NEW-P	04-11-116	388-140-0030	NEW-E	04-03-0100	388-140-0340	NEW-E	04-03-0100
388-78A-3160	NEW-P	04-11-116	388-140-0035	NEW-E	04-03-0100	388-140-0345	NEW-E	04-03-0100
388-78A-3170	NEW-P	04-11-116	388-140-0040	NEW-E	04-03-0100	388-140-0350	NEW-E	04-03-0100

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388-140-0355	NEW-E	04-03-010D	388-148-0015	AMD-P	04-03-116	388-148-0150	AMD	04-08-073
388-140-0360	NEW-E	04-03-010D	388-148-0015	AMD	04-08-073	388-148-0165	AMD-P	04-03-116
388-140-0365	NEW-E	04-03-010D	388-148-0020	AMD-P	04-03-116	388-148-0165	AMD	04-08-073
388-140-0370	NEW-E	04-03-010D	388-148-0020	AMD	04-08-073	388-148-0170	AMD-P	04-03-116
388-140-0375	NEW-E	04-03-010D	388-148-0025	AMD-P	04-03-116	388-148-0170	AMD-E	04-05-035
388-140-0380	NEW-E	04-03-010D	388-148-0025	AMD	04-08-073	388-148-0170	AMD	04-08-073
388-140-0385	NEW-E	04-03-010D	388-148-0035	AMD-P	04-03-116	388-148-0180	AMD-P	04-03-116
388-140-0390	NEW-E	04-03-010D	388-148-0035	AMD-E	04-05-035	388-148-0180	AMD	04-08-073
388-140-0395	NEW-E	04-03-010D	388-148-0035	AMD	04-08-073	388-148-0185	AMD-P	04-03-116
388-140-0400	NEW-E	04-03-010D	388-148-0040	AMD-P	04-03-116	388-148-0185	AMD	04-08-073
388-140-0405	NEW-E	04-03-010D	388-148-0040	AMD-E	04-05-035	388-148-0200	AMD-P	04-03-116
388-140-0410	NEW-E	04-03-010D	388-148-0040	AMD	04-08-073	388-148-0200	AMD	04-08-073
388-140-0415	NEW-E	04-03-010D	388-148-0045	AMD-P	04-03-116	388-148-0210	AMD-P	04-03-116
388-140-0420	NEW-E	04-03-010D	388-148-0045	AMD-E	04-05-035	388-148-0210	AMD	04-08-073
388-140-0425	NEW-E	04-03-010D	388-148-0045	AMD	04-08-073	388-148-0220	AMD-P	04-03-116
388-140-0430	NEW-E	04-03-010D	388-148-0050	AMD-P	04-03-116	388-148-0220	AMD-E	04-05-035
388-140-0435	NEW-E	04-03-010D	388-148-0050	AMD-E	04-05-035	388-148-0220	AMD	04-08-073
388-140-0440	NEW-E	04-03-010D	388-148-0050	AMD	04-08-073	388-148-0225	AMD-P	04-03-116
388-140-0445	NEW-E	04-03-010D	388-148-0055	AMD-P	04-03-116	388-148-0225	AMD	04-08-073
388-140-0450	NEW-E	04-03-010D	388-148-0055	AMD	04-08-073	388-148-0230	AMD-P	04-03-116
388-140-0455	NEW-E	04-03-010D	388-148-0058	NEW-P	04-03-116	388-148-0230	AMD	04-08-073
388-140-0460	NEW-E	04-03-010D	388-148-0058	NEW-E	04-05-035	388-148-0235	AMD-P	04-03-116
388-140-0465	NEW-E	04-03-010D	388-148-0058	NEW	04-08-073	388-148-0235	AMD	04-08-073
388-140-0470	NEW-E	04-03-010D	388-148-0060	AMD-P	04-03-116	388-148-0240	AMD-P	04-03-116
388-140-0475	NEW-E	04-03-010D	388-148-0060	AMD-E	04-05-035	388-148-0240	AMD	04-08-073
388-140-0480	NEW-E	04-03-010D	388-148-0060	AMD	04-08-073	388-148-0245	AMD-P	04-03-116
388-140-0485	NEW-E	04-03-010D	388-148-0065	AMD-P	04-03-116	388-148-0245	AMD	04-08-073
388-140-0490	NEW-E	04-03-010D	388-148-0065	AMD-E	04-05-035	388-148-0250	AMD-P	04-03-116
388-140-0495	NEW-E	04-03-010D	388-148-0065	AMD	04-08-073	388-148-0250	AMD	04-08-073
388-140-0500	NEW-E	04-03-010D	388-148-0070	AMD-P	04-03-116	388-148-0255	AMD-P	04-03-116
388-140-0505	NEW-E	04-03-010D	388-148-0070	AMD	04-08-073	388-148-0255	AMD	04-08-073
388-140-0510	NEW-E	04-03-010D	388-148-0075	AMD-P	04-03-116	388-148-0260	AMD-P	04-03-116
388-140-0515	NEW-E	04-03-010D	388-148-0075	AMD	04-08-073	388-148-0260	AMD-E	04-05-035
388-140-0520	NEW-E	04-03-010D	388-148-0085	AMD-P	04-03-116	388-148-0260	AMD	04-08-073
388-140-0525	NEW-E	04-03-010D	388-148-0085	AMD	04-08-073	388-148-0265	AMD-P	04-03-116
388-140-0530	NEW-E	04-03-010D	388-148-0090	AMD-P	04-03-116	388-148-0265	AMD	04-08-073
388-140-0535	NEW-E	04-03-010D	388-148-0090	AMD	04-08-073	388-148-0270	AMD-P	04-03-116
388-140-0540	NEW-E	04-03-010D	388-148-0095	AMD-P	04-03-116	388-148-0270	AMD-E	04-05-035
388-140-0545	NEW-E	04-03-010D	388-148-0095	AMD-E	04-05-035	388-148-0270	AMD	04-08-073
388-140-0550	NEW-E	04-03-010D	388-148-0095	AMD	04-08-073	388-148-0275	AMD-P	04-03-116
388-140-0560	NEW-E	04-03-010D	388-148-0098	NEW-P	04-03-116	388-148-0275	AMD	04-08-073
388-140-0565	NEW-E	04-03-010D	388-148-0098	NEW	04-08-073	388-148-0285	REP-P	04-03-116
388-140-0570	NEW-E	04-03-010D	388-148-0100	AMD-P	04-03-116	388-148-0285	REP	04-08-073
388-140-0575	NEW-E	04-03-010D	388-148-0100	AMD	04-08-073	388-148-0300	AMD-P	04-03-116
388-140-0580	NEW-E	04-03-010D	388-148-0110	AMD-P	04-03-116	388-148-0300	AMD	04-08-073
388-140-0585	NEW-E	04-03-010D	388-148-0110	AMD	04-08-073	388-148-0305	AMD-P	04-03-116
388-140-0590	NEW-E	04-03-010D	388-148-0120	AMD-P	04-03-116	388-148-0305	AMD	04-08-073
388-140-0595	NEW-E	04-03-010D	388-148-0120	AMD-E	04-05-035	388-148-0315	AMD-P	04-03-116
388-140-0600	NEW-E	04-03-010D	388-148-0120	AMD	04-08-073	388-148-0315	AMD	04-08-073
388-140-0605	NEW-E	04-03-010D	388-148-0125	AMD-P	04-03-116	388-148-0320	AMD-P	04-03-116
388-140-0610	NEW-E	04-03-010D	388-148-0125	AMD-E	04-05-035	388-148-0320	AMD	04-08-073
388-140-0615	NEW-E	04-03-010D	388-148-0125	AMD	04-08-073	388-148-0325	AMD-P	04-03-116
388-140-0620	NEW-E	04-03-010D	388-148-0127	NEW-P	04-03-116	388-148-0325	AMD	04-08-073
388-140-0625	NEW-E	04-03-010D	388-148-0127	NEW	04-08-073	388-148-0335	AMD-P	04-03-116
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388-140-0635	NEW-E	04-03-010D	388-148-0130	AMD	04-08-073	388-148-0335	AMD	04-08-073
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388-148-0005	AMD	04-08-073	388-148-0140	AMD-E	04-05-035	388-148-0345	AMD-E	04-05-035
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388-148-0352	NEW-P	04-03-116	388-148-0542	NEW-E	04-05-035	388-148-0725	AMD	04-08-073
388-148-0352	NEW	04-08-073	388-148-0542	NEW	04-08-073	388-148-0730	AMD-P	04-03-116
388-148-0355	AMD-P	04-03-116	388-148-0555	AMD-P	04-03-116	388-148-0730	AMD	04-08-073
388-148-0355	AMD	04-08-073	388-148-0555	AMD	04-08-073	388-148-0735	REP-P	04-03-116
388-148-0360	REP-P	04-03-116	388-148-0560	AMD-P	04-03-116	388-148-0735	REP	04-08-073
388-148-0360	REP	04-08-073	388-148-0560	AMD-E	04-05-035	388-148-0750	AMD-P	04-03-116
388-148-0365	AMD-P	04-03-116	388-148-0560	AMD	04-08-073	388-148-0750	AMD	04-08-073
388-148-0365	AMD	04-08-073	388-148-0585	AMD-P	04-03-116	388-148-0765	AMD-P	04-03-116
388-148-0375	AMD-P	04-03-116	388-148-0585	AMD-E	04-05-035	388-148-0765	AMD	04-08-073
388-148-0375	AMD	04-08-073	388-148-0585	AMD	04-08-073	388-148-0775	AMD-P	04-03-116
388-148-0380	AMD-P	04-03-116	388-148-0600	AMD-P	04-03-116	388-148-0775	AMD	04-08-073
388-148-0380	AMD	04-08-073	388-148-0600	AMD	04-08-073	388-148-0785	AMD-P	04-03-116
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388-148-0385	AMD	04-08-073	388-148-0605	AMD	04-08-073	388-148-0785	AMD	04-08-073
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388-148-0395	AMD-E	04-05-035	388-148-0610	AMD	04-08-073	388-148-0795	AMD	04-08-073
388-148-0395	AMD	04-08-073	388-148-0615	REP-P	04-03-116	388-148-0800	AMD-P	04-03-116
388-148-0400	AMD-P	04-03-116	388-148-0615	REP	04-08-073	388-148-0800	AMD	04-08-073
388-148-0400	AMD	04-08-073	388-148-0620	AMD-P	04-03-116	388-148-0805	AMD-P	04-03-116
388-148-0422	NEW-P	04-03-116	388-148-0620	AMD	04-08-073	388-148-0805	AMD	04-08-073
388-148-0422	NEW	04-08-073	388-148-0625	AMD-P	04-03-116	388-148-0810	AMD-P	04-03-116
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388-148-0425	AMD	04-08-073	388-148-0630	REP-P	04-03-116	388-148-0830	AMD-P	04-03-116
388-148-0427	NEW-E	04-05-035	388-148-0630	AMD-E	04-05-035	388-148-0830	AMD	04-08-073
388-148-0430	AMD-P	04-03-116	388-148-0630	REP	04-08-073	388-148-0860	AMD-P	04-03-116
388-148-0430	AMD	04-08-073	388-148-0635	REP-P	04-03-116	388-148-0860	AMD	04-08-073
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388-148-0445	AMD	04-08-073	388-148-0640	AMD-P	04-03-116	388-148-0870	AMD	04-08-073
388-148-0450	REP-P	04-03-116	388-148-0640	AMD	04-08-073	388-148-0875	AMD-P	04-03-116
388-148-0450	REP	04-08-073	388-148-0645	AMD-P	04-03-116	388-148-0875	AMD	04-08-073
388-148-0455	AMD-P	04-03-116	388-148-0645	AMD	04-08-073	388-148-0880	AMD-P	04-03-116
388-148-0455	AMD	04-08-073	388-148-0650	REP-P	04-03-116	388-148-0880	AMD-E	04-05-035
388-148-0460	AMD-P	04-03-116	388-148-0650	REP	04-08-073	388-148-0880	AMD	04-08-073
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388-148-0460	AMD	04-08-073	388-148-0655	AMD	04-08-073	388-148-0885	AMD	04-08-073
388-148-0462	NEW-E	04-05-035	388-148-0660	AMD-P	04-03-116	388-148-0890	AMD-P	04-03-116
388-148-0470	AMD-P	04-03-116	388-148-0660	AMD	04-08-073	388-148-0890	AMD	04-08-073
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388-148-0480	AMD-P	04-03-116	388-148-0670	AMD	04-08-073	388-148-0892	NEW-E	04-05-035
388-148-0480	AMD	04-08-073	388-148-0685	AMD-P	04-03-116	388-148-0892	NEW	04-08-073
388-148-0485	AMD-P	04-03-116	388-148-0685	AMD	04-08-073	388-148-0895	AMD-P	04-03-116
388-148-0485	AMD	04-08-073	388-148-0695	AMD-P	04-03-116	388-148-0895	AMD	04-08-073
388-148-0487	NEW-P	04-03-116	388-148-0695	AMD	04-08-073	388-148-0900	AMD-P	04-03-116
388-148-0487	NEW	04-08-073	388-148-0700	AMD-P	04-03-116	388-148-0900	AMD	04-08-073
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388-148-0488	NEW	04-08-073	388-148-0700	AMD	04-08-073	388-148-0905	AMD	04-08-073
388-148-0490	AMD-P	04-03-116	388-148-0705	AMD-P	04-03-116	388-148-0915	AMD-P	04-03-116
388-148-0490	AMD	04-08-073	388-148-0705	AMD	04-08-073	388-148-0915	AMD-E	04-05-035
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388-148-0500	REP	04-08-073	388-148-0710	AMD	04-08-073	388-148-0935	REP-P	04-03-116
388-148-0520	AMD-P	04-03-116	388-148-0715	AMD-P	04-03-116	388-148-0935	REP	04-08-073
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388-148-0535	AMD	04-08-073	388-148-0720	AMD	04-08-073	388-148-1025	AMD-P	04-03-116
388-148-0540	AMD-P	04-03-116	388-148-0722	NEW-P	04-03-116	388-148-1025	AMD	04-08-073
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388-148-1045	AMD-P	04-03-116	388-148-1275	NEW-P	04-03-116	388-155-500	REP-P	04-07-134
388-148-1045	AMD	04-08-073	388-148-1275	NEW	04-08-073	388-155-600	REP-P	04-07-134
388-148-1050	AMD-P	04-03-116	388-148-1280	NEW-P	04-03-116	388-155-605	REP-P	04-07-134
388-148-1050	AMD	04-08-073	388-148-1280	NEW	04-08-073	388-155-610	REP-P	04-07-134
388-148-1060	AMD-P	04-03-116	388-155	REP-C	04-10-095	388-155-620	REP-P	04-07-134
388-148-1060	AMD-E	04-05-035	388-155-005	REP-P	04-07-134	388-155-630	REP-P	04-07-134
388-148-1060	AMD	04-08-073	388-155-010	REP-P	04-07-134	388-155-640	REP-P	04-07-134
388-148-1065	REP-P	04-03-116	388-155-020	REP-P	04-07-134	388-155-650	REP-P	04-07-134
388-148-1065	REP	04-08-073	388-155-040	REP-P	04-07-134	388-155-660	REP-P	04-07-134
388-148-1066	NEW-P	04-03-116	388-155-050	REP-P	04-07-134	388-155-670	REP-P	04-07-134
388-148-1066	NEW	04-08-073	388-155-060	REP-P	04-07-134	388-155-680	REP-P	04-07-134
388-148-1070	AMD-P	04-03-116	388-155-070	REP-P	04-07-134	388-155-991	REP-P	04-07-134
388-148-1070	AMD-E	04-05-035	388-155-080	REP-P	04-07-134	388-155-992	REP-P	04-07-134
388-148-1070	AMD	04-08-073	388-155-083	REP-P	04-07-134	388-155-993	REP-P	04-07-134
388-148-1076	NEW-P	04-03-116	388-155-085	REP-P	04-07-134	388-273-0025	AMD-E	04-03-097
388-148-1076	NEW-E	04-05-035	388-155-090	REP-P	04-07-134	388-273-0025	AMD-P	04-07-089
388-148-1076	NEW	04-08-073	388-155-092	REP-P	04-07-134	388-273-0025	AMD-E	04-11-080
388-148-1077	NEW-P	04-03-116	388-155-093	REP-P	04-07-134	388-273-0025	AMD	04-13-136
388-148-1077	NEW-E	04-05-035	388-155-094	REP-P	04-07-134	388-273-0030	AMD-E	04-03-097
388-148-1077	NEW	04-08-073	388-155-095	REP-P	04-07-134	388-273-0030	AMD-P	04-07-089
388-148-1078	NEW-P	04-03-116	388-155-096	REP-P	04-07-134	388-273-0030	AMD-E	04-11-080
388-148-1078	NEW-E	04-05-035	388-155-097	REP-P	04-07-134	388-273-0030	AMD	04-13-136
388-148-1078	NEW	04-08-073	388-155-098	REP-P	04-07-134	388-273-0035	AMD-E	04-03-097
388-148-1079	NEW-P	04-03-116	388-155-100	REP-P	04-07-134	388-273-0035	AMD-P	04-07-089
388-148-1079	NEW-E	04-05-035	388-155-110	REP-P	04-07-134	388-273-0035	AMD-E	04-11-080
388-148-1079	NEW	04-08-073	388-155-120	REP-P	04-07-134	388-273-0035	AMD	04-13-136
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388-148-1115	AMD-P	04-03-116	388-155-150	REP-P	04-07-134	388-290-0001	AMD	04-08-134
388-148-1115	AMD-E	04-05-035	388-155-160	REP-P	04-07-134	388-290-0005	AMD-P	04-02-047
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388-148-1210	NEW	04-08-073	388-155-240	REP-P	04-07-134	388-290-0012	NEW	04-08-134
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388-148-1225	NEW-P	04-03-116	388-155-295	REP-P	04-07-134	388-290-0020	AMD	04-08-021
388-148-1225	NEW	04-08-073	388-155-310	REP-P	04-07-134	388-290-0020	AMD	04-08-134
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388-148-1245	NEW	04-08-073	388-155-390	REP-P	04-07-134	388-290-0030	AMD	04-08-134
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388-148-1255	NEW	04-08-073	388-155-430	REP-P	04-07-134	388-290-0031	NEW	04-08-134
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388-290-0040	AMD	04-08-134	388-290-0120	AMD-P	04-02-047	388-290-0220	AMD	04-08-134
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388-290-0055	AMD	04-08-134	388-290-0135	AMD-P	04-02-047	388-290-0245	AMD	04-08-021
388-290-0060	AMD-P	04-02-047	388-290-0135	AMD	04-08-021	388-290-0245	AMD	04-08-134
388-290-0060	AMD	04-08-021	388-290-0135	AMD	04-08-134	388-290-0247	NEW-P	04-02-047
388-290-0060	AMD	04-08-134	388-290-0140	AMD-P	04-02-047	388-290-0247	NEW	04-08-021
388-290-0060	PREP	04-13-046	388-290-0140	AMD	04-08-021	388-290-0247	NEW	04-08-134
388-290-0065	AMD-P	04-02-047	388-290-0140	AMD	04-08-134	388-290-0250	AMD-P	04-02-047
388-290-0065	AMD	04-08-021	388-290-0140	PREP	04-13-046	388-290-0250	AMD	04-08-021
388-290-0065	AMD	04-08-134	388-290-0143	AMD-P	04-02-047	388-290-0250	AMD	04-08-134
388-290-0070	AMD-P	04-02-047	388-290-0143	AMD	04-08-021	388-290-0255	AMD-P	04-02-047
388-290-0070	AMD	04-08-021	388-290-0143	AMD	04-08-134	388-290-0255	AMD	04-08-021
388-290-0070	AMD	04-08-134	388-290-0145	AMD-P	04-02-047	388-290-0255	AMD	04-08-134
388-290-0075	AMD-P	04-02-047	388-290-0145	AMD	04-08-021	388-290-0260	AMD-P	04-02-047
388-290-0075	AMD-E	04-05-079	388-290-0145	AMD	04-08-134	388-290-0260	AMD	04-08-021
388-290-0075	AMD	04-08-021	388-290-0150	AMD-P	04-02-047	388-290-0260	AMD	04-08-134
388-290-0075	AMD	04-08-134	388-290-0150	AMD	04-08-021	388-290-0265	AMD-P	04-02-047
388-290-0080	REP-P	04-02-047	388-290-0150	AMD	04-08-134	388-290-0265	AMD	04-08-021
388-290-0080	REP	04-08-021	388-290-0155	AMD-P	04-02-047	388-290-0265	AMD	04-08-134
388-290-0080	REP	04-08-134	388-290-0155	AMD	04-08-021	388-290-0270	AMD-P	04-02-047
388-290-0082	NEW-P	04-02-047	388-290-0155	AMD	04-08-134	388-290-0270	AMD	04-08-021
388-290-0082	NEW	04-08-021	388-290-0155	PREP	04-13-046	388-290-0270	AMD	04-08-134
388-290-0082	NEW	04-08-134	388-290-0160	AMD-P	04-02-047	388-290-0270	PREP	04-13-046
388-290-0085	AMD-P	04-02-047	388-290-0160	AMD	04-08-021	388-290-0271	NEW-P	04-02-047
388-290-0085	AMD-E	04-05-079	388-290-0160	AMD	04-08-134	388-290-0271	NEW	04-08-021
388-290-0085	AMD	04-08-021	388-290-0165	AMD-P	04-02-047	388-290-0271	NEW	04-08-134
388-290-0085	AMD	04-08-134	388-290-0165	AMD	04-08-021	388-290-0273	NEW-P	04-02-047
388-290-0085	PREP	04-13-046	388-290-0165	AMD	04-08-134	388-290-0273	NEW	04-08-021
388-290-0090	AMD-P	04-02-047	388-290-0165	PREP	04-13-046	388-290-0273	NEW	04-08-134
388-290-0090	AMD	04-08-021	388-290-0167	AMD-P	04-02-047	388-295-0020	AMD-P	04-05-084
388-290-0090	AMD	04-08-134	388-290-0167	AMD	04-08-021	388-295-0020	AMD	04-09-093
388-290-0090	PREP	04-13-046	388-290-0167	AMD	04-08-134	388-295-0060	AMD-P	04-05-084
388-290-0095	AMD-P	04-02-047	388-290-0180	AMD-P	04-02-047	388-295-0060	AMD	04-09-093
388-290-0095	AMD	04-08-021	388-290-0180	AMD	04-08-021	388-295-0070	AMD-P	04-05-084
388-290-0095	AMD	04-08-134	388-290-0180	AMD	04-08-134	388-295-0070	AMD	04-09-093
388-290-0100	AMD-P	04-02-047	388-290-0190	AMD-P	04-02-047	388-295-0090	AMD-P	04-05-084
388-290-0100	AMD	04-08-021	388-290-0190	AMD-E	04-05-079	388-295-0090	AMD	04-09-093
388-290-0100	AMD	04-08-134	388-290-0190	AMD	04-08-021	388-295-0100	AMD-P	04-05-084
388-290-0105	AMD-P	04-02-047	388-290-0190	AMD	04-08-134	388-295-0100	AMD	04-09-093
388-290-0105	AMD	04-08-021	388-290-0200	AMD-P	04-02-047	388-295-0110	AMD-P	04-05-084
388-290-0105	AMD	04-08-134	388-290-0200	AMD	04-08-021	388-295-0110	AMD	04-09-093
388-290-0105	PREP	04-13-046	388-290-0200	AMD	04-08-134	388-295-1070	AMD-P	04-05-084
388-290-0107	NEW-P	04-02-047	388-290-0200	AMD-E	04-14-014	388-295-1070	AMD	04-09-093
388-290-0107	NEW	04-08-021	388-290-0205	AMD-P	04-02-047	388-295-1110	AMD-P	04-05-084
388-290-0107	NEW	04-08-134	388-290-0205	AMD	04-08-021	388-295-1110	AMD	04-09-093
388-290-0108	NEW-P	04-02-047	388-290-0205	AMD	04-08-134	388-295-2010	AMD-P	04-05-084
388-290-0108	NEW	04-08-021	388-290-0205	AMD-E	04-14-014	388-295-2010	AMD	04-09-093
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388-295-3010	AMD	04-09-093	388-296-0540	NEW-P	04-07-134	388-296-1200	NEW-P	04-07-134
388-295-4010	AMD-P	04-05-084	388-296-0550	NEW-P	04-07-134	388-296-1210	NEW-P	04-07-134
388-295-4010	AMD	04-09-093	388-296-0560	NEW-P	04-07-134	388-296-1220	NEW-P	04-07-134
388-295-4100	AMD-P	04-05-084	388-296-0570	NEW-P	04-07-134	388-296-1230	NEW-P	04-07-134
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388-296-0020	NEW-P	04-07-134	388-296-0750	NEW-P	04-07-134	388-296-1380	NEW-P	04-07-134
388-296-0110	NEW-P	04-07-134	388-296-0760	NEW-P	04-07-134	388-296-1390	NEW-P	04-07-134
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388-296-0150	NEW-P	04-07-134	388-296-0810	NEW-P	04-07-134	388-296-1440	NEW-P	04-07-134
388-296-0160	NEW-P	04-07-134	388-296-0820	NEW-P	04-07-134	388-296-1450	NEW-P	04-07-134
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388-296-0200	NEW-P	04-07-134	388-296-0860	NEW-P	04-07-134	388-310-1500	AMD	04-05-010
388-296-0210	NEW-P	04-07-134	388-296-0870	NEW-P	04-07-134	388-310-1600	AMD-P	04-03-095
388-296-0220	NEW-P	04-07-134	388-296-0880	NEW-P	04-07-134	388-310-1600	AMD	04-07-025
388-296-0230	NEW-P	04-07-134	388-296-0890	NEW-P	04-07-134	388-310-1650	AMD-P	04-03-095
388-296-0240	NEW-P	04-07-134	388-296-0900	NEW-P	04-07-134	388-310-1650	AMD	04-07-025
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388-296-0270	NEW-P	04-07-134	388-296-0930	NEW-P	04-07-134	388-400-0005	AMD-P	04-10-099
388-296-0280	NEW-P	04-07-134	388-296-0940	NEW-P	04-07-134	388-400-0005	PREP	04-12-096
388-296-0290	NEW-P	04-07-134	388-296-0950	NEW-P	04-07-134	388-400-0005	AMD	04-15-057
388-296-0300	NEW-P	04-07-134	388-296-0960	NEW-P	04-07-134	388-400-0010	AMD-P	04-10-099
388-296-0310	NEW-P	04-07-134	388-296-0970	NEW-P	04-07-134	388-400-0010	AMD	04-15-057
388-296-0320	NEW-P	04-07-134	388-296-0980	NEW-P	04-07-134	388-400-0025	AMD-P	04-10-099
388-296-0330	NEW-P	04-07-134	388-296-0990	NEW-P	04-07-134	388-400-0025	AMD	04-15-057
388-296-0340	NEW-P	04-07-134	388-296-1000	NEW-P	04-07-134	388-400-0030	AMD-P	04-15-054
388-296-0350	NEW-P	04-07-134	388-296-1010	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-096
388-296-0360	NEW-P	04-07-134	388-296-1020	NEW-P	04-07-134	388-400-0040	AMD-P	04-10-099
388-296-0370	NEW-P	04-07-134	388-296-1030	NEW-P	04-07-134	388-400-0040	AMD-E	04-14-039
388-296-0380	NEW-P	04-07-134	388-296-1040	NEW-P	04-07-134	388-400-0040	AMD	04-14-040
388-296-0390	NEW-P	04-07-134	388-296-1050	NEW-P	04-07-134	388-400-0040	AMD	04-15-057
388-296-0400	NEW-P	04-07-134	388-296-1060	NEW-P	04-07-134	388-408-0015	PREP	04-07-164
388-296-0410	NEW-P	04-07-134	388-296-1070	NEW-P	04-07-134	388-408-0034	AMD-P	04-02-050
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388-296-0430	NEW-P	04-07-134	388-296-1090	NEW-P	04-07-134	388-408-0035	AMD-P	04-02-050
388-296-0440	NEW-P	04-07-134	388-296-1100	NEW-P	04-07-134	388-408-0035	AMD	04-06-025
388-296-0450	NEW-P	04-07-134	388-296-1110	NEW-P	04-07-134	388-408-0035	AMD-P	04-10-096
388-296-0460	NEW-P	04-07-134	388-296-1120	NEW-P	04-07-134	388-408-0035	AMD-E	04-14-039
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388-414-0001	AMD	04-07-139	388-440-0001	AMD	04-05-010	388-450-0190	AMD	04-07-138
388-414-0001	PREP	04-08-036	388-442-0010	PREP	04-10-091	388-450-0190	PREP	04-12-092
388-414-0001	AMD-E	04-10-061	388-442-0010	AMD-E	04-14-041	388-450-0195	PREP	04-12-092
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388-416-0020	PREP	04-13-102	388-446-0005	AMD	04-13-097	388-454-0010	AMD-C	04-03-010F
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388-416-0030	REP	04-07-141	388-448-0001	AMD	04-07-140	388-462-0015	PREP	04-14-097
388-416-0035	PREP	04-12-098	388-448-0010	AMD-P	04-02-048	388-462-0020	AMD-P	04-10-099
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388-418-0005	AMD-P	04-02-072	388-448-0010	AMD	04-07-140	388-462-0020	AMD	04-15-057
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388-418-0020	AMD-P	04-15-052	388-448-0120	AMD	04-07-140	388-473-0010	PREP	04-12-097
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388-424-0001	NEW	04-15-004	388-448-0160	AMD-E	04-03-010E	388-475-0150	NEW	04-09-002
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388-424-0005	REP	04-15-004	388-448-0170	REP-P	04-02-048	388-475-0250	NEW	04-09-002
388-424-0006	NEW-P	04-10-100	388-448-0170	REP-E	04-02-051	388-475-0300	NEW	04-09-002
388-424-0006	NEW	04-15-004	388-448-0170	REP-E	04-03-010E	388-475-0350	NEW	04-09-003
388-424-0007	NEW-P	04-10-100	388-448-0170	REP	04-07-140	388-475-0400	NEW	04-09-003
388-424-0007	NEW	04-15-004	388-448-0180	AMD-P	04-02-048	388-475-0450	NEW	04-09-003
388-424-0008	NEW-P	04-10-100	388-448-0180	AMD	04-07-140	388-475-0500	NEW	04-09-003
388-424-0008	NEW	04-15-004	388-448-0190	REP-P	04-02-048	388-475-0550	NEW	04-09-004
388-424-0009	NEW-P	04-10-100	388-448-0190	REP-E	04-02-051	388-475-0600	NEW	04-09-004
388-424-0009	NEW	04-15-004	388-448-0190	REP-E	04-03-010E	388-475-0650	NEW	04-09-004
388-424-0010	AMD-P	04-10-100	388-448-0190	REP	04-07-140	388-475-0700	NEW	04-09-004
388-424-0010	AMD	04-15-004	388-448-0200	AMD-P	04-02-048	388-475-0750	NEW	04-09-004
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388-424-0016	NEW-P	04-10-100	388-448-0210	AMD-P	04-02-048	388-475-0840	NEW	04-09-005
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388-436-0015	AMD-C	04-02-057	388-450-0116	AMD-P	04-10-099	388-478-0075	PREP	04-07-165
388-436-0015	AMD	04-05-013	388-450-0116	AMD	04-15-057	388-478-0075	AMD-E	04-09-001
388-436-0040	AMD-C	04-02-058	388-450-0140	AMD-P	04-10-096	388-478-0075	AMD-P	04-12-042
388-436-0040	AMD	04-05-010	388-450-0140	AMD-E	04-14-039	388-478-0075	AMD	04-15-092
388-438-0100	REP-P	04-04-074	388-450-0140	AMD	04-14-040	388-478-0080	AMD-E	04-11-013
388-438-0100	REP-E	04-06-023	388-450-0150	REP	04-09-005	388-478-0080	AMD-P	04-13-134
388-438-0100	REP	04-07-141	388-450-0156	AMD-P	04-10-099	388-478-0085	AMD-E	04-07-167
388-438-0110	AMD-P	04-10-099	388-450-0156	AMD	04-15-057	388-478-0085	AMD-P	04-13-135
			388-450-0165	AMD-C	04-02-058	388-484-0005	AMD-C	04-02-058
			388-450-0165	AMD	04-05-010	388-484-0005	AMD	04-05-010

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-492	PREP-W	04-04-094	388-526	PREP	04-04-096	388-533-0325	NEW	04-13-049
388-492	PREP	04-04-097	388-527-2700	AMD-P	04-05-082	388-533-0330	NEW-P	04-05-083
388-492-0010	REP-E	04-05-003	388-527-2700	AMD	04-10-060	388-533-0330	NEW	04-13-049
388-492-0010	REP-E	04-13-001	388-527-2730	AMD-P	04-05-082	388-533-0340	NEW-P	04-05-083
388-492-0020	AMD-E	04-05-003	388-527-2730	AMD	04-10-060	388-533-0340	NEW	04-13-049
388-492-0020	AMD-E	04-13-001	388-527-2733	AMD-P	04-05-082	388-533-0345	NEW-P	04-05-083
388-492-0030	AMD-E	04-05-003	388-527-2733	AMD	04-10-060	388-533-0345	NEW	04-13-049
388-492-0030	AMD-E	04-13-001	388-527-2740	AMD-P	04-05-082	388-533-0350	REP-P	04-05-083
388-492-0040	AMD-E	04-05-003	388-527-2740	AMD	04-10-060	388-533-0350	REP	04-13-049
388-492-0040	PREP	04-12-092	388-527-2742	AMD-P	04-05-082	388-533-0360	NEW-P	04-05-083
388-492-0040	AMD-E	04-13-001	388-527-2742	AMD	04-10-060	388-533-0360	NEW	04-13-049
388-492-0050	AMD-E	04-05-003	388-527-2750	AMD-P	04-05-082	388-533-0365	NEW-P	04-05-083
388-492-0050	AMD-E	04-13-001	388-527-2750	AMD	04-10-060	388-533-0365	NEW	04-13-049
388-492-0060	AMD-E	04-05-003	388-527-2754	AMD-P	04-05-082	388-533-0370	NEW-P	04-05-083
388-492-0060	AMD-E	04-13-001	388-527-2754	AMD	04-10-060	388-533-0370	NEW	04-13-049
388-492-0070	AMD-E	04-05-003	388-527-2790	AMD-P	04-05-082	388-533-0375	NEW-P	04-05-083
388-492-0070	PREP	04-12-092	388-527-2790	AMD	04-10-060	388-533-0375	NEW	04-13-049
388-492-0070	AMD-E	04-13-001	388-527-2792	NEW-P	04-05-082	388-533-0380	NEW-P	04-05-083
388-492-0080	AMD-E	04-05-003	388-527-2792	NEW	04-10-060	388-533-0380	NEW	04-13-049
388-492-0080	AMD-E	04-13-001	388-527-2795	AMD-P	04-05-082	388-533-0385	NEW-P	04-05-083
388-492-0090	AMD-E	04-05-003	388-527-2795	AMD	04-10-060	388-533-0385	NEW	04-13-049
388-492-0090	AMD-E	04-13-001	388-529	PREP	04-06-054	388-533-0386	NEW-P	04-05-083
388-492-0100	AMD-E	04-05-003	388-530-1050	PREP	04-09-035	388-533-0386	NEW	04-13-049
388-492-0100	AMD-E	04-13-001	388-530-1125	PREP	04-09-035	388-533-0390	NEW-P	04-05-083
388-492-0110	AMD-E	04-05-003	388-530-1200	PREP	04-09-035	388-533-0390	NEW	04-13-049
388-492-0110	AMD-E	04-13-001	388-530-1250	PREP	04-09-035	388-533-0400	PREP	04-14-098
388-492-0120	AMD-E	04-05-003	388-530-1260	PREP	04-09-035	388-533-0500	PREP	04-14-098
388-492-0120	AMD-E	04-13-001	388-530-1850	PREP	04-03-089	388-533-0600	PREP	04-14-098
388-492-0130	AMD-E	04-05-003	388-530-1850	AMD-P	04-07-137	388-533-701	NEW-P	04-07-136
388-492-0130	AMD-E	04-13-001	388-530-1850	AMD	04-11-009	388-533-701	NEW	04-11-008
388-500-0005	AMD-W	04-11-060	388-531	PREP	04-12-093	388-533-710	NEW-P	04-07-136
388-501-0165	AMD-W	04-11-059	388-531-0050	PREP	04-13-103	388-533-710	NEW	04-11-008
388-502-0160	PREP	04-07-088	388-531-0050	AMD-E	04-15-090	388-533-720	NEW-P	04-07-136
388-503-0505	AMD-P	04-04-074	388-531-0150	AMD-E	04-15-090	388-533-720	NEW	04-11-008
388-503-0505	AMD-E	04-06-023	388-531-0200	AMD-E	04-15-090	388-533-730	NEW-P	04-07-136
388-503-0505	AMD	04-07-141	388-531-0650	AMD-E	04-15-090	388-533-730	NEW	04-11-008
388-505-0110	PREP	04-04-095	388-531-1600	AMD-E	04-15-090	388-535	PREP	04-07-115
388-505-0110	AMD-P	04-09-090	388-532	PREP	04-12-094	388-535-1050	AMD-X	04-07-142
388-505-0110	AMD	04-15-003	388-532-001	NEW	04-05-011	388-535-1050	AMD	04-14-100
388-505-0210	AMD-P	04-10-099	388-532-050	AMD	04-05-011	388-535-1065	AMD-X	04-07-142
388-505-0210	AMD	04-15-057	388-532-100	AMD	04-05-011	388-535-1065	AMD	04-14-100
388-505-0211	NEW	04-08-125	388-532-110	NEW	04-05-011	388-535A-0050	AMD-E	04-04-073
388-505-0211	AMD-P	04-13-140	388-532-120	NEW	04-05-011	388-535A-0050	AMD-E	04-12-041
388-511-1130	REP	04-09-004	388-532-130	NEW	04-05-011	388-535A-0060	AMD-E	04-04-073
388-513-1301	AMD-E	04-08-019	388-532-140	NEW	04-05-011	388-535A-0060	AMD-E	04-12-041
388-513-1301	AMD-P	04-12-101	388-532-500	NEW	04-05-011	388-538	PREP	04-13-101
388-513-1301	AMD-E	04-15-091	388-532-510	NEW	04-05-011	388-538-060	PREP-W	04-14-034
388-513-1315	AMD-E	04-08-019	388-532-520	NEW	04-05-011	388-538-063	PREP	04-04-095
388-513-1315	AMD-P	04-12-101	388-532-530	NEW	04-05-011	388-538-063	NEW-P	04-09-090
388-513-1315	AMD-E	04-15-091	388-532-540	NEW	04-05-011	388-538-063	NEW	04-15-003
388-513-1350	AMD-C	04-02-056	388-532-550	NEW	04-05-011	388-538-112	AMD-P	04-07-135
388-513-1350	AMD	04-04-072	388-532-720	AMD-P	04-10-099	388-538-112	AMD	04-13-002
388-513-1380	AMD-C	04-02-056	388-532-720	AMD	04-15-057	388-542	PREP	04-10-093
388-513-1380	AMD	04-04-072	388-533-0300	AMD-P	04-05-083	388-542	AMD-P	04-13-140
388-515-1510	AMD-E	04-08-019	388-533-0300	AMD	04-13-049	388-542-0010	NEW-P	04-13-140
388-515-1510	AMD-P	04-12-101	388-533-0310	NEW-P	04-05-083	388-542-0020	NEW-P	04-13-140
388-515-1550	NEW-E	04-10-062	388-533-0310	NEW	04-13-049	388-542-0050	AMD-P	04-13-140
388-515-1550	NEW-P	04-10-101	388-533-0315	NEW-P	04-05-083	388-542-0100	AMD	04-08-018
388-517-0300	PREP	04-10-090	388-533-0315	NEW	04-13-049	388-542-0100	REP-P	04-13-140
388-519-0100	PREP	04-13-102	388-533-0320	NEW-P	04-05-083	388-542-0125	AMD	04-08-018
388-519-0110	PREP	04-13-102	388-533-0320	NEW	04-13-049	388-542-0125	REP-P	04-13-140
388-519-0120	REP-X	04-15-012	388-533-0325	NEW-P	04-05-083	388-542-0150	REP-P	04-13-140

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-542-0200	REP-P	04-13-140	388-550-6000	PREP	04-13-104	388-825-104	NEW-P	04-12-100
388-542-0220	REP-P	04-13-140	388-551	PREP	04-02-061	388-825-104	NEW	04-15-093
388-542-0250	AMD-E	04-13-137	388-551	PREP-W	04-07-111	388-825-105	NEW-P	04-12-100
388-542-0250	REP-P	04-13-140	388-551	PREP	04-07-114	388-825-105	NEW	04-15-093
388-542-0275	REP-P	04-13-140	388-553-100	NEW-C	04-02-055	388-825-120	AMD-E	04-08-020
388-542-0300	AMD-P	04-13-140	388-553-100	NEW	04-11-007	388-825-125	NEW-E	04-08-020
388-542-0500	AMD	04-08-018	388-553-200	NEW-C	04-02-055	388-825-130	NEW-E	04-08-020
388-542-0500	REP-P	04-13-140	388-553-200	NEW	04-11-007	388-825-135	NEW-E	04-08-020
388-544	PREP-W	04-04-031	388-553-300	NEW-C	04-02-055	388-825-140	NEW-E	04-08-020
388-544	PREP	04-07-087	388-553-300	NEW	04-11-007	388-825-145	NEW-E	04-08-020
388-545	PREP-W	04-04-031	388-553-400	NEW-C	04-02-055	388-825-150	NEW-E	04-08-020
388-546	PREP	04-02-060	388-553-400	NEW	04-11-007	388-825-155	NEW-E	04-08-020
388-546-0001	AMD-P	04-12-103	388-553-500	NEW-C	04-02-055	388-825-160	NEW-E	04-08-020
388-546-0100	AMD-P	04-12-103	388-553-500	NEW	04-11-007	388-825-165	NEW-E	04-08-020
388-546-0150	AMD-P	04-12-103	388-720-0020	AMD-C	04-02-059	388-825-170	REP-E	04-08-020
388-546-0200	AMD-P	04-12-103	388-720-0020	AMD	04-05-080	388-825-180	REP-E	04-08-020
388-546-0250	AMD-P	04-12-103	388-800-0048	AMD-P	04-10-099	388-825-190	REP-E	04-08-020
388-546-0300	AMD-P	04-12-103	388-800-0048	AMD	04-15-057	388-825-210	PREP	04-12-091
388-546-0400	AMD-P	04-12-103	388-820	PREP	04-13-106	388-825-228	PREP	04-12-091
388-546-0425	NEW-P	04-12-103	388-820-020	AMD	04-04-043	388-825-230	PREP	04-12-091
388-546-0450	AMD-P	04-12-103	388-820-030	AMD	04-04-043	388-825-232	PREP	04-12-091
388-546-0500	AMD-P	04-12-103	388-820-050	AMD	04-04-043	388-825-234	PREP	04-12-091
388-546-0600	AMD-P	04-12-103	388-820-056	NEW	04-04-043	388-825-236	PREP	04-12-091
388-546-0700	AMD-P	04-12-103	388-820-060	AMD	04-04-043	388-825-238	PREP	04-12-091
388-546-0800	AMD-P	04-12-103	388-820-070	AMD	04-04-043	388-825-242	PREP	04-12-091
388-546-0900	NEW-P	04-12-103	388-820-076	NEW	04-04-043	388-825-248	PREP	04-12-091
388-546-1000	AMD-P	04-12-103	388-820-086	NEW	04-04-043	388-825-252	PREP	04-12-091
388-546-1500	NEW-P	04-12-103	388-820-090	AMD	04-04-043	388-825-253	PREP	04-12-091
388-546-2500	NEW-P	04-12-103	388-820-100	AMD	04-04-043	388-825-254	PREP	04-12-091
388-546-3000	NEW-P	04-12-103	388-820-120	AMD	04-04-043	388-825-260	REP-E	04-08-020
388-546-4000	NEW-P	04-12-103	388-820-230	AMD	04-04-043	388-825-262	REP-E	04-08-020
388-547	PREP-W	04-04-031	388-820-260	AMD	04-04-043	388-825-264	REP-E	04-08-020
388-550	PREP	04-03-092	388-820-290	AMD	04-04-043	388-825-266	REP-E	04-08-020
388-550	PREP	04-12-093	388-820-300	AMD	04-04-043	388-825-268	REP-E	04-08-020
388-550	PREP	04-13-103	388-820-310	AMD	04-04-043	388-825-270	REP-E	04-08-020
388-550-1050	PREP	04-13-103	388-820-320	AMD	04-04-043	388-825-272	REP-E	04-08-020
388-550-1700	PREP	04-13-103	388-820-330	AMD	04-04-043	388-825-276	REP-E	04-08-020
388-550-1750	PREP	04-13-103	388-820-340	AMD	04-04-043	388-825-278	REP-E	04-08-020
388-550-2301	NEW-E	04-15-090	388-820-350	AMD	04-04-043	388-825-280	REP-E	04-08-020
388-550-2800	PREP	04-03-091	388-820-400	AMD	04-04-043	388-825-282	REP-E	04-08-020
388-550-2900	PREP	04-03-091	388-820-405	NEW	04-04-043	388-825-284	REP-E	04-08-020
388-550-2900	PREP	04-13-103	388-820-410	AMD	04-04-043	388-825-284	REP-E	04-08-020
388-550-3100	PREP	04-05-085A	388-820-550	AMD	04-04-043	388-825-300	NEW-E	04-08-020
388-550-3100	AMD-P	04-08-123	388-820-555	NEW	04-04-043	388-825-305	NEW-E	04-08-020
388-550-3100	AMD	04-13-048	388-820-560	AMD	04-04-043	388-825-310	NEW-E	04-08-020
388-550-3700	PREP	04-15-130	388-820-560	AMD	04-04-043	388-825-315	NEW-E	04-08-020
388-550-3800	PREP	04-13-105	388-820-600	AMD	04-04-043	388-825-315	NEW-E	04-08-020
388-550-4900	PREP	04-03-090	388-820-650	AMD	04-04-043	388-825-320	NEW-E	04-08-020
388-550-4900	AMD-P	04-08-124	388-820-690	AMD	04-04-043	388-825-325	NEW-E	04-08-020
388-550-4900	AMD	04-12-044	388-825	PREP	04-08-071	388-825-330	NEW-E	04-08-020
388-550-5000	PREP	04-03-090	388-825-030	AMD-E	04-14-003	388-825-335	NEW-E	04-08-020
388-550-5100	PREP	04-03-090	388-825-070	AMD-P	04-08-072	388-825-340	NEW-E	04-08-020
388-550-5100	AMD-P	04-08-124	388-825-070	AMD	04-11-087	388-825-345	NEW-E	04-08-020
388-550-5100	AMD	04-12-044	388-825-090	AMD-P	04-08-072	388-825-355	NEW-E	04-08-020
388-550-5200	PREP	04-03-090	388-825-090	AMD	04-11-087	388-825-360	NEW-E	04-08-020
388-550-5200	AMD-P	04-08-124	388-825-100	AMD-P	04-12-100	388-825-365	NEW-E	04-08-020
388-550-5200	AMD	04-12-044	388-825-100	AMD	04-15-093	388-825-370	NEW-E	04-08-020
388-550-5210	NEW-P	04-08-124	388-825-101	NEW-P	04-12-100	388-825-375	NEW-E	04-08-020
388-550-5210	NEW	04-12-044	388-825-101	NEW	04-15-093	388-825-380	NEW-E	04-08-020
388-550-5220	NEW-P	04-08-124	388-825-102	NEW-P	04-12-100	388-825-385	NEW-E	04-08-020
388-550-5220	NEW	04-12-044	388-825-102	NEW	04-15-093	388-825-390	NEW-E	04-08-020
388-550-5900	PREP	04-13-103	388-825-103	NEW-P	04-12-100	388-825-395	NEW-E	04-08-020
			388-825-103	NEW	04-15-093	388-825-400	NEW-E	04-08-020
						388-827	PREP	04-08-070

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388-827-0110	AMD-P	04-12-102	388-845-0310	NEW-E	04-08-020	388-845-3000	NEW-E	04-08-020
388-827-0110	AMD	04-15-094	388-845-0400	NEW-E	04-08-020	388-845-3005	NEW-E	04-08-020
388-827-0115	AMD-P	04-12-102	388-845-0405	NEW-E	04-08-020	388-845-3010	NEW-E	04-08-020
388-827-0115	AMD	04-15-094	388-845-0410	NEW-E	04-08-020	388-845-3015	NEW-E	04-08-020
388-827-0175	AMD-P	04-12-102	388-845-0500	NEW-E	04-08-020	388-845-3020	NEW-E	04-08-020
388-827-0175	AMD	04-15-094	388-845-0505	NEW-E	04-08-020	388-845-3025	NEW-E	04-08-020
388-827-0185	AMD-P	04-12-102	388-845-0510	NEW-E	04-08-020	388-845-3030	NEW-E	04-08-020
388-827-0185	AMD	04-15-094	388-845-0600	NEW-E	04-08-020	388-845-3035	NEW-E	04-08-020
388-827-0410	AMD-P	04-12-102	388-845-0605	NEW-E	04-08-020	388-845-4000	NEW-E	04-08-020
388-827-0410	AMD	04-15-094	388-845-0610	NEW-E	04-08-020	388-845-4005	NEW-E	04-08-020
388-835-0085	AMD-E	04-10-016	388-845-0700	NEW-E	04-08-020	388-845-4010	NEW-E	04-08-020
388-835-0085	AMD-P	04-12-099	388-845-0705	NEW-E	04-08-020	388-845-4015	NEW-E	04-08-020
388-835-0090	AMD-E	04-10-016	388-845-0710	NEW-E	04-08-020	388-865	PREP	04-08-122
388-835-0090	AMD-P	04-12-099	388-845-0800	NEW-E	04-08-020	388-865-0335	PREP	04-05-085
388-835-0100	AMD-E	04-10-016	388-845-0805	NEW-E	04-08-020	388-865-0340	PREP	04-05-085
388-835-0100	AMD-P	04-12-099	388-845-0810	NEW-E	04-08-020	388-865-0465	AMD-P	04-05-081
388-835-0115	AMD-E	04-10-016	388-845-0820	NEW-E	04-08-020	388-865-0465	AMD	04-12-043
388-835-0115	AMD-P	04-12-099	388-845-0900	NEW-E	04-08-020	388-865-0500	AMD	04-07-014
388-835-0135	REP-E	04-10-016	388-845-0905	NEW-E	04-08-020	388-865-0501	REP	04-07-014
388-835-0135	REP-P	04-12-099	388-845-0910	NEW-E	04-08-020	388-865-0502	REP	04-07-014
388-835-0140	AMD-E	04-10-016	388-845-1000	NEW-E	04-08-020	388-865-0504	REP	04-07-014
388-835-0140	AMD-P	04-12-099	388-845-1010	NEW-E	04-08-020	388-865-0505	REP	04-07-014
388-837-9005	NEW-E	04-10-016	388-845-1015	NEW-E	04-08-020	388-865-0510	REP	04-07-014
388-837-9005	NEW-P	04-12-099	388-845-1100	NEW-E	04-08-020	388-865-0511	NEW	04-07-014
388-837-9015	NEW-E	04-10-016	388-845-1105	NEW-E	04-08-020	388-865-0515	REP	04-07-014
388-837-9015	NEW-P	04-12-099	388-845-1110	NEW-E	04-08-020	388-865-0516	NEW	04-07-014
388-837-9020	NEW-E	04-10-016	388-845-1200	NEW-E	04-08-020	388-865-0520	NEW	04-07-014
388-837-9020	NEW-P	04-12-099	388-845-1205	NEW-E	04-08-020	388-865-0525	REP	04-07-014
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463- 54-010	AMD-P	04-13-154	463- 60-382	RECOD-P	04-13-154	463- 74-030	RECOD-P	04-13-154
463- 54-010	DECOD-P	04-13-154	463- 60-385	RECOD-P	04-13-154	463- 74-040	RECOD-P	04-13-154
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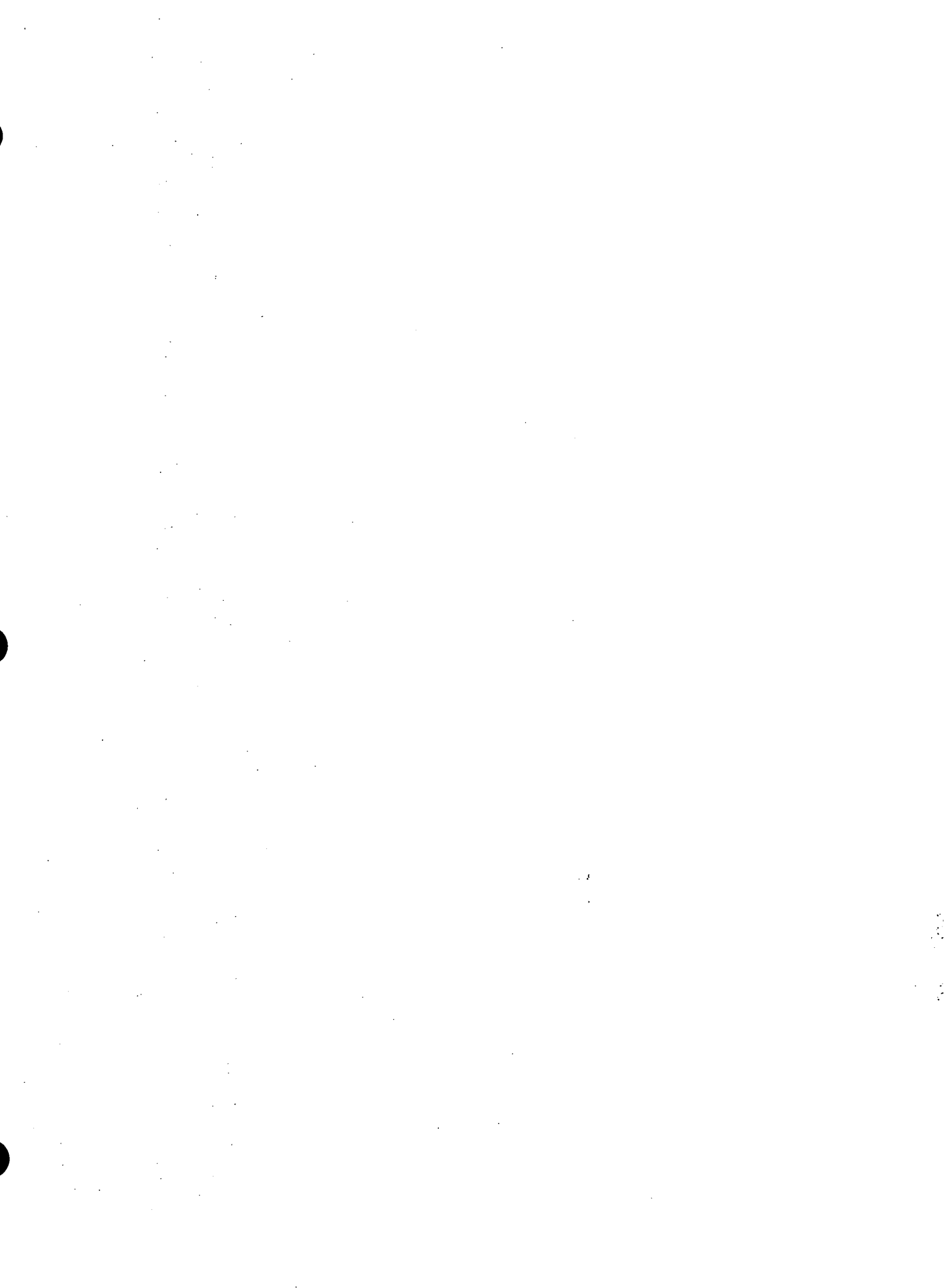
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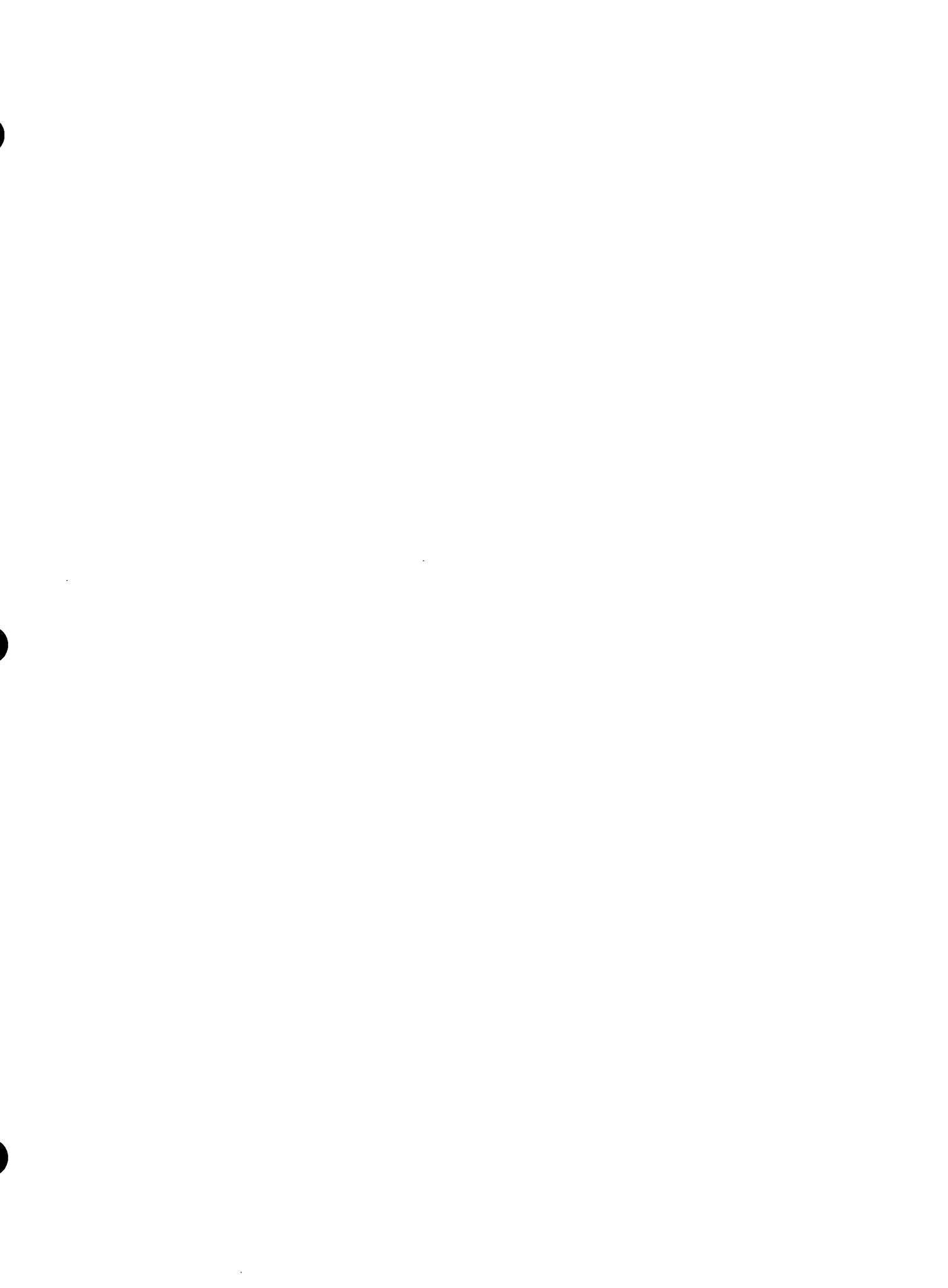
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