

August 3, 2005

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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

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 2005 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 2005 is 5.429%.

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **EXPEDITED RULE MAKING**-includes the full text of the rule being proposed using the expedited rule-making process. Expedited rule makings are not consistently filed and may not appear in every issue of the register.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material is ((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].

2005 - 2006

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
For Inclusion In -	File no later than 12:00 noon -			Count ²⁰ days from -	For hearing on or after	First Agency Adoption Date
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
06-01	Nov 23, 05	Dec 7, 05	Dec 21, 05	Jan 4, 06	Jan 24, 06	Feb 23, 06
06-02	Dec 7, 05	Dec 21, 05	Jan 4, 06	Jan 18, 06	Feb 7, 06	Mar 7, 06
06-03	Dec 21, 05	Jan 4, 06	Jan 18, 06	Feb 1, 06	Feb 21, 06	Mar 21, 06
06-04	Jan 4, 06	Jan 18, 06	Feb 1, 06	Feb 15, 06	Mar 7, 06	Apr 4, 06
06-05	Jan 18, 06	Feb 1, 06	Feb 15, 06	Mar 1, 06	Mar 21, 06	Apr 18, 06
06-06	Feb 1, 06	Feb 15, 06	Mar 1, 06	Mar 15, 06	Apr 4, 06	May 2, 06
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06-08	Mar 8, 06	Mar 22, 06	Apr 5, 06	Apr 19, 06	May 9, 06	Jun 6, 06
06-09	Mar 22, 06	Apr 5, 06	Apr 19, 06	May 3, 06	May 23, 06	Jun 20, 06
06-10	Apr 5, 06	Apr 19, 06	May 3, 06	May 17, 06	Jun 6, 06	Jul 5, 06
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06-13	May 24, 06	Jun 7, 06	Jun 21, 06	Jul 5, 06	Jul 25, 06	Aug 22, 06
06-14	Jun 7, 06	Jun 21, 06	Jul 5, 06	Jul 19, 06	Aug 8, 06	Sep 6, 06
06-15	Jun 21, 06	Jul 5, 06	Jul 19, 06	Aug 2, 06	Aug 22, 06	Sep 19, 06
06-16	Jul 5, 06	Jul 19, 06	Aug 2, 06	Aug 16, 06	Sep 5, 06	Oct 3, 06
06-17	Jul 26, 06	Aug 9, 06	Aug 23, 06	Sep 6, 06	Sep 26, 06	Oct 24, 06
06-18	Aug 9, 06	Aug 23, 06	Sep 6, 06	Sep 20, 06	Oct 10, 06	Nov 7, 06
06-19	Aug 23, 06	Sep 6, 06	Sep 20, 06	Oct 4, 06	Oct 24, 06	Nov 21, 06
06-20	Sep 6, 06	Sep 20, 06	Oct 4, 06	Oct 18, 06	Nov 7, 06	Dec 5, 06
06-21	Sep 20, 06	Oct 4, 06	Oct 18, 06	Nov 1, 06	Nov 21, 06	Dec 19, 06
06-22	Oct 4, 06	Oct 18, 06	Nov 1, 06	Nov 15, 06	Dec 5, 06	Jan 2, 07
06-23	Oct 25, 06	Nov 8, 06	Nov 22, 06	Dec 6, 06	Dec 26, 06	Jan 23, 07
06-24	Nov 8, 06	Nov 22, 06	Dec 6, 06	Dec 20, 06	Jan 9, 07	Feb 6, 07

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

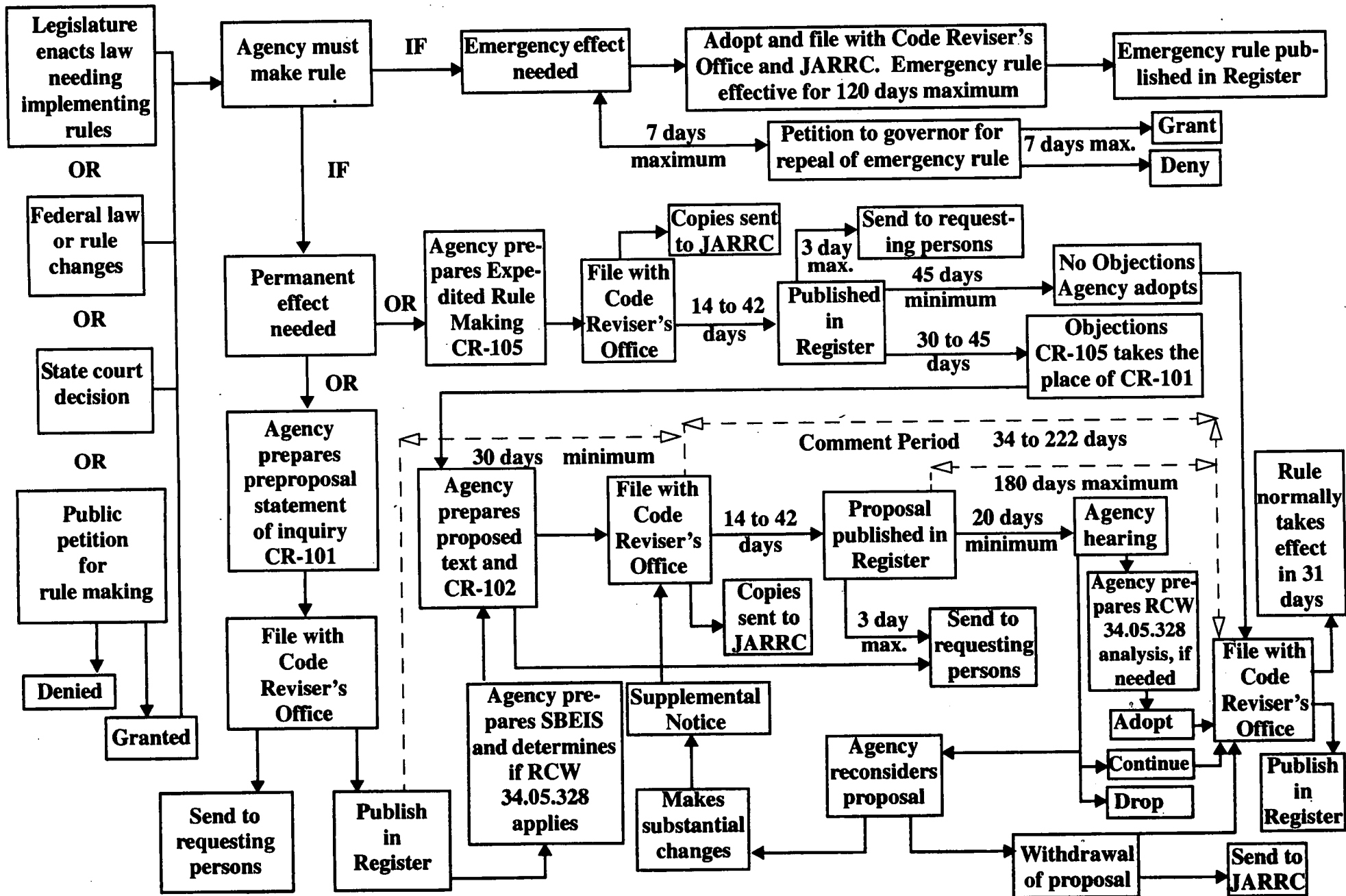
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 05-15-027**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 8, 2005, 2:18 p.m.]

Subject of Possible Rule Making: WAC 260-48-800 Parimutuel wagering pools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt the language from the model rule on net pool price calculation, which the current rule (WAC 260-48-800) does not contain.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 7, 2005

R. M. Leichner
Executive Secretary

WSR 05-15-067**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed July 12, 2005, 4:27 p.m.]

Subject of Possible Rule Making: WAC 415-112-820
What is a bona fide position for purposes of WAC 415-112-810?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and chapter 23, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.32.010 was amended during the 2005 legislative session to give part-time school psychologists, social workers, nurses, physical therapists, occupational therapists, speech language pathologists and audiologists the same option for computing benefits as previously given to classroom instructors, librarians and counselors.

Process for Developing New Rule: The Department of Retirement Systems (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 12, 2005

Leslie L. Saeger
Rules Coordinator

WSR 05-15-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed July 15, 2005, 10:06 a.m.]

Subject of Possible Rule Making: WAC 458-20-179
Public utility tax and 458-20-17901 Public utility tax—
Energy conservation and cogeneration deductions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 82.16 RCW imposes a public utility tax on the act or privilege of engaging in certain public service and transportation businesses within this state. This rule provides information about this tax, including who is liable for the tax and available exemptions and deductions. The department is considering a revision to this rule to incorporate legislative changes made during 2004. The department also anticipates incorporating relevant public utility deduction information from WAC 458-20-17901, which will then be repealed. A revised rule would provide expiration dates for exemptions, and be written in a user friendly style.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

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 available upon request. Written comments on and/or requests for copies of the draft may be directed to Gayle Carlson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6126, e-mail GayleC@dor.wa.gov, fax (360) 586-5543.

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 24, 2005, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

July 14, 2005
Alan R. Lynn
Rules Coordinator

WSR 05-15-091
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-050802—Filed July 15, 2005, 11:31 a.m.]

Subject of Possible Rule Making: Examine the need to reorganize, revise, repeal, and adopt rules governing the conduct of business before the commission, including rules governing formal proceedings as presently codified in chapter 480-07 WAC, Procedural rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4) and 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission repealed and replaced its former procedural rules, chapter 480-09 WAC, on January 1, 2004, and adopted new chapter 480-07 WAC, Procedural rules, to be effective on that same date. Since the new rules became effective, commission staff and persons who conduct business before the commission have identified and suggested discrete changes to certain rules and the possible need for new rules that could ease compliance and promote efficiency in the conduct of business before the commission.

Process for Developing New Rule: Agency study; and the commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal. The commission will ask for initial written comments by August 26, 2005, and may provide the opportunity for additional comments, if needed.

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

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **August 26, 2005**.

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

- The docket number of this proceeding (A-050802)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.wutc.wa.gov/050802>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@wutc.wa.gov, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket No. A-050802 to ensure that you are placed on the appropriate service list. Questions may be addressed to Dennis Moss (360) 664-1164 or e-mail at dmoss@wutc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. A-050802, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. A-050802, and the words "Please keep me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.wutc.wa.gov/050802>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**

July 15, 2005
C. Robert Wallace
for Carole J. Washburn
Executive Secretary

WSR 05-15-092
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed July 15, 2005, 11:32 a.m.]

The Washington Utilities and Transportation Commission filed a preproposal statement of inquiry (CR-101)

regarding the Enhanced 911 (E911) obligations of local telephone exchange companies on November 12, 2004, at WSR 04-23-051. The commission has decided not to proceed with this rule-making proceeding and requests that the preproposal statement of inquiry published in WSR 04-23-051 be withdrawn. The commission has sent a notice of the withdrawal of the rule-making inquiry to all interested persons in the rule-making docket.

Questions regarding this matter should be addressed to Karen Caille at (360) 664-1136.

Debra Wilhelmi
for Carole J. Washburn
Executive Secretary

WSR 05-15-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 15, 2005, 1:19 p.m.]

Subject of Possible Rule Making: The Division of Developmental Disabilities is amending WAC 388-825-254 Service need level rates and 388-825-228 How can short-term intervention services through the family support opportunity program help my family?, to implement ESSB 6090, Section 205 of the 2005-2007 Conference budget.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6090, Section 205 (1)(e) 2005-07 Conference Budget (chapter 518, Laws of 2005), RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These WACs are needed to implement Section 205 (1)(e) - the budgeted allotment for the vendor rate increase (VRI) and the individual provider hourly rate increase for fiscal year 2006 and fiscal year 2007.

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

Process for Developing New Rule: Intermittent. DSHS welcomes the public to participate in the development of these rules. Contact the person listed below with questions or suggestions, or to be placed on the mailing list to receive further rule-making notices on these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shirley Everard, Family Support Program Manager, DSHS Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-45310 [98504-5310], phone (360) 725-3444, fax (360) 407-0955, e-mail EveraSH@dshs.wa.gov.

July 15, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-15-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 15, 2005, 1:21 p.m.]

Subject of Possible Rule Making: Chapter 388-537 WAC, School services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 20 U.S.C. 1400 et. seq., Individuals with Disabilities Education Act; chapter 28A.155 RCW, Special education; RCW 74.08.090 Rule-making authority and enforcement; chapter 74.09 RCW, Public assistance, medical care; 42 C.F.R. 440.110, State licensure requirements for physical therapy, occupational therapy, and speech therapy; and chapter 392-172 WAC, rules for the provision of special education students.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to an audit conducted by the Centers for Medicare and Medicaid Services, the Health and Recovery Services Administration (HRSA) is amending WAC 388-537-0100 School medical services for students in special education programs, to bring the program into compliance with federal Medicaid rules and regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Centers for Medicare and Medicaid Services (CMS) is reviewing and will approve HRSA's state plan amendment. Office of Superintendent of Public Instruction (OSPI) will review drafts of the rule and submit feedback.

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 Wendy L. Boedigheimer, Rules Program Manager, Health and Recover Services Administration (HRSA), P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

July 15, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-15-096

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 15, 2005, 1:22 p.m.]

Subject of Possible Rule Making: The Division of Developmental Disabilities (DDD) is repealing all sections of chapter 388-853 WAC, Costs of care of mentally deficient persons residing in state institutions, including WAC 388-853-010 Authority, 388-853-030 Schedule of per capita cost,

388-853-035 Exempt income, and 388-853-080 Notice and finding of responsibility—Appeal procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is repealing rules in this chapter because the subject matter in chapter 388-853 WAC is covered in chapter 388-835 WAC. The divisions no longer serve notice and finding of responsibility (NFRs) on DDD clients, because all of these clients are on Medicaid and are governed by the community services office's regulations.

Chapter 388-853 WAC is duplicated in WAC 388-835-0935 and 388-835-0940. Repealing this rule will eliminate the potential for confusion and misunderstanding.

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 participate in the development of these rules. Contact the person listed below with questions and suggestions, or to be placed on the mailing list to receive further rule-making notices on these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeannie Johnson, Program Manager, DSHS, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-45310 [98504-5310], phone (360) 725-3415, fax (360) 407-0955, e-mail Gorskjt@dshs.wa.gov.

July 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-15-103

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed July 15, 2005, 4:55 p.m.]

The Office of the Secretary of State requests that the pre-proposal statement of inquiry filed as WSR 05-11-100 on May 18, 2005, be rescinded immediately.

Steve Excell
Assistant Secretary of State

WSR 05-15-120

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 18, 2005, 2:31 p.m.]

Subject of Possible Rule Making: WAC 308-30-020.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.44.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Increasing the maximum fees that a notary may charge for services.

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 Linda Mead, Program Manager, Department of Licensing, Notaries, P.O. Box 9027, Olympia, WA 98507, (360) 664-1531.

July 18, 2005

Nancy Skewis
Administrator

WSR 05-15-121

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 18, 2005, 2:33 p.m.]

Subject of Possible Rule Making: Funeral directors and embalmers, WAC 308-49-168(b), 308-48-150, 308-48-160, 308-48-180, 308-48-200, 308-48-350, 308-48-530, and 308-48-800.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.39.175 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to bring rules into uniformity with SSB 5752.

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

Process for Developing New Rule: Study by the Board of Funeral Directors and Embalmers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanne Todd, Department of Licensing, Funerals, P.O. Box 9012, Olympia, WA 98507, Funerals@dol.wa.gov.

July 15, 2005

Joe Vincent
Administrator

WSR 05-15-125

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Filed July 18, 2005, 4:34 p.m.]

Subject of Possible Rule Making: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment to this chapter will eliminate the requirement of a weight slip being provided to the Office of Superintendent of Public Instruction prior to the issuance of an operation permit. This

amendment will be a cost-savings benefit to all school districts and educational service districts.

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Pupil Transportation and Traffic Safety Education, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, fax (360) 586-6124.

July 18, 2005
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 05-15-133

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2005, 9:25 a.m.]

Subject of Possible Rule Making: Chapter 296-17-WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16-035). The department has conducted a review of various classification and reporting rules and determined that certain rules are in need of revision, such as ones applying to door to door sales, subclassification code 99 for more construction firms, temporary help companies, shellfish farming and brushpickers. The department will also implement chapter 422, Laws of 2005 (SSB 6014 regarding coverage for emergency workers provided by private firms through this rule making).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information

on our process at the employer services web site (www.lni.wa.gov/insuranceservices/employerservices) and can submit comments electronically to Moom235@lni.wa.gov or by calling (360) 902-4774 or by fax at (360) 902-4729.

July 19, 2005

Gary Weeks
Director

WSR 05-15-134

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2005, 9:26 a.m.]

Subject of Possible Rule Making: Industrial insurance, WAC 296-20-1102 Special equipment rental and purchase orthotics and prosthetics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will update WAC 296-20-1102 to reflect that certain types of oxygen equipment will only be rented regardless of the length [of the] rental period. This is an exception to the requirement that rental fees will not be paid, "once the new purchase price of the item has been reached." This change allows individuals, especially those who are on lifetime oxygen therapy, to receive, without interruption, the necessary equipment and associated accessories and maintenance required for that equipment. This is keeping with the normal industry standards.

Process for Developing New Rule: Parties interested in the development of these rules may contact the individual listed below. Interested parties may also participate during the public comment period by submitting written comments or giving oral testimony at the public hearing. This revision was proposed and stakeholdered as part of the durable medical equipment fee schedule development process. We will continue to work with our two primary stakeholders. They are the Durable Medical Equipment/Prosthetic and Orthotic Technical Advisory Group and the Pacific Association for Medical Equipment Services (PAMES).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Elshaw, phone (360) 902-5131, fax (360) 902-4249, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, elsj235@LNI.wa.gov, and participate during the public comment period.

July 19, 2005

Gary Weeks
Director

WSR 05-15-137**PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed July 19, 2005, 9:28 a.m.]

Subject of Possible Rule Making: WAC 139-10-530 Basic community corrections officer academy curriculum.

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: Originally, the Department of Corrections (DOC) planned to introduce defensive tactics training into the community corrections officers (CCO) course in September 2005. This WAC was updated accordingly to include defensive tactics.

In a recent DOC message, the introduction has been deferred for further study. DOC requested, at this time, that defensive tactics not be included in the WAC covering the CCO curriculum.

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 Sonja Hirsch, Confidential Secretary, Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7372, fax (206) 439-3860. Stakeholders were contacted by e-mail to advise them of the intended rule amendments. Proposal also listed on the agency web site.

July 18, 2005

Sonja Hirsch
Confidential Secretary

WSR 05-15-138**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT**

(Energy Policy Division)

[Filed July 19, 2005, 11:52 a.m.]

Subject of Possible Rule Making: Establish rules for the identification, certification (of compliance with the statute), and packaging of products listed in ESHB 1062 (enacted in 2005). ESHB [1062] establishes state minimum energy efficiency standards for twelve types of products for which the rules are required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.330.040 Director powers and duties (CTED authorizing legislation).

RCW 43.330.904 Transfer of certain state energy office powers, duties, and functions—References to director—Appointment of assistant director (transfer of State Energy Office powers to CTED).

RCW 43.21F.045 Duties of department—Transfer of powers and duties relating to energy education, applied research, technology transfer, and energy efficiency in public buildings (transfer of State Energy Office powers to CTED).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule-making requirement has been mandated in ESHB 1062. Section 7(2), indicates "The department shall establish rules governing the certification of these products and may coordinate with the certification programs of other states and federal agencies with similar standards." Section 7(3) indicates, "The department shall establish rules governing the identification of these products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are neither federal agencies nor other Washington state agencies that regulate this subject. There are agencies in other states that regulate this subject and a process to voluntarily coordinate regulations across these multiple states has been initiated.

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. CTED will establish a formal rule-making process through which interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule. Initial contact should be made with CTED by letter, fax, voice mail or e-mail to CTED Energy Policy, P.O. Box 43173, Olympia, WA 98504-3173; or Carolee Sharp, (360) 956-2096, carolees@ep.cted.wa.gov, fax (360) 956-2180; or Cory Plantenberg, (360) 956-2101, coryp@ep.cted.wa.gov, fax (360) 956-2180.

The CTED rule-making process will be conducted in accordance with chapter 34.05 RCW, Administrative Procedure Act, and will include efforts to identify and contact a broad range of possible interested parties and offer a number of easy ways to participate, including internet web communications and at least one public meeting.

July 18, 2005

Sue Mauermann
Deputy Director

WSR 05-15-140**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 19, 2005, 2:28 p.m.]

Subject of Possible Rule Making: WAC 260-70-520 Trainer responsibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule requires every horse a trainer has entered to race to be present and at its assigned stall for prerace inspection. The current rule is not specific as to when the horses need to be on the grounds, especially first time starters. The commission is contemplating requiring all horses entered to race be on the grounds and

present in their assigned stalls at least four hours prior to the post time of the first race of the day.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 19, 2005

R. M. Leichner
Executive Secretary

WSR 05-15-141

PREPROPOSAL STATEMENT OF INQUIRY CASCADIA COMMUNITY COLLEGE

[Filed July 19, 2005, 3:48 p.m.]

Subject of Possible Rule Making: WAC 132Z-141-010 - 132Z-141-060, use of joint Cascadia Community College and University of Washington Bothell facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.90 [28B.50.090].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cascadia Community College (CCC) and the University of Washington, Bothell (UWB) share Washington state's only co-located higher education campus. The co-location agreement provides that the institutions have dedicated and joint building spaces. There is currently no rule to govern the use of spaces shared with UWB. These new rules would allow the institutions to improve the efficiency and effectiveness of shared campus space.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. Cascadia Community College will coordinate with the University of Washington to promulgate rules jointly, under separate agency authorization.

Process for Developing New Rule: Agency study, change in current WACs.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dede Gonzales, Executive Assistant to the President, Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011, (425) 352-8252, fax (425) 352-8313.

July 12, 2005

Dede Gonzales
Rules Coordinator
Executive Assistant to the President

WSR 05-15-142

PREPROPOSAL STATEMENT OF INQUIRY CASCADIA COMMUNITY COLLEGE

[Filed July 19, 2005, 3:50 p.m.]

Subject of Possible Rule Making: WAC 132Z-140-050 - 132Z-140-110, use of college facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.90 [28B.50.090].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cascadia Community College needs to govern operations of its dedicated campus facility use under chapter 132Z-140 WAC, Use of college facilities. These new rules would allow the institution to improve the efficiency and effectiveness of its shared campus space.

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

Process for Developing New Rule: New WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dede Gonzales, Executive Assistant to the President, Cascadia Community College, 18345 Campus Way N.E., Bothell, WA 98011, (425) 352-8252, fax (425) 352-8313.

July 12, 2005

Dede Gonzales
Rules Coordinator
Executive Assistant to the President

WSR 05-15-145

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Management Services Administration)

[Filed July 19, 2005, 4:16 p.m.]

Subject of Possible Rule Making: The Administrative Services Division is amending, consolidating and colocating existing department background check rules in chapter 388-06 WAC and related sections. These changes will establish consistent and standard department-wide background check requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.830 through 43.43.845 as amended by chapter 421, Laws of 2005 (SSB 5899).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is responsible to license, contract, certify, authorize client payments and authorize unsupervised access to vulnerable adults, juveniles and children receiving services through the department and through community-based entities and individuals. The department must establish standard background check rules which are applied to both DSHS employees and community service providers to protect vulnerable individuals from the potential risk of harm. Current DSHS background check requirements are located in multiple rules. Colocating existing background check rules and establishing department-

wide background check requirements will reduce confusion and inconsistent department background check requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating with the federal Health and Human Services (HHS) to ensure background check requirements are consistent with the federal Child Abuse Prevention and Treatment Act. The department is coordinating with the Washington State Patrol (WSP) to ensure DSHS rules meet WSP requirements. The department is also coordinating with the Department of Personnel to make these rules consistent with requirements for state employees.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jackie Beery, Policy Manager, Department of Social and Health Services, Background Check Central Unit, Administrative Services Division, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 902-7823, fax (360) 902-7954, e-mail beeryja@dshs.wa.gov.

July 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-15-154

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

[Filed July 19, 2005, 5:01 p.m.]

Subject of Possible Rule Making: Development of rules to implement the individual development accounts (IDA) program for low-income individuals including regulations for the use and withdrawal of such accounts by eligible account holders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.31 RCW, section 4(6)[, chapter 402, Laws of 2005].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are required by statute to implement and regulate IDA program operations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination with the Treasurer's Office is necessary regarding the IDA program account established by statute.

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 Paul Knox, Community Services Division, CTED, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-4140, paulk@cted.wa.gov. Please contact Paul

with any comments, questions and concerns about design and implementation of the program. An IDA advisory group is being established to gain input and ideas from interested parties - first meeting.

July 19, 2005

Sue Mauerman
for Juli Wilkerson
Director

WSR 05-15-159

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

[Filed July 20, 2005, 10:01 a.m.]

Subject of Possible Rule Making: This rule making would implement requirements of the federal Manufactured Housing Improvement Act of 2000 by establishing a program for resolving disputes between manufacturers, retailers and installers regarding responsibility for correction or repair of manufactured homes during the first year of warranty.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.63A.460, 43.330.040, 46.70.136.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Correction of problems in manufactured homes under warranty is delayed when manufacturers, retailers and installers argue over who is responsible. Under the federal Manufactured Housing Improvement Act of 2000, the federal Department of Housing and Urban Development (HUD) requires states to establish by the end of 2005 a program providing for the timely resolution of such disputes and for the issuance of appropriate orders for correction and repair.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HUD has established requirements for approval of states' dispute resolution programs. CTED will submit an amended state plan agreement for HUD's approval. Rules will be coordinated with the Department of Labor and Industries and the Department of Licensing through their participation in the dispute resolution project workgroup. Local jurisdictions will be notified of the rule making through communication with the Washington Association of Building Officials (WABO).

Process for Developing New Rule: Rules will be drafted with the active participation of a workgroup comprised of stakeholders. Draft rules will be mailed to interested parties. Written comments will be accepted, and oral testimony will be taken at two public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teri Ramsauer, Manager, Office of Manufactured Housing, phone (360) 725-2960, fax (360) 586-5880, e-mail terir@cted.wa.gov; or Josey Young, SAA Case Manager, phone (360) 725-2963, fax (360) 586-5880, e-mail joseyy@cted.wa.gov, mailing address CTED/Housing Division/OMH, P.O. Box 42525, Olympia, WA 98504-2525. Draft rules will be provided to stakeholders and other parties

upon request. Written comments will be accepted, and oral testimony will be taken at two public hearings.

July 19, 2005
Sue Mauerman
for Juli Wilkerson
Director



WSR 05-14-123
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 1, 2005, 4:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-094.

Title of Rule and Other Identifying Information: Chapter 388-532 WAC, Reproductive health/family planning only/TAKE CHARGE.

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 4500 10th Avenue S.E., Lacey, WA, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 23, 2005.

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 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Add a new section on reproductive health;
- Clarify who is eligible for family planning *only* and TAKE CHARGE;
- Clarify provider requirements for reproductive health, family planning *only*, and TAKE CHARGE;
- Clarify when services are covered under family planning *only* and TAKE CHARGE (example: Must be performed in relation to a primary focus and diagnosis of family planning and must be medically necessary for the client to safely, effectively, and successfully use, or continue to use, their chosen contraceptive method);
- Clarify which services are covered under TAKE CHARGE;
- Clarify reimbursement for covered drugs, drug supplies, and devices under reproductive health, family planning *only*, and TAKE CHARGE;
- Add definition for ECRR services;
- Clarify documentation requirements for TAKE CHARGE; and
- Clarify when TAKE CHARGE providers are *exempt from billing third party*.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.09.800.

Statute Being Implemented: RCW 74.09.800.

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: Wendy L. Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306; Implementation and Enforce-

ment: Casey Zimmer, (360) 725-1664/Maureen Considine, (360) 725-1652, P.O. Box 45530, Olympia, WA 98504-5530.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that the proposed rule will not create more than minor costs for affected small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Casey Zimmer/Maureen Considine, Division of Program Support, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 725-1664/(360) 725-1652, e-mail zimmecl@dshs.wa.gov or consimc@dshs.wa.gov.

June 27, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

Chapter 388-532 WAC

~~((FAMILY PLANNING SERVICES))~~

**REPRODUCTIVE HEALTH/
FAMILY PLANNING ONLY/
TAKE CHARGE**

~~((FAMILY PLANNING))~~ **REPRODUCTIVE HEALTH
SERVICES**

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-001 Reproductive health services - Purpose. The department of social and health services (DSHS) ~~((informs eligible clients about available family planning services. This chapter contains the medical assistance administration's (MAA) rules for family planning services))~~ defines reproductive health services as those services that:

(1) Assist clients to avoid illness, disease, and disability related to reproductive health;

(2) Provide related and appropriate, medically-necessary care when needed; and

(3) Assist clients to make informed decisions about using medically safe and effective methods of family planning.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-050 Reproductive health services - Definitions. The following definitions and those found in WAC 388-500-005, Medical definitions, apply to this chapter.

"Certified full fee" - A family planning clinic's actual acquisition cost plus dispensing fee for a product purchased through 340B of the Public Health Services Act. This is the same amount as reported annually to the department of health.

"Complication" ((for the purposes of this chapter, means a)) - A condition occurring subsequent to and directly arising from the family planning services received under the rules of this chapter.

PROPOSED

"Contraception" ~~((for the purposes of this chapter, means))~~ - Preventing pregnancy through the use of contraceptives.

"Contraceptive" ~~((for the purposes of this chapter, means))~~ - A device, drug ~~((or)),~~ product, method, or surgical intervention used to prevent pregnancy.

"Dispensing fee" - The fee the medical assistance administration (MAA) may reimburse family planning clinics for expenses involved in acquiring, storing and dispensing contraceptives which are reimbursed at actual acquisition cost.

"Family planning only program" ~~means the program providing an additional ten months of family planning services to eligible women who have just ended a pregnancy or completed a delivery. This benefit follows the sixty-day post-partum coverage for women who received medical benefits during the pregnancy.)~~

"Family planning services" ~~((means))~~ - Medically safe and effective medical care, educational services, and/or contraceptives ~~((and educational services which))~~ that enable individuals to plan and space the number of children and avoid unintended ~~((pregnancy))~~ pregnancies.

"MAA-approved family planning provider" ~~((means))~~ - A physician, advanced registered nurse practitioner (ARNP), or clinic that has ~~((been approved for and assigned a family planning provider number))~~:

- Agreed to the requirements of WAC 388-532-110;
- Signed a core provider agreement with MAA;
- Assigned a unique family planning provider number by MAA; and
- Signed a special agreement that allows the provider to bill for family planning laboratory services provided to clients enrolled in an MAA-managed care plan through an independent laboratory certified through the Clinical Laboratory Improvements Act (CLIA).

"Medical identification card" ~~((means))~~ - The document MAA uses to identify a client's eligibility for a medical program.

"Natural family planning" - Also known as fertility awareness method, means methods such as observing, recording, and interpreting the natural signs and symptoms associated with the menstrual cycle to identify the fertile days of the menstrual cycle and avoid unintended pregnancies.

"Over-the-counter (OTC)" ~~((means available for sale without a prescription))~~ - See WAC 388-530-1050 for definition.

"Principal purpose diagnosis of family planning" ~~means the reason for the service or intervention is primarily for family planning purposes.)~~

"Sexually Transmitted Disease Infection (STD-I)" - Is a disease or infection acquired as a result of sexual contact.

~~"TAKE CHARGE" means a five-year demonstration project that provides family planning to men and women with income at or below two hundred percent of the Federal Poverty Level. (Rules for the TAKE CHARGE demonstration project can be found immediately following these family planning services rules.)~~

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-100 Reproductive health services - Client eligibility. (1) The medical assistance administration (MAA) covers ~~((family planning))~~ limited reproductive health services for clients eligible for the following ~~(("scope of care" designations (see WAC 388-529-0100)))~~ medical assistance programs:

- (a) Children's health insurance program (CHIP);
- (b) Categorically needy program (CNP);
- (c) ~~((Family planning only;~~
- (d) ~~TAKE CHARGE;~~
- (e) General assistance unemployable (GAU) ~~((no out-of-state care; and~~
- (f) ~~(d) Limited casualty program-medically needy program (LCP-MNP); and~~
- (e) Alcohol and drug abuse treatment and support act (ADATSA).

(2) ~~((Healthy Options enrollees))~~ Clients enrolled in an MAA managed care plan may self-refer outside their plan ~~((HMO or primary care case management))~~ for family planning services (excluding sterilizations for clients twenty-one years of age or older), abortions, and STD-I services to any of the following:

- (a) An MAA-approved family planning provider; ~~((or))~~
- (b) An MAA contracting local health department/STD-I clinic; or
- (c) ~~((A))~~ An MAA contracted pharmacy for:
 - (i) Over-the-counter contraceptive supplies;
 - (ii) Contraceptives and STD-I related prescriptions from an MAA-approved family planning provider or MAA-contracting local health department/STD-I clinic.

~~((3) MAA does not cover family planning services for clients in any program that does not meet the conditions of subsection (1) of this section.))~~

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-110 Reproductive health services - Provider requirements. ~~((In order))~~ To be reimbursed by the medical assistance administration (MAA) for ~~((family planning))~~ reproductive health services provided to eligible clients,

~~((and))~~ physicians, ~~((and))~~ ARNPs, licensed midwives, and MAA-approved family planning providers must:

- ~~((a))~~ (1) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; ~~((and~~
- ~~((b))~~ (2) Provide only those services that are within the scope of their licenses ~~((:~~
- ~~((2) Family planning providers must:~~
- ~~((a) Meet the requirements in chapter 388-502 WAC;~~
- ~~((b) Provide medical information and education about Food & Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services; and~~
- ~~((e) Sign a special agreement that allows the provider to bill for family planning laboratory services provided to Healthy Options enrollees through an independent laboratory~~

certified through the Clinical Laboratory Improvements Act (CLIA). See WAC 388-532-140 (2)(e) for more information on handling laboratory services for managed care clients);

(3) Educate clients on Food and Drug Administration (FDA)-approved prescription birth control methods and over-the-counter (OTC) birth control supplies and related medical services;

(4) Provide medical services related to FDA-approved prescription birth control methods and OTC birth control supplies upon request;

(5) Supply or prescribe FDA-approved prescription birth control methods and OTC birth control supplies upon request; and

(6) Refer the client to an appropriate provider if unable to meet the requirements of subsections (3), (4), and (5) of this section.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-120 Reproductive health - Covered services. In addition to those services listed in WAC 388-531-0100 Physician's Related Services, the medical assistance administration (MAA) covers the following ((family planning)) reproductive health services:

(1) **Services for women**

(a) ((Gynecological exam)) Cervical, vaginal, and breast cancer screening examination once per year as medically necessary.

(b) Food & Drug Administration (FDA) approved prescription contraception methods as identified in chapter 388-530 WAC, Pharmacy services.

(c) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(d) Sterilization procedure that meets the requirements of WAC 388-531-1550((1)), if it is:

(i) Requested by the client; and

(ii) Performed in an appropriate setting for the procedure.

(e) ((Services such as laboratory exams, tests and procedures, and)) Screening and treatment for sexually transmitted diseases-infections (STD-I), including laboratory tests and procedures. ((when:

(i) Performed in conjunction with a principal purpose diagnosis of family planning; and

(ii) Required as part of the client's selected contraceptive method(s).))

(f) Education ((on all)) and supplies for FDA-approved contraceptives, natural family planning and abstinence.

(g) Mammograms for clients forty years of age and older, once per year;

(h) Colposcopy and related medically necessary follow-up services;

(i) Maternity-related services as described in chapter 388-533 WAC; and

(j) Abortion.

(2) **Services for men**

(a) Office visits where the primary focus and diagnosis is contraceptive management and/or there is a medical concern;

(b) Over-the-counter (OTC) contraceptives, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

~~((b) Surgical))~~ (c) Sterilization procedure that meets the requirements of WAC 388-531-1550(1), if it is:

(i) Requested by the client; and

(ii) Performed in an appropriate setting for the procedure.

~~((e))~~ (d) Screening and treatment for sexually transmitted diseases-infections (STD-I), ((when:

(i) Performed in conjunction with a principal purpose diagnosis of family planning; and

(ii) Required as part of the client's selected contraceptive method(s):

(d)) including laboratory tests and procedures.

(e) Education ((on all)) and supplies for FDA-approved contraceptives, natural family planning and abstinence.

(f) Prostate cancer screenings for men who are fifty years of age and older, once per year.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-130 Reproductive health - Noncovered services. ((1) The following are not considered family planning services and are not covered under this chapter:

(a) Infertility treatment services;

(b) Abortions;

(c) Mammograms;

(d) Menopausal treatment services;

(e) Cancer screenings (except for pap smears or other similar screenings as identified in published billing instructions for family planning services); and

(f) All other reproductive health care, health care services or primary care services and prenatal care services.

(2) See chapter 388-530 WAC, Pharmacy services and chapter 388-531 WAC, Physician related services for coverage of items and services not provided under this chapter)) **Noncovered reproductive health services are the same as shown in WAC 388-531-0150. Noncovered physician-related services—General and administrative.**

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-140 Reproductive health services - Reimbursement and payment limitations. (1) The medical assistance administration (MAA) reimburses providers for covered ((family planning)) reproductive health services using MAA's published fee schedules.

(2) ((For Healthy Options enrollees who have self-referred to an MAA approved family planning provider outside their plan, all laboratory services must be billed through the family planning provider. See WAC 388-532-110 (2)(e), Provider requirements)) MAA reimburses for covered drugs, drug supplies and devices as follows:

(a) For drugs purchased under the Public Health Service Act, providers must comply with Pharmacy Services WAC 388-530-1425;

(b) For other drugs, drug supplies and devices, providers must bill according to Pharmacy Services WAC 388-530-1700(4); and

(c) According to instructions in published fee schedules.

(3) Family planning providers must bill all laboratory services directly to MAA for clients who are enrolled in an MAA managed care plan and who self-refer to an MAA-approved family planning provider outside their plan for family planning or STD-I services. See WAC 388-532-050 definition for MAA-approved family planning provider.

FAMILY PLANNING ONLY PROGRAM

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-500 Family planning only program - Purpose ((and scope)). The purpose of the Family Planning Only Program is to provide((s an additional ten months of medical coverage for family planning services)) family planning services at the end of a pregnancy to women who received medical assistance benefits during their pregnancy. The primary goal of the Family Planning Only Program is to prevent an unintended, subsequent pregnancy. Women receive this benefit automatically regardless of how or when the pregnancy ends. This ten-month benefit follows the sixty-day ((postpartum)) postpregnancy coverage ((for women who received medical benefits during the pregnancy. Women receive this benefit regardless of how the pregnancy ends)) by MAA. Men are not eligible for the Family Planning Only Program.

NEW SECTION

WAC 388-532-505 Family planning only program - Definitions. The following definition and those found in WAC 388-500-005, Medical definitions and WAC 388-532-050, apply to the Family Planning Only Program.

"Family Planning Only Program" - The program that provides an additional ten months of family planning services to eligible women who have just ended a pregnancy or completed a delivery. This benefit follows the sixty-day post-pregnancy coverage for women who received medical assistance benefits during the pregnancy. This program's coverage is strictly limited to family planning services.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-510 Family planning only program - Client eligibility. A woman is eligible for family planning only ~~((FPQ))~~ services if:

(1) She received medical assistance benefits during her pregnancy; or

(2) She is determined eligible for a retroactive period as defined in WAC 388-500-0005 covering the end of the pregnancy.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-520 Family planning only program - Provider requirements. ~~((In order))~~ To be reimbursed by the medical assistance administration (MAA) for ~~((family planning only))~~ services~~((:~~

~~((+))~~ provided to clients eligible for the family planning only program, physicians ~~((and)),~~ ARNPs, and/or MAA-approved family planning providers must:

~~((a))~~ (1) Meet the requirements in chapter 388-502 WAC, Administration of medical programs—Provider rules; ~~((and~~

~~((b))~~ (2) Provide only those services that are within the scope of their licenses~~((:~~

~~((2))~~ Family planning providers must:

~~((a))~~ Meet the requirements in chapter 388-502 WAC; and

~~((b))~~ Provide medical information and education about Food and Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies, to eligible clients who request such services);

(3) Educate clients on Food and Drug Administration (FDA) approved prescription birth control methods and over-the-counter birth control supplies and related medical services;

(4) Provide medical services related to FDA-approved prescription birth control methods and over-the-counter birth control supplies upon request;

(5) Supply or prescribe FDA-approved prescription birth control methods and over-the-counter birth control supplies upon request; and

(6) Refer the client to an appropriate provider if unable to meet the requirements of subsections (3), (4), and (5) of this section.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-530 Family planning only program - Covered services. The medical assistance administration (MAA) covers the following services under the family planning only ~~((services are provided under this))~~ program:

(1) Gynecological ~~((exam as medically necessary))~~ examination that may include a cervical and vaginal cancer screening examination, one per year when it is:

~~((a))~~ Provided according to the current standard of care; and

~~((b))~~ Conducted at the time of an office visit with a primary focus and diagnosis of family planning.

(2) Food & Drug Administration (FDA) approved prescription contraception methods meeting the requirements of chapter 388-530 WAC, Pharmacy services.

(3) Over-the-counter (OTC) contraceptive, drugs and supplies (as described in chapter 388-530 WAC, Pharmacy services).

(4) Sterilization procedure that meets the requirements of WAC 388-531-1550~~((+))~~, if it is:

(a) Requested by the client; and

(b) Performed in an appropriate setting for the procedure.

(5) ~~((Services such as laboratory exams, tests and procedures, and))~~ Screening and treatment for sexually transmitted diseases-infections (STD-I), including laboratory test and procedures only when the screening and treatment is:

(a) ~~Performed in conjunction with ((a principal purpose))~~ an office visit that has a primary focus and diagnosis of family planning; and

(b) ~~((Required as part of the client's selected contraceptive method(s)))~~ Medically necessary for the client to safely, effectively, and successfully use, or to continue to use, her chosen contraceptive method.

(6) ~~Education ((on all))~~ and supplies for FDA-approved contraceptives, natural family planning and abstinence.

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-540 Family planning only program - Noncovered services. ~~((Noncovered services for the family planning only program are the same as shown in the previous section for family planning services))~~ Medical services are not covered under the family planning only program unless those services are:

(1) Performed in relation to a primary focus and diagnosis of family planning; and

(2) Are medically necessary for the client to safely, effectively, and successfully use, or continue to use, her chosen contraceptive method. ((See WAC 388-532-130.))

AMENDATORY SECTION (Amending WSR 04-05-011, filed 2/6/04, effective 3/8/04)

WAC 388-532-550 Family planning only program - Reimbursement and payment limitations. (1) The medical assistance administration (MAA) limits reimbursement under the family planning only program to visits and services that:

(a) Have a ((principal purpose)) primary focus and diagnosis of family planning(=) as determined by a qualified licensed medical practitioner ((must make the diagnosis)); and

(b) Are medically necessary for the client to safely, effectively, and successfully use, or continue to use, her chosen contraceptive method.

(2) MAA reimburses for covered drugs, drug supplies and devices as follows:

(a) For drugs purchased under the Public Health Service Act, providers must comply with Pharmacy Services WAC 388-530-1425;

(b) For other drugs, drug supplies and devices, providers must bill according to Pharmacy Services WAC 388-530-1700(4); and

(c) According to instructions in MAA's published fee schedules.

(3) Except as noted in subsection ((3)) (2) of this section, MAA ((reimburses)) pays providers for covered family planning only services using MAA's published fee schedules.

((3)) (4) MAA does not pay for inpatient services under the family planning only program rules. However, inpatient costs may be incurred as a result of complications arising from covered family planning services. Providers of inpatient services must submit a complete report to MAA of the cir-

cumstances and conditions that caused the need for the inpatient services for MAA to consider payment. ((MAA will then make a determination of the circumstances and the potential payment sources (e.g., the family planning provider, the ancillary service provider(s) and/or MAA.))

TAKE CHARGE PROGRAM

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-700 TAKE CHARGE ((demonstration and research)) Program - Purpose. ~~((1) The medical assistance administration (MAA) is conducting))~~ TAKE CHARGE is a five-year family planning demonstration and research program ((called "TAKE CHARGE." The program will)). The purpose of the TAKE CHARGE program is to make family planning services available to men and women with incomes at or below two hundred percent of the federal poverty level. TAKE CHARGE is approved by the federal government under a Medicaid program waiver and runs from July 1, 2001, through June 30, 2006 (unless terminated or extended prior to June 30, 2006). ((TAKE CHARGE is approved by the federal government under a Medicaid program waiver.

~~(2) The TAKE CHARGE program:~~

(a) Pays for family planning services for eligible men and women as described in WAC 388-532-720;

(b) Requires providers to meet all general MAA provider requirements and the requirements of WAC 388-532-730; and

~~(3) Contains a research and evaluation component for clients and providers as described in WAC 388-532-730 ((1)(f))~~ See WAC 388-532-710 for a definition of TAKE CHARGE.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-710 TAKE CHARGE Program - Definitions. The following definitions ~~((and abbreviations))~~ and those found in WAC 388-500-0005 medical definitions and WAC 388-532-050 apply ((only)) to the medical assistance administration's (MAA's) TAKE CHARGE ((demonstration and research)) program.

"**Ancillary services**" ~~((means))~~ - Those family planning services ((that are given)) provided to TAKE CHARGE clients ((that are performed)) by ((the medical assistance administration's)) MAA's contracted providers who are not TAKE CHARGE providers. These services include, but are not limited to, family planning pharmacy services, family planning laboratory services and sterilization surgical services.

"**Application assistance**" ~~((means))~~ - The process a TAKE CHARGE provider follows in helping a client ((be determined eligible)) to complete and submit an application to MAA for the TAKE CHARGE ((demonstration and research)) program.

"**Education, counseling and risk reduction ((service)) intervention**" or "**ECRR**" ~~((means))~~ - A stand alone set of ((medical assistance administration)) MAA-designated services ((see WAC 388-532-740 ((1)(e))), specifically intended for clients at higher risk of contraceptive failure.

that strengthen a client's decision-making skills to make the best choice of contraceptive method and reduce the risk of unintended pregnancy. ECRR services must include:

(1) Helping the client critically evaluate which contraceptive method is most acceptable and can be used most effectively by her/him.

(2) Assessing and addressing other client personal considerations, risk factors (including sexually transmitted infections), and behaviors that impact her/his use of contraception.

(3) Facilitating a discussion of the male role in successful use of chosen contraceptive method, as appropriate.

(4) Facilitating contingency planning (the back-up method) regarding the chosen contraceptive method, including planning for emergency contraception.

(5) Scheduling a follow-up appointment as medically necessary for birth control evaluation for the safe, effective and successful use of the client's chosen contraceptive method and to reinforce positive contraceptive and other self protective behaviors.

(6) If no contraceptive method is chosen, discussing the likelihood of a pregnancy and helping the client assess his/her emotional, physical, and financial readiness for pregnancy and/or parenting.

~~("Family planning services" means medical care and educational services, which enable individuals to plan and space the number of children by using contraceptive methods to avoid an unintended pregnancy.~~

~~"Good cause" means that the medical assistance administration (MAA) has determined that an applicant for TAKE CHARGE has a valid reason for not using comprehensive third party family planning coverage that is available to the applicant for TAKE CHARGE. When good cause has been determined by MAA, the applicant is considered for TAKE CHARGE without regard to the available third party family planning coverage.)~~

~~"Intensive follow-up services" or "IFS" ((means)) - Those supplemental services specified in some TAKE CHARGE provider contracts that support clients in the successful use of contraceptive methods. DSHS-selected TAKE CHARGE providers perform IFS as part of the research component of the TAKE CHARGE ((demonstration and research)) program (see WAC 388-532-730 (1)(f)).~~

~~("Principal purpose diagnosis" means the reason given by the licensed medical provider for the TAKE CHARGE service. The TAKE CHARGE program is limited to a principal purpose diagnosis of family planning.)~~

~~"TAKE CHARGE" ((means the medical assistance administration's)) - MAA's five-year demonstration and research program approved by the federal government under a Medicaid program waiver to provide family planning services. ((See WAC 388-532-700.))~~

~~"TAKE CHARGE provider" ((means)) - A provider who is approved by ((the medical assistance administration (MAA))) MAA to participate in TAKE CHARGE by:~~

~~(1) ((Having a core provider agreement with MAA;~~

~~(2)) Being an MAA-approved ((to participate in MAA's long-standing)) family planning ((programs)) provider; and~~

~~((3)) (2) Having a supplemental TAKE CHARGE agreement to provide TAKE CHARGE ((demonstration and research program)) family planning services to eligible clients under~~

the terms of the federally-approved Medicaid waiver for the TAKE CHARGE ~~((demonstration and research))~~ program.

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 04-15-057, filed 7/13/04, effective 8/13/04)

WAC 388-532-720 TAKE CHARGE Program - ((Client)) Eligibility. (1) The TAKE CHARGE program is for men and women. To be eligible for the TAKE CHARGE program, ~~((a client))~~ an applicant must:

(a) Be a United States citizen, U.S. national, or "qualified alien" as described in ~~((WAC 388-424-0004))~~ chapter 388-424 WAC;

(b) Be a resident of the state of Washington as described in WAC 388-468-0005;

(c) Have income at or below two hundred percent of the federal poverty level as described in WAC 388-478-0075;

(d) Apply voluntarily for family planning services with a TAKE CHARGE provider; and

(e) Need family planning services but have~~((~~
~~((i)) no family planning coverage through ((health insurance or)) another medical assistance administration (MAA) program((~~

~~((ii) Family planning coverage that does not cover all family planning methods or services; or~~

~~((iii) Good cause for not using family planning coverage through health insurance. See WAC 388-532-790 for information on good cause)).~~

(2) ~~((To be eligible for the TAKE CHARGE program, a client must not be:~~

~~(a) Eligible for the requested TAKE CHARGE family planning services under another MAA medical program;~~

~~(b) Pregnant; or~~

~~(c) Currently sterilized)) A client who is currently pregnant or sterilized is not eligible for TAKE CHARGE.~~

(3) A client is authorized for TAKE CHARGE coverage for one year from the date MAA determines eligibility as long as the criteria in subsection (1) and (2) of this section continue to be met. Upon reapplication for TAKE CHARGE by the client, MAA may renew the coverage for additional periods of up to one year each, or for the duration of the demonstration and research program, whichever is shorter.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-730 TAKE CHARGE Program - Provider requirements. (1) A TAKE CHARGE provider must:

(a) ~~((Have a current medical assistance administration (MAA) core provider agreement to provide family planning services to eligible MAA clients)) Be an MAA-approved family planning provider as described in WAC 388-532-050;~~

(b) Sign the supplemental TAKE CHARGE agreement to participate in the TAKE CHARGE demonstration and research program according to MAA's TAKE CHARGE program guidelines;

(c) Participate in MAA's specialized training for the TAKE CHARGE demonstration and research program prior to providing TAKE CHARGE services. Providers must assure that each individual responsible for providing TAKE CHARGE services is trained on all aspects of the TAKE CHARGE program;

(d) Comply with the required general MAA and TAKE CHARGE provider policies, procedures, and administrative practices as detailed in MAA's billing instructions and provide referral information to clients regarding available and affordable non-family planning primary care services; and

(e) ~~((Obtain both:~~

~~(i) Authorization from clients for release of information related to this program; and~~

~~(ii) Informed consents as defined in WAC 388-531-0050 and as required by WAC 388-531-1550, as necessary.~~

(f)) If requested by MAA, participate in the research and evaluation component of the TAKE CHARGE demonstration and research program. If selected by DSHS for the research and evaluation component, the provider must accept assignment to either:

(i) A randomly selected group of providers that give intensive follow-up service (IFS) to TAKE CHARGE clients under a TAKE CHARGE research component client services contract. See WAC 388-532-740~~((3))~~(2) for a related limitation; or

(ii) A randomly selected control group of providers subject to a TAKE CHARGE research component client services contract.

(2) MAA providers (e.g., pharmacies, laboratories, surgeons performing sterilization procedures) who are not TAKE CHARGE providers may furnish family planning ancillary services, as defined in this chapter, to eligible TAKE CHARGE clients. MAA reimburses for these services under the rules and fee schedules applicable to the specific services provided under MAA's other programs.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-740 TAKE CHARGE Program - Covered services. (1) The medical assistance administration (MAA) covers the following TAKE CHARGE services for men and women:

(a) One session of application assistance per client, per year;

(b) ~~((All))~~ Food and Drug Administration (FDA) approved prescription and nonprescription contraceptives as provided in chapter 388-530 WAC;

(c) ~~((One initial education, counseling, and risk reduction (ECRR) service to include the following elements:~~

~~(i) Assisting the client evaluate contraceptive methods;~~

~~(ii) Preconception counseling if no contraceptive method is chosen or planned;~~

~~(iii) Planning for contingencies including emergency contraception;~~

~~(iv) Evaluation of client risk factors;~~

~~(v) Scheduling of follow-up visits; and~~

~~(vi) Assisting male clients understand their role in contraception.~~

~~(d) Follow-up ECRR services as described above and at intervals specified in subsection (2) of this section;)) Gynecological examination that may include a cervical and vaginal cancer screening exam, one per year when it is:~~

~~(i) Provided according to the current standard of care; and~~

~~(ii) Conducted at the time of an office visit with a primary focus and diagnosis of family planning.~~

~~(d) Education, counseling, and risk education (ECRR) intervention, specifically intended for clients at higher risk of contraceptive failure, that have identified or demonstrated risks of unintended pregnancy. MAA limits ECRR as follows:~~

~~(i) For women at risk of unintended pregnancy, limited to one ECRR service every ten months;~~

~~(ii) For men whose sexual partner is at risk of unintended pregnancy, limited to one ECRR service every twelve months;~~

~~(iii) Must be a minimum of thirty minutes in duration;~~

~~(iv) Must be appropriate and individualized to the client's needs, age, language, cultural background, risk behaviors, sexual orientation, and psychosocial history;~~

~~(v) Must be provided by one of the following TAKE CHARGE trained providers:~~

~~(A) An advanced registered nurse practitioner (ARNP);~~

~~(B) Registered nurse (RN), licensed practical nurse (LPN);~~

~~(C) Physician or physician's assistant (PA); or~~

~~(D) A trained and experienced health educator or medical assistant when used for assisting and augmenting the above listed clinicians.~~

~~(vi) Must be documented in the client's chart with detailed information that would allow for a well-informed follow-up visit;~~

~~(vii) A client with a stable and successful contraceptive history who is not changing his or her contraceptive method(s) is not eligible for ECRR.~~

~~(e) ((One surgical)) Sterilization ((service)) procedure that meets the requirements of WAC 388-531-1550~~((4))~~, if the service is:~~

~~(i) Requested by the TAKE CHARGE client; and~~

~~(ii) Performed in an ((ambulatory surgery center or hospital outpatient setting only)) appropriate setting for the procedure.~~

~~(f) ((Testing for sexually transmitted diseases/infections (STD-I) when performed in conjunction with a principle purpose diagnosis of family planning;~~

~~(g) Treatment of STD-I when medically required as part of the client's selected contraceptive method(s).~~

~~(2) MAA covers follow-up ECRR services under the TAKE CHARGE demonstration and research program at the following intervals:~~

~~(a) For women, one ECRR service ten months after the initial ECRR service and one every ten months thereafter; and~~

~~(b) For men, one ECRR service per calendar year, after the initial ECRR service.~~

~~(3)) Screening and treatment for sexually transmitted diseases-infections (STD-I), including laboratory tests and procedures, only when the screening and treatment is:~~

(i) Performed in conjunction with an office visit that has a primary focus and diagnosis of family planning; and

(ii) Medically necessary for the client to safely, effectively, and successfully use, or continue to use, his or her chosen contraceptive method.

(g) Education and supplies for FDA-approved contraceptives, natural family planning and abstinence.

(2) MAA covers intensive follow-up services (IFS) for certain clients as part of the research component of the TAKE CHARGE demonstration and research program. Only those clients served by MAA's randomly selected research sites receive IFS (see WAC ~~((388-532-730 (1)(f)(i)))~~ 388-532-730 (1)(e)(i)). The specific elements of IFS are negotiated with each research site.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-750 TAKE CHARGE Program - Noncovered services. The medical assistance administration (MAA) does not cover ~~((certain services under the TAKE CHARGE demonstration and research program. These services include, but are not limited to, the following:~~

~~(1) Hospital inpatient services of any kind (see WAC 388-532-780(8) for related information);~~

~~(2) Pregnancy services, with the exception of an initial pregnancy test performed by a TAKE CHARGE provider to rule out an existing pregnancy. Excluded pregnancy services include:~~

~~(a) Services that are ancillary to an existing pregnancy; or~~

~~(b) Abortions, services related to pregnancy termination, or services required due to complications from pregnancy termination;~~

~~(3) Reproductive health services not performed in relation to a principal purpose diagnosis of family planning, such as:~~

~~(a) Infertility diagnosis, treatments, or drugs;~~

~~(b) Hysterectomies;~~

~~(c) Treatment for menopause; or~~

~~(d) Cancer screening or treatment, other than those services that are related to a contraceptive method or other service with a principal purpose diagnosis of family planning.~~

~~(4) Testing or treatment for sexually transmitted diseases/infections (STD-I), AIDS, or HIV unless the testing and/or treatment is:~~

~~(a) Done in conjunction with a principal purpose diagnosis of family planning; and~~

~~(b) Required as an essential component of the family planning services being delivered to the client.~~

~~(5) Genetic counseling; and~~

~~(6) Any service not specifically listed in MAA's TAKE CHARGE program billing instructions unless MAA's specific advance approval is obtained in writing)) medical services under the TAKE CHARGE program unless those services are:~~

(1) Performed in relation to a primary focus and diagnosis of family planning; and

(2) Are medically necessary for the client to safely, effectively, and successfully use, or continue to use, his or her chosen contraceptive method.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-760 TAKE CHARGE Program - Documentation requirements. In addition to the documentation requirements in WAC 388-502-0020, the medical assistance administration (MAA) requires a TAKE CHARGE provider to keep the following records:

(1) TAKE CHARGE preapplication worksheet form(s) and application(s);

~~((The reason for the visit -))~~ Signed supplemental TAKE CHARGE agreement to participate in the TAKE CHARGE program;

(3) Documentation of MAA's specialized TAKE CHARGE training and/or in-house in-service TAKE CHARGE training for each individual responsible for providing TAKE CHARGE.

~~((principal reason for))~~ (4) Chart notes that reflect the primary focus and diagnosis of the visit ((must be for)) was family planning ((to be covered under TAKE CHARGE));

~~((3))~~ (5) Contraceptive methods discussed with the client;

~~((4))~~ (6) Notes on any discussions of emergency contraception and needed prescription(s);

~~((5))~~ (7) The client's plan for the contraceptive method to be used, or the reason for no ((client plan)) contraceptive method and plan;

~~((6))~~ (8) Documentation of the education, counseling and risk reduction (ECRR) service, if provided, including all ((elements)) of the required components as defined in WAC ((388-532-740 (1)(e))) 388-532-710 with sufficient detail that allows for follow-up;

~~((7) Copies)~~ (9) Documentation of referrals to or from other providers ((as necessary));

~~((8) An MAA approved)~~ (10) A form signed by the client authorizing release of information for referral purposes, as necessary; and

~~((9) Copies)~~ (11) If applicable, a copy of the ((informed consent for)) completed DSHS sterilization consent form [DSHS 13-364 - available for download at <http://www.dshs.wa.gov/msa/forms/eforms.html>] (see WAC 388-531-1550) ((signed by the client, as necessary)).

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-780 TAKE CHARGE Program - Reimbursement and payment limitations. (1) The medical assistance administration (MAA) limits reimbursement under the TAKE CHARGE program to those services that ~~((are the result of client visits having a principal purpose))~~:

(a) Have a primary focus and diagnosis of family planning((-The diagnosis must be made)) as determined by a qualified licensed medical practitioner; and

(b) Are medically necessary for the client to safely, effectively, and successfully use, or continue to use, his or her chosen contraceptive method.

~~(2) ((Except as noted in subsection (3) of this section,))~~ MAA reimburses providers for covered TAKE CHARGE services according to ~~((the same fee schedules used under MAA's primary programs (e.g., resource-based relative value system (RBRVS), pharmacies, laboratories))~~) MAA's published TAKE CHARGE fee schedule.

~~(3) ((For those TAKE CHARGE services not listed in MAA's primary fee schedules described in subsection (2) of this section, MAA provides a TAKE CHARGE fee schedule))~~ MAA reimburses for covered drugs, drug supplies and devices as follows:

(a) For drugs purchased under the Public Health Service Act, providers must comply with Pharmacy Services WAC 388-530-1425;

(b) For other drugs, drug supplies and devices, providers must bill according to Pharmacy Services WAC 388-530-1700(4); and

(c) According to instructions in MAA's published fee schedules.

(4) MAA limits reimbursement for TAKE CHARGE intensive follow-up services (IFS) to those randomly selected research sites described in WAC ~~((388-532-740(3)))~~ 388-532-740(2). See WAC ~~((388-532-730(1)(f)(i)))~~ 388-532-730(1)(e)(i) for related information.

(5) Federally qualified health centers (FQHCs), rural health centers (RHCs), and Indian health providers who choose to become TAKE CHARGE providers must bill MAA for TAKE CHARGE services without regard to their special rates and fee schedules. MAA does not reimburse FQHCs, RHCs or Indian health providers under the encounter rate structure for TAKE CHARGE services.

(6) MAA requires TAKE CHARGE providers to meet the billing requirements of WAC 388-502-0150 (billing time limits). In addition, all final billings and billing adjustments related to the TAKE CHARGE ~~((demonstration and research))~~ program must be completed no later than June 30, 2008, or no later than two years after the demonstration and research program terminates, whichever occurs first. MAA will not accept ~~((any))~~ new billings or ~~((any))~~ billing adjustments that increase expenditures for the TAKE CHARGE ~~((demonstration and research))~~ program after the cut-off date in this subsection.

~~(7) ((Providers are responsible to identify and refund to MAA any erroneous, excessive, or inappropriate payments. The time limits in subsection (6) of this section do not apply to overpayments owed to MAA.~~

~~(8))~~ MAA does not cover inpatient services under the TAKE CHARGE program. However, inpatient charges may be incurred as a result of complications arising directly from a covered TAKE CHARGE service. If this happens, providers of TAKE CHARGE related inpatient services that are not otherwise covered by third parties or other medical assistance programs must submit to MAA a complete report of the circumstances and conditions that caused the need for inpatient services~~((From the complete report, MAA makes a determination of the extenuating circumstances and the potential payment sources (e.g., the TAKE CHARGE provider, the ancillary service provider(s) and/or MAA))~~) for MAA to consider payment under WAC 388-501-0165.

(8) MAA requires a provider under WAC 388-501-0200 to seek timely reimbursement from a third party when a client has available third party resources. The exceptions to this requirement are described under WAC 388-501-0200 (2) and (3) and WAC 388-532-790.

AMENDATORY SECTION (Amending WSR 02-21-021, filed 10/8/02, effective 11/8/02)

WAC 388-532-790 TAKE CHARGE Program - Good cause ((for coverage despite)) exemption from billing third party ((availability)) insurance. (1) ~~((The medical assistance administration (MAA) requires applicants for TAKE CHARGE who have comprehensive third party family planning coverage but who choose not to use that third party coverage to demonstrate to MAA good cause for MAA not to consider that third party coverage in determining eligibility for TAKE CHARGE.~~

~~(2) Applicants may apply for a good cause exclusion of available and comprehensive third party coverage by demonstrating that the use of the third party coverage would violate the applicant's privacy. Privacy is violated if:~~

~~(a) The third party routinely or randomly sends verification of services to the third party subscriber and that subscriber is other than the applicant;~~

~~(b) The third party requires the applicant to use a primary care provider who is likely to report the applicant's request for family planning services to another party))~~ TAKE CHARGE applicants who are either adolescents or young adults and who depend on their parents' medical insurance, or individuals who are domestic violence victims may request an exemption of available third party family planning coverage due to "good cause." Under the TAKE CHARGE program, "good cause" means that use of the third party coverage would violate his or her privacy because the third party:

(a) Routinely or randomly sends verification of services to the third party subscriber and that subscriber is other than the applicant; and/or

(b) Requires the applicant to use a primary care provider who is likely to report the applicant's request for family planning services to another party.

(2) If subsection (1)(a) or (1)(b) of this section applies, the applicant is considered for TAKE CHARGE without regard to the available third party family planning coverage.

WSR 05-15-025

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed July 8, 2005, 1:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-07-156.

Title of Rule and Other Identifying Information: WAC 458-20-100 Appeals, small claims and settlements, explains the procedures for administrative review of actions of the Department of Revenue.

Hearing Location(s): Capital Plaza Building, 4th Floor, Large L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA 98504, on August 23, 2005, at 9:30 a.m.

Date of Intended Adoption: September 1, 2005.

Submit Written Comments to: Gilbert Brewer, P.O. Box 47453, Olympia, WA 98504-7453, e-mail gilb@dor.wa.gov, fax (360) 586-5543, by August 23, 2005.

Assistance for Persons with Disabilities: Contact Sandy Davis at (360) 725-7499, no later than ten days before the hearing date. Deaf and hard of hearing individuals may call 1-800-451-7985 (TTY users).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule provides clearer and more up-to-date information to taxpayers and department personnel on appeal procedures, increases small claim limits, and provides for proposed decisions in executive level appeals. The information in the rule has also been reorganized to make it easier for readers to understand and use.

Reasons Supporting Proposal: The proposed rule will streamline the appeals procedure, clarify ambiguities in the current rule, provide more information to readers, and make the rule easier to understand and use.

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

Statute Being Implemented: RCW 82.01.060(4).

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gilbert W. Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6133; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Janis P. Bianchi, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose more than minor costs upon taxpayers who seek reviews of tax determinations made by department personnel.

A cost-benefit analysis is not required under RCW 34.05.328. This is not a significant legislative rule as defined in RCW 34.05.328.

July 8, 2005

Janis P. Bianchi, Manager
Interpretation and
Technical Advise Unit

AMENDATORY SECTION (Amending WSR 90-24-049, filed 11/30/90, effective 1/1/91)

WAC 458-20-100 Appeals (~~(, small claims and settlements)~~). (1) **Introduction.** (~~(This section explains the procedure for a taxpayer to seek an administrative review of an action by the department of revenue. A taxpayer is encouraged to request a conference with a supervisor of the department where disagreement exists over a proposed action of the department. The request for the conference should be made to the division of the department that is proposing to issue an~~

~~assessment or is taking some other action in dispute. Such conferences provide an opportunity to resolve any issue without a review as provided in this section. Any taxpayer who has been issued a notice of departmental action or having paid any tax administered by chapter 82.32 RCW may petition the department of revenue for the review of the action or for a determination of the taxpayer's liability for the tax paid. Departmental actions subject to review include but are not limited to:~~

~~(a) A notice of assessment of additional taxes, of use tax due, or of tax balances due;~~

~~(b) A notice of penalties or interest due;~~

~~(c) A notice of delinquent taxes, including a notice of tax collection activities; and~~

~~(d) An order revoking a certificate of registration.~~

~~(2) Time for filing of petitions—extensions. A review of a departmental action is started by the filing of a petition for review. A petition for review must be filed with the department within thirty days after the date the departmental action has occurred:~~

~~(a) A petition for review requesting a refund of taxes paid must be filed within four years after the close of the tax year in which the taxes were paid. Therefore, the department may not grant an extension of time to file a petition for review requesting a refund of taxes paid.~~

~~(b) An extension of time to file a petition may be granted if requested within the thirty day filing period.~~

~~(c) A petition or request for extension is timely if it bears a United States Postal Service cancelled postmark on or before the thirty day due date or is received by the department within the thirty day filing period.~~

~~(3) Contents of petitions. A petition should be addressed: State of Washington, Department of Revenue, Interpretations and Appeals, Mailstop AX-02, Olympia, Washington 98504-0090. A petition must be in writing and contain the following information:~~

~~(a) Indicate which item or items are in question;~~

~~(b) Set forth the reasons why the correction, refund, or relief should be granted;~~

~~(c) State the amount of the tax, and/or interest, and/or penalty which the taxpayer believes to be in error or which the taxpayer seeks to be refunded;~~

~~(d) Indicate whether the petitioner elects to have the petition heard under the small claims procedure;~~

~~(e) Indicate whether the petitioner requests the petition to be heard as an executive level petition stating the specific reasons for the request;~~

~~(f) In the case of an appeal of an order revoking a certificate of registration, specifically identify the mistake of fact, error of law, or the date the warrant was paid; and~~

~~(g) Be signed by the taxpayer and/or authorized representative.~~

~~(h) The department has provided as an addendum to this section a form which when completed will provide the necessary information. A taxpayer wishing a review is encouraged to provide the information requested so that the appeal can be processed, heard, and decided as quickly as possible.~~

~~(4) Hearing on the petition—issuance of determination. A petition for review may be granted or denied. If a review is denied, the taxpayer shall be promptly notified by mail. The~~

reason for the denial, e.g., the nontimely filing of the petition, shall be included in the notification.

(a) When a petition for review is granted, the department may grant a hearing or issue a determination without conducting a hearing. If a hearing is granted, the taxpayer is notified by mail of its time and place. Most hearings are conducted by telephone conference. If a taxpayer prefers and requests an in-person hearing at the department's Olympia office, the request will be granted. Hearings at offices of the department of revenue throughout the state may be granted upon special request of the taxpayer and at the discretion of the department.

(b) Hearings will be conducted by an administrative law judge of the department of revenue, an employee specially trained in interpretation of the Revenue Act and the precedents established by prior department rulings and by the courts. Other departmental employees may be in attendance at an in-person hearing and the department shall notify the taxpayer when other departmental employees are attending. The taxpayer may appear personally or may be represented by an attorney, accountant, or any other person.

(c) All hearings before an administrative law judge will be conducted informally in a nonadversary, uncontested manner.

(d) Following the hearing, the administrative law judge will make such determination as may appear to be just and lawful and in accordance with the rules, principles, and precedents established by the department. The department shall notify the taxpayer in writing of the decision.

(e) The determination of the administrative law judge is the official position of the department of revenue and is binding upon the taxpayer unless a petition for reconsideration is timely filed. See: Subsection (8) of this section for taxpayer appeals outside the department.

(5) Request for reconsideration. If a taxpayer believes that an error has been made in the determination of the administrative law judge, the taxpayer may, within thirty days of the issuance of the determination, request in writing a reconsideration of the decision. A petition for reconsideration may be made on the petition form provided as an addendum to this section. The request for reconsideration shall indicate specific mistakes in law or fact and provide legal authority that would necessitate the reconsideration of the decision. A taxpayer may request an executive level reconsideration when the determination decided an issue of first impression or an issue which has industry-wide impact or significance.

The department shall decide whether or not the decision is to be reconsidered and may grant or deny the petition. If the request for reconsideration is denied, the department shall mail to the taxpayer written notice of the denial and the reason for the denial, e.g., the petition is not timely filed, the authorities specified do not support a mistake of law, or the facts specified were considered in the determination. The denial is then the final action of the department. If the request is granted, a hearing on reconsideration may be conducted or a determination may be issued without a hearing. If a hearing is granted, it shall be conducted informally in a nonadversary, uncontested manner, and shall be held at the department offices in Olympia. A determination upon reconsideration

shall be sent to the taxpayer in writing and shall represent the final action of the department of revenue.

(6) Request for hearing at the executive level. If a taxpayer appeal involves an issue of first impression (one for which no precedent has been established) or an issue which has industry-wide significance or impact, a taxpayer may request the petition be heard at the executive level by the director or the director's designee. The request must specify the reasons why this action is appropriate. The department may grant or deny the request. An executive level hearing shall be conducted informally in a nonadversary, uncontested manner. A determination from an executive level appeal is the final action of the department and a request for reconsideration will not be granted.

(7) Small claims hearing. Under certain conditions, a taxpayer may elect, by so indicating on the petition, to have the appeal heard under the expedited small claims hearing procedure.

(a) An appeal qualifies for a small claims hearing only if:

(i) The tax at issue in the appeal is five thousand dollars or less; or

(ii) Penalties and/or interest is the only issue and the amount of penalties and/or interest is ten thousand dollars or less.

(b) The department may decline to hear an appeal under the small claims procedure if the department finds it to be unsuitable for small claims resolution. Appeals with multiple or complex issues, issues of first impression, issues of industry-wide application, and constitutional issues are generally not suitable for small claims resolution.

(c) After the small claims hearing with the administrative law judge has been conducted, the taxpayer may no longer revoke the election for small claims resolution.

(d) The taxpayer will be notified of the time and place of the hearing. The hearing will be conducted informally in a nonadversary, uncontested manner by an administrative law judge and the taxpayer may personally, or through a representative, present oral and/or written testimony at that time. Upon conclusion of the hearing, the administrative law judge may render an oral decision at that time, but in no case will the decision be rendered more than five working days after the hearing. In all small claims hearings, either an abbreviated written decision (determination) containing the department's conclusions will be issued, or a closing agreement will be signed.

(e) The decision rendered in a small claims hearing is the final action of the department and a taxpayer request for reconsideration of the decision will not be granted.

(f) A decision rendered in a small claims hearing has no precedential value.

(8) Appeals to board of tax appeals—Thurston County Superior Court. A taxpayer may appeal a determination of the department of revenue to the board of tax appeals or may seek a refund of taxes paid in Thurston County Superior Court. See: Chapter 82.03 RCW, and RCW 82.32.180. A taxpayer filing an appeal with the board of tax appeals must pay the tax by the due date, unless arrangements are made with the department of revenue for a stay of collection pursuant to RCW 82.32.200. See: WAC 458-20-228.

PROPOSED

(9) Rulings of prior determination of tax liability. Any taxpayer may make a written request to the department for a written opinion of future tax liability. Such a request shall contain all pertinent facts concerning the question presented and may contain a statement of the taxpayer's views concerning the correct application of the law. The department shall advise the taxpayer in writing of its opinion. The opinion shall be binding upon both the taxpayer and the department under the facts presented until the department changes the opinion by a determination or subsequent opinion issued to the taxpayer, or the legal basis of the opinion has been changed by legislative, court, or WAC rule action. When changes occur, a taxpayer may contact the department to determine if a change in the legal basis of the opinion has occurred. Any future change in the opinion shall have prospective application only.

(10) Settlement. At any time during the appeal process, the taxpayer or the department may propose to compromise the matter by settlement.

(a) Settlement may be appropriate when:

(i) The issue is nonrecurring. An issue is nonrecurring when the law has changed so future periods are treated differently than the periods under appeal; or the taxpayer's position or business activity has changed so that in future periods the issue under consideration is changed or does not exist; or the taxpayer agrees to a prospective change; or

(ii) A conflict exists between precedents i.e., statutes, rules, excise tax bulletins, and correspondences to the taxpayer; or

(iii) A strict application of the law would have unduly harsh consequences which may be only relieved by an equitable doctrine; or

(iv) There is uncertainty of the outcome of the appeal if it were presented to a court. Factors to be considered include the relative degrees of certainty and the costs for both the taxpayer and the state. This category includes cases which involve factual issues that might require extensive expert testimony to resolve; or

(b) Settlement is not appropriate when:

(i) The same issue in the taxpayer's appeal is being litigated by the department; or

(ii) The taxpayer challenges a long standing departmental policy or a WAC rule which the department will not change unless the policy or rule is declared invalid by a court of record; or

(iii) The taxpayer presents issues that have no basis upon which relief for the taxpayer can be granted or given. Settlement will not be considered if the taxpayer's offer of settlement is simply to eliminate the inconvenience or cost of further negotiation or litigation, and is not based upon the merits of the case; or

(iv) The taxpayer's only argument is that a statute is unconstitutional; or

(v) The taxpayer's only argument is financial hardship. Financial hardship issues are properly discussed with the department's compliance division.

(c) Each settlement is concluded by a closing agreement being signed by both the department and the taxpayer as provided by RCW 82.32.350 and is binding on both parties as

provided in RCW 82.32.360. A closing agreement has no precedential value.

PETITION

STATE OF WASHINGTON
DEPARTMENT OF REVENUE
INTERPRETATION AND APPEALS
MAILSTOP AX-02
OLYMPIA, WA 98504-0090

Taxpayer Name
Address and
Telephone No.

Name, address and
Telephone No.
of Representative:

Registration No.:
Amount At Issue:
Audit No.: Document No.:

Do you request this petition to be heard under the small claims procedure? The small claims procedures are limited to appeals of tax issues which do not exceed \$5,000 or issues involving penalties and interest which do not exceed \$10,000. You may not revoke your request to be heard under the small claims procedure after the conference with the administrative law judge has been held. Under the small claims procedures, the decision of the department is final and the department will not accept a petition for reconsideration.

..... Yes No

Do you request this petition to be heard as an executive level petition? A petition for executive level consideration may be granted if the issue is one of first impression or the issue has industry wide impact or significance. The specific reasons for an executive level appeal must be specified in the petition. A decision of a petition heard at the executive level is the final decision of the department and a petition for reconsideration will not be accepted.

..... Yes No

Is this a petition for reconsideration?

..... Yes No

Is this a petition for executive level reconsideration? (Specific reasons must be specified.)

..... Yes No

Items Protested (attach additional information if necessary):

.....
.....
.....

Time Period at Issue:

Relief Requested (attach additional information if necessary):

Reason for relief (cite applicable rules, statutes, etc., and attach additional information if necessary):

(Signature of Taxpayer or Authorized Representative—Date))

(a) This rule explains the procedures for administrative review of actions of the department or of its officers and employees in the assessment or collection of taxes, as provided in RCW 82.01.060(4), including, but not limited to:

- (i) An assessment of tax, interest, or penalties;
(ii) The denial of a refund, credit, or deferral request;
(iii) The issuance of a balance due notice or a notice of delinquent taxes, including a notice of collection action; and
(iv) The issuance of an adverse ruling on future liability from the taxpayer information and education section.

(b) Persons seeking administrative review of a business license revocation, a cigarette license revocation or suspension, a log export enforcement action, or orders to county officials under Title 84 RCW should refer to the following rules:

- (i) WAC 458-20-10001 for information on the revocation of a certificate of registration or the revocation or suspension of a cigarette license; or
(ii) WAC 458-20-10002 for information on log export enforcement actions and orders to county officials issued under RCW 84.08.120 and 84.41.120.

(2) Preappeal supervisor's conference and preappeal rulings on future liability.

(a) Supervisor's conferences. Taxpayers are encouraged to request a supervisor's conference when they disagree with an action proposed by the department. Taxpayers should make their request for the conference with the division of the department that proposes to issue an assessment or take some other action in dispute. Supervisor's conferences provide an opportunity to resolve issues prior to the review provided in this rule.

(b) Rulings. Taxpayers may request an opinion on future reporting instructions and tax liability from the department's taxpayer information and education section of the taxpayer services division. The request must be in writing, contain all pertinent facts concerning the question presented, and may contain a statement of the taxpayer's views concerning the correct application of the law. The department will advise the taxpayer in writing of its opinion in a tax ruling. The tax ruling must state all pertinent facts upon which the opinion is based and is binding upon both the taxpayer and the department under the facts stated. It will remain binding until the facts change, the law by statute, rule, or court decision changes, the department publicly announces a change in the policy upon which this ruling is based, or the taxpayer is

notified in writing that the ruling is no longer valid. Any change in the ruling will have prospective application only. Rulings on future tax liability are subject to review as provided in this rule.

(3) How are appeals started? A taxpayer starts a review of a departmental action by filing a written petition. Petitions should be addressed to:

Appeals Division
Washington State Department of Revenue
P.O. Box 47460
Olympia, Washington 98504-7460

A form petition is available on the department's web site at http://dor.wa.gov or upon request from the appeals division. The taxpayer or its authorized representative must sign the petition, which must contain the following information:

- (a) The taxpayer's name, address, registration/UBI number, telephone number, fax number, e-mail address, and contact person;
(b) If represented, the representative's name, address, telephone number, fax number, and e-mail address;
(c) Identifying information from the assessment notice, balance due notice, or other document being appealed;
(d) The amount of tax, interest, or penalties in controversy, and the time period at issue;
(e) The type of appeal requested (see subsection (6) of this section);
(f) Whether an in-person hearing in Olympia or Seattle, a telephone hearing, or no hearing is requested; and

(g) A brief explanation of each issue or area of dispute and an explanation why each issue or area of dispute should be decided in the taxpayer's favor. To the extent known or available, taxpayers should cite applicable rules, statutes, or supporting case law and provide copies of records that support the taxpayer's position.

If a petition does not provide the required information, the department will notify the taxpayer in writing that the petition is not accepted for review. The notice will provide a period of time for the taxpayer to cure the defects in the petition. If a taxpayer is represented, the taxpayer should also have on file with the department a confidential tax information authorization.

(4) To be timely, when must a petition be filed or extensions requested? A taxpayer must file a petition with the department within thirty days after the date the departmental action has occurred.

(a) The appeals division may grant an extension of time to file a petition if the taxpayer's request is made within the thirty-day filing period. Requests for extensions may be in writing or by telephone, and must be directed to the department's appeals division.

(b) A petition or request for extension is timely if it is postmarked or received within the thirty-day filing period.

(c) The appeals division may not grant an extension of time to file a petition for refund that would exceed the time limits in WAC 458-20-229 (Refunds). A request for a refund of taxes paid must be filed within four years after the close of the tax year in which the taxes were paid. See WAC 458-20-229 for procedures on seeking a refund.

PROPOSED

(d) The appeals division will notify taxpayers in writing when a petition is rejected as not timely.

(5) How are appeals scheduled, heard, and decided? The appeals division will acknowledge receipt of the petition and identify the administrative law judge (ALJ) assigned to the appeal. ALJs are attorneys trained in the interpretation of the Revenue Act and precedents established by prior rulings and court decisions. They are employed by the department to provide an informal, final review of agency actions.

(a) Scheduling. The ALJ will notify parties of the time when any additional documents or arguments must be submitted. If a party fails to comply with a scheduling letter or established timelines, the ALJ may decline to consider arguments or documents submitted after the scheduled timelines. A status conference in complex cases may be scheduled to provide for the orderly resolution of the case and to narrow issues and arguments for hearing.

(b) Hearings. Hearings may be by telephone or in-person. The ALJ may decide the case without a hearing if legal or factual issues are not in dispute, the taxpayer does not request a hearing, or the taxpayer fails to appear at a scheduled hearing or otherwise fails to respond to inquiries from the department. The appeals division will notify the taxpayer by mail whether a hearing will be held, whether the hearing will be in-person or by telephone, the location of any in-person hearing, and the date and time for any hearing in the case. The date and time for a hearing may be continued at the ALJ's discretion. Other departmental employees may attend a hearing, and the ALJ will notify the taxpayer when other departmental employees are attending. The taxpayer may appear personally or may be represented by an attorney, accountant, or any other authorized person. All hearings before an ALJ are conducted informally and in a nonadversarial, uncontested manner.

(c) Hearing and posthearing submissions. If a taxpayer asks to submit additional records or documents at a hearing, the taxpayer must explain why they were not submitted under the deadlines established in the scheduling letter. The ALJ has the discretion to allow late submissions by the taxpayer or the department and, if allowed, will provide the other party with additional time to respond. If additional document production or additional briefing is allowed by the ALJ, posthearing, such briefing or documents usually must be submitted within thirty days after the hearing, unless good cause is shown for additional time. ALJs have the discretion to allow additional time for further fact-finding, including scheduling an additional hearing, as necessary in a particular case.

(d) Determinations. Following the hearing, if any, and review of all submissions, the ALJ will issue a determination consistent with the applicable statutes, rules, case law, and department precedents. The appeals division will notify the taxpayer in writing of the decision. The determination of the ALJ is the final decision of the department and is binding upon the taxpayer unless a petition for reconsideration is timely filed by the taxpayer and accepted by the department.

(6) Are all appeals the same? No, in addition to regular appeals, called mainstream appeals, an appeal may also be assigned as a small claims or executive level appeal based on the amount at issue or the complexity of the issues. In addition,

an appeal may be expedited under certain urgent circumstances.

(a) Small claims appeals. Except as set forth in (a)(i), (ii), or (iii) of this subsection, when the tax at issue in the appeal is twenty-five thousand dollars or less and the total amount of the tax plus penalties and interest at issue in the appeal is fifty thousand dollars or less, the appeal will be heard as a small claims appeal.

(i) The department may decline to hear an appeal as a small claims appeal if the department finds the appeal is not suitable for small claims resolution. Appeals with multiple or complex issues, issues of first impression, issues of industry-wide application, or constitutional issues are generally not suitable for small claims resolution.

(ii) The appeals division will notify the taxpayer in writing when an appeal is to be heard as a small claims appeal. The taxpayer may request in writing that the matter not be heard as a small claims appeal. Such requests will be granted if received or postmarked within fifteen days following the date of the notice.

(iii) In the petition the taxpayer may affirmatively request that the petition not be heard as a small claims appeal. Such requests will be granted.

Taxpayers should provide all evidence and supporting authority prior to or during the small claims hearing. Within ten working days of a small claims hearing, the department will issue an abbreviated written decision (determination) containing only the department's conclusions. The determination in a small claims appeal is the final action of the department.

(b) Executive level appeals. If an appeal involves an issue of first impression (one for which no agency precedent has been established) or an issue that has industry-wide significance or impact, a taxpayer may request that the petition be heard at the executive level. The request must specify the reasons why an executive level appeal is appropriate. The appeals division will grant or deny the request and will notify the taxpayer of that decision in writing. If granted, the director or the director's designee and an ALJ will hear the matter. The appeals division, on its own initiative, may also choose to hear an appeal at the executive level. The appeals division will notify the taxpayer if the department chooses to hear an appeal at the executive level.

Following the executive level hearing, the appeals division will issue a proposed determination, which becomes final thirty days from the date of issuance unless the taxpayer or another division of the department timely files an objection to the proposed determination. Objections must identify specific errors of law or fact. Unless an extension is granted, objections must be postmarked or received by the appeals division within thirty days from the date the proposed determination was issued. The taxpayer or operating division filing objections must also provide the other party with a copy of its objections. The ALJ will issue the final determination, which may or may not reflect changes based on the objections. Although rare, the ALJ and the director's designee, in consultation with the director, may grant a second hearing to hear argument on the objections. The determination in an executive level appeal is the final action of the department.

(c) Expedited appeals. On a very limited basis it may be necessary to expedite the review of a petition. Taxpayers or other divisions in the department requesting expedited review must make the request in writing to the appeals division, with a copy supplied to the other party. The appeals division will grant or deny such requests solely at its discretion. The appeals division will advise the taxpayer and the affected division of its decision pertaining to the expedited review request. This decision is not subject to appeal. Expedited review will be limited to appeals where it is clear that:

- (i) There is a particular and extraordinary business necessity;
- (ii) Document review is the only issue;
- (iii) Only a legal issue remains in an appeal following a remand to an operating division;
- (iv) A jeopardy warrant or bankruptcy is likely; or
- (v) Urgent review is necessary within the department.

If expedited review is at the taxpayer's request, the determination in an expedited appeal is the final action of the department. If expedited review is requested by the department, the taxpayer may petition for reconsideration as provided in subsection (7) of this section.

(7) Request for reconsideration. If a taxpayer believes that an error has been made in a determination, the taxpayer may, within thirty days of the issuance of the determination, petition in writing for reconsideration of the decision. Small claim appeals, executive appeals, and appeals expedited at the request of the taxpayer are not subject to reconsideration. The request for reconsideration must specify mistakes in law or fact contained in the determination and should also provide legal authority as to why those mistakes necessitate the reconsideration of the determination. A taxpayer may request an executive level reconsideration when the determination decided an issue of first impression or an issue that has industry-wide impact or significance. The request for executive reconsideration must also specify the reasons why executive level review is appropriate.

The appeals division may, without a hearing, grant or deny the request for reconsideration. If the request is denied, the department will mail to the taxpayer written notice of the denial and the reason for the denial. The denial is then the final action of the department. If the request is granted, a hearing on reconsideration may be conducted or a determination may be issued without a hearing. A reconsideration determination is the final action of the department.

(8) Appeals to board of tax appeals. A taxpayer may appeal a denial of a petition for correction of an assessment under RCW 82.32.160 or a denial of a petition for refund under RCW 82.32.170 to the board of tax appeals. The board of tax appeals also has jurisdiction to hear appeals taken from department decisions rendered under RCW 82.34.110 (relating to pollution control facilities tax exemptions and credits) and 82.49.060 (relating to watercraft excise tax). The board of tax appeals does not have jurisdiction to hear appeals from determinations involving rulings of future tax liability issued by the taxpayer information and education section. See RCW 83.03.130 (1)(a) and 83.03.190. A taxpayer filing an appeal with the board of tax appeals must pay the tax by the due date, unless arrangements are made with the department for a stay of collection under RCW 82.32.200. See WAC 458-20-228

(Returns, remittances, penalties, extensions, interest, stay of collection).

(9) Thurston County superior court. A taxpayer may also pay the tax in dispute and petition for a refund in Thurston County superior court. The taxpayer must comply with the requirements of RCW 82.32.180.

(10) Settlements. At any time during the appeal process, the taxpayer or the department may propose to compromise the matter by settlement. Taxpayers interested in settling a dispute should submit a written offer to the ALJ. The offer should identify the amount in dispute, why the dispute should be settled, the amount offered in settlement, and why the amount being offered is reasonable.

(a) Settlement may be appropriate when:

(i) The issue is nonrecurring. An issue is nonrecurring when the law has changed so future periods are treated differently than the periods under appeal; or the taxpayer's position or business activity has changed so that in future periods the issue under consideration is changed or does not exist; or the taxpayer agrees to a prospective change;

(ii) A conflict exists between precedents, such as statutes, rules, excise tax bulletins, or specific written instructions to the taxpayer;

(iii) A strict application of the law would have unduly harsh consequences which may be only relieved by an equitable doctrine; or

(iv) There is uncertainty of the outcome of the appeal if it were presented to a court. Factors to be considered include the relative degrees of certainty and the costs for both the taxpayer and the state. This category includes cases which involve factual issues that might require extensive expert testimony to resolve.

(b) Settlement is not appropriate when:

(i) The same issue in the taxpayer's appeal is being litigated by the department;

(ii) The taxpayer challenges a long-standing departmental policy or a rule that the department will not change unless the policy or rule is declared invalid by a court of record;

(iii) The taxpayer presents issues that have no basis upon which relief for the taxpayer can be granted or given. Settlement will not be considered if the taxpayer's offer of settlement is simply to eliminate the inconvenience or cost of further negotiation or litigation, and is not based upon the merits of the case;

(iv) The taxpayer's only argument is that a statute is unconstitutional; or

(v) The taxpayer's only argument is financial hardship. Financial hardship issues are properly discussed with the department's compliance division.

(c) Each settlement is concluded by a closing agreement signed by both the department and the taxpayer as provided by RCW 82.32.350 and is binding on both parties as provided in RCW 82.32.360. A closing agreement has no precedential value.

WSR 05-15-055
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [04-09-062 or 05-12-159].

Title of Rule and Other Identifying Information: WAC 180-51-050 High school credit—Definition.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes are technical edits to clarify language in the current rule.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 28A.230 RCW and RCW 28B.50.915.

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

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 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-20-093, filed 10/5/04, effective 11/5/04)

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/technical college high school completion program - Diploma awarded by community/technical colleges. Five quarter or three semester hours of community/technical 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/technical 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/technical 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.

WSR 05-15-056
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-09-061.

Title of Rule and Other Identifying Information: WAC 180-57-070 Mandatory high school transcript contents—Items—Timelines.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed change adds to the high school transcript the language of "no score" if the Washington assessment of student learning (WASL) is not taken by a student for any reason.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.305.220.

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

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 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-22-059, filed 10/29/04, effective 11/29/04)

WAC 180-57-070 Mandatory high school transcript contents—Items—Timelines. (1)(a) The standardized high school transcript shall contain only the information listed in subsection (2) of this section in order to meet the statutory requirements under RCW 28A.305.220 for a statewide standardized transcript.

(b) Any other information the district or school may desire to include may be stapled to the transcript or otherwise provided with the transcript. Information that is not listed below shall not be included on the state standardized transcript:

(2)(a) Authorized and required transcript information effective now:

(i) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;

(ii) The name(s) of parent(s) or guardian(s);

(iii) The student's birthdate (mm/dd/yyyy);

(iv) The student's school district identification number (if applicable);

(v) The school name, address, phone number, and name of the school district issuing the transcript;

(vi) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);

(vii) The student's academic history for all high school level courses attempted, including courses taken under RCW 28A.230.090(4) and including those courses where a student has withdrawn, and listed by report period for the grade level (month and year), course code and description, marks/grades earned as defined in WAC 180-57-050 (a mark/grade of "W" will be used to indicate a withdrawal from a course), credits attempted and earned as defined in WAC 180-57-040, grade point average as defined in WAC 180-57-055, and a report period and cumulative summary of the student's high school level academic history.

(viii) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation, except that credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. For the purpose of this subsection, districts and schools shall not convert letter grades to grades/marks not used in the grade point average calculation.

(b) Authorized and required additional transcript information effective beginning with the graduating class of 2006:

(i) The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated. Courses completed and credits earned through running start shall be noted with an "R" designation. Courses completed and credits earned through advanced placement shall be noted with an "A" designation. Courses completed and credits earned through college in the high school shall be noted with a "C" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "I" designation. Courses completed which earn college credit through techprep and/or the corresponding credits or certification earned shall be noted with a "T" designation. Courses that meet or satisfy higher education coordinating board core course requirements shall be noted with a "B" designation. Courses completed and credits earned through an honors option shall be noted with an "H" designation;

(ii)(A) Notation of the student's actual highest scale score and level achieved for each content area on the Washington assessment of student learning (noting month and year);

(B) Notation ((that)) of "no score" if the Washington assessment of student learning was not taken ((if the Washington assessment of student learning was not taken));

PROPOSED

(C) Notation of the student's actual highest level achieved on the Washington alternate assessment system (WAAS) that has been taken by a student eligible to take the WAAS (noting month and year);

(c) Authorized and required additional transcript information effective beginning with the graduating class of 2008:

(i) Notation that the high school and beyond plan graduation requirement was met (noting month and year) or not met by the student;

(ii) Notation that the culminating project graduation requirement was met (noting month and year) or not met by the student; and

(iii) Notation that the certificate of academic achievement graduation requirement was met (noting month and year) or not met by the student in one of the following ways:

(A) Based on the student's actual highest scale score and level achieved for each content area of the Washington assessment of student learning.

A "scholar designation" shall be noted on the transcript when a student achieves level four on each content area on the Washington assessment of student learning on the first attempt at taking each content area assessment.

(B) Based in whole or in part on the student's results on an alternative assessment approved by the legislature under section 101(7), chapter 19, Laws of 2004, including the student's actual highest earned performance rating on the alternate assessment (noting month and year);

(C) Notation that the certificate of individual achievement graduation requirement was met (noting month and year) or not met by the student based on the student's results on an assessment of the objectives in the student's individual education plan using the Washington alternate assessment system (WAAS).

(3) Each issuance of the transcript shall include a report date (mm/dd/yyyy), graduation date (noting month and year), end of transcript record (signifying no more authorized data), office of superintendent of public instruction (OSPI) transcript form version number, and page number ('x' of 'y').

(4) The signature of the authorized school official (name, title, and date) and seal of the district, if available. The signature of the authorized school official may be affixed electronically, subject to a written district policy that addresses signature security and assures that the authorized school official acknowledges, in writing, that affixing their signature electronically to the transcript is a legal and binding action.

WSR 05-15-057

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-113.

Title of Rule and Other Identifying Information: Chapter 180-20 WAC, Minimum qualifications of school bus drivers.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 180-20 WAC, School bus driver qualifications, changes consist of restructuring of current language to create a logical flow. The time period for disqualifying offenses has been modified to alignment with standards for school district certificated personnel. The authorization process has been modified to align with the current school bus driver online authorization process.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.160.210.

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

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 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-08-055, filed 4/2/04, effective 5/3/04)

WAC 180-20-009 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "School bus driver" means a person, who is employed by a school district including contracted drivers under WAC 180-20-031 (1) and (2) and as part of that employment or contract, operates a school bus as defined in WAC 392-143-010, ((as well as)) or other motor vehicles for the regularly scheduled transportation of students between home and school(, and for school-related activities on routinely scheduled routes)). School buses shall be operated by authorized school bus drivers when transporting students. An authorized school bus driver may also transport students on field trips and other school related activities.

(2) "A school bus driver's authorization" means an authorization issued by the superintendent of public instruction indicating that the person has met state board of education requirements to operate a school bus or other motor vehicle for the purpose of transporting students to and from school routinely on scheduled routes and/or school activities.

A school bus driver must be authorized prior to transporting students and such authorization shall continue in effect as long as the person continues to meet the requirements of this chapter. A school bus driver authorization is not valid if suspended, revoked or lapsed.

(3) "School bus driver instructor's authorization" means an authorization issued by the superintendent of public instruction to a person successfully completing the superintendent of public instruction approved school bus driver instructor course. This authorization qualifies a person to train and verify the training of school bus drivers. This authorization shall lapse unless the holder successfully completes an annual school bus driver instructor's in-service course.

(4) "School bus driver training course" means a course established by the superintendent of public instruction and taught by an authorized school bus driver instructor. This course shall be successfully completed by all applicants for a ~~((continuing))~~ school bus driver's authorization.

(5) "School bus driver annual in-service training course" means an annual course taught by an authorized school bus driver instructor. The content and minimum time requirements of such course shall be annually determined by the superintendent of public instruction and shall be required to be completed ~~((by the end of the school year))~~ no earlier than August 1st and no later than November 1st by all authorized school bus drivers.

(6) "School bus driver instructor's course" means a training program authorized by the superintendent of public instruction to qualify a person as a school bus driver instructor.

(7) "School bus driver instructor's annual in-service course" means an annual required course, the content of which shall be determined by the superintendent of public instruction. Successful completion of this course prevents the instructor's authorization from lapsing.

(8) "Serious behavioral problem" includes, but is not limited to, conduct which indicates unfitness to carry out the responsibilities related to the occupation or job performance of transporting children, such as: Dishonesty; immorality; or misuse of alcohol, a controlled substance, or a prescription drug; or furnishing alcohol or controlled substances to a minor or student.

(9) "Medical examiner's certificate" means a written verification of passing a medical examination in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. School bus drivers must provide verification of passing a medical examination at a minimum of every twenty-four months. School bus drivers must continue to meet these medical requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

AMENDATORY SECTION (Amending WSR 04-08-055, filed 4/2/04, effective 5/3/04)

WAC 180-20-021 Training and qualifications of school bus driver instructors—Administration. It shall be the responsibility of the superintendent of public instruction to administer the program of training and qualifications of

school bus driver instructors consistent with the provisions of this chapter. The superintendent of public instruction shall determine the qualifications necessary for applicants for the school bus driver instructor course and qualifications necessary for continuation of the school bus driver instructor authorization. Each school bus driver instructor shall verify annually that they continue to meet said qualifications. Intentional falsification of school bus driver training records shall result in permanent ~~((disqualification))~~ revocation of the school bus driver instructor authorization. In the case of denial of authorization or disqualification, the superintendent of public instruction shall provide an appeal process consistent with the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 05-08-014, filed 3/28/05, effective 4/28/05)

WAC 180-20-101 ((Minimum qualifications of)) Initial requirements for school bus drivers. ~~((+))~~ Every authorized school bus driver must meet ~~((and continue to meet))~~ the following ~~((minimum))~~ initial requirements:

~~((a))~~ (1) Be at least twenty-one years of age.

~~((b))~~ ~~Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.~~

~~((c))~~ (2) Have at least one year of experience as a driver of a truck or commercial vehicle requiring a special endorsement or, in the alternative, at least three years of experience as a driver of a passenger vehicle.

~~((d))~~ ~~Hold a current and valid first aid card or equivalent which certifies that the applicant has completed a course in the basic principles of first aid.~~

~~((e))~~ ~~Submit to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial of authorization under (h), (i), and (j) of this subsection.~~

~~((f))~~ (3) Submit to a criminal record check according to chapter 28A.400 RCW which shows that no offenses have been committed which would be grounds for denial of an authorization.

~~((g))~~ ~~Shall not have misrepresented or concealed a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.~~

~~((h))~~ ~~Shall not have had a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding three years or have had their commercial driver's license disqualified, suspended or revoked within the preceding three years; a certified copy of the disqualification, suspension or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension or revocation.~~

~~((i))~~ ~~Shall not have incurred three or more speeding tickets of ten miles per hour or more over the speed limit within the last thirty-six months.~~

~~((j))~~ ~~Shall not have been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a~~

plea of guilty or nolo contendere is the basis for the conviction) nor under a deferred prosecution under chapter 10.05 RCW where the conduct or alleged conduct is related to the occupation of a school bus driver, including but not limited to the following:

(i) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, sexual exploitation of a child under chapter 9.68A RCW; sexual offenses under chapter 9A.44 RCW where a minor is the victim; promoting prostitution of a minor under chapter 9A.88 RCW; the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction;

(ii) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last seven years. Provided, That in the case of felony convictions, the applicable time limit shall be ten years;

(iii) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last three years;

(iv) Any crime against children or other persons as defined in RCW 43.43.830(5) when the date of the conviction or prison release, which ever is more recent, is within ten years of the date of the job application for felonies and within seven years for other crimes.

(k) Shall not have been found in any dependency action under RCW 13.34.030 to have sexually assaulted or exploited any minor or to have physically abused any minor, within the last seven years.

(l) Shall not have been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any minor or to have physically abused any minor, within the last seven years.

(m) Shall not have been found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person, within the last seven years.

(n) Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with an expired, lapsed, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter. Shall not have intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended driver's license.

(o) Shall not have a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. This subsection shall not be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(p) Shall not have refused to take a drug or alcohol test as required by the provisions of 49 C.F.R. 382 within the preceding three years. Provided, this requirement shall not apply

to any refusal to take a drug or alcohol test prior to January 31, 2005.

(2) Every school bus driver must also meet and continue to meet the following requirements:

(a) Verification by a local school district that the person seeking a school bus driver authorization:

(i) Is physically able to maneuver and control a school bus under all driving conditions; and

(ii) Is physically able to use all hand/or foot operated controls and equipment found on state minimum specified school buses; and

(iii) Is physically able to perform daily routine school bus vehicle safety inspections and necessary emergency roadside services; and

(iv) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty five seconds.

(b) Provide verification of passing a medical examination every twenty four months in accordance with the standards established in 49 C.F.R. 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. School bus drivers must continue to meet these medical examination requirements during the time between examinations. This requirement does not prevent a school district from requesting a more frequent examination.

(e)) (4) Satisfactorily complete a school bus driver training course and each year thereafter, satisfactorily complete a school bus driver in-service training course.

(5) Meet all applicable continuing school bus driver requirements in WAC 180-20-102.

NEW SECTION

WAC 180-20-102 Continuing requirements for authorized school bus drivers. Every authorized school bus driver must continue to meet the following requirements:

(1) Have a valid driver's license or commercial driver's license, as required by law, issued by the state department of licensing.

(2) Satisfactorily complete the annual school bus driver in-service training course.

(3) Hold a current and valid first-aid card which certifies that the applicant has completed a course in first aid.

(4) Submit annually to the school district a disclosure of all crimes against children or other persons and all civil adjudications in a dependency action or in a domestic relation action and all disciplinary board final decisions of sexual abuse or exploitation or physical abuse as required by RCW 43.43.834(2) and disclosure of all convictions which may be grounds for denial, suspension, or revocation of authorization under WAC 180-20-103.

(5) Every authorized school bus driver must continue to meet the following physical requirements:

(a) Is physically able to maneuver and control a school bus under all driving conditions; and

(b) Is physically able to use all controls and equipment found on state minimum specified school buses; and

(c) Is physically able to perform daily routine school bus vehicle safety inspections; and

(d) Has sufficient strength and agility to move about in a school bus as required to provide assistance to students in evacuating the bus. The driver must be able to move from a seated position in a sixty-five passenger school bus, or the largest school bus the driver will be operating, to the emergency door, open the emergency door, and exit the bus through the emergency door, all within twenty-five seconds; and

(e) Provide verification of holding a current and valid medical examiner's certificate.

NEW SECTION

WAC 180-20-103 Disqualifying conditions for authorized school bus drivers. A school bus driver's authorization will be revoked as a result of the following conditions:

(1) Misrepresenting or concealing a material fact in obtaining a school bus driver's authorization or in reinstatement thereof in the previous five years.

(2) Having a driving license privilege suspended or revoked as a result of a moving violation as defined in WAC 308-104-160 within the preceding three years or have had their commercial driver's license disqualified, suspended, or revoked within the preceding three years; a certified copy of the disqualification, suspension, or revocation order issued by the department of licensing being conclusive evidence of the disqualification, suspension, or revocation.

(3) Incurring three or more speeding tickets of ten miles per hour or more over the speed limit within the last thirty-six months.

(4) Having been convicted of any misdemeanor, gross misdemeanor, or felony (including instances in which a plea of guilty or nolo contendere is the basis for the conviction) or being under a deferred prosecution under chapter 10.05 RCW where the conduct or alleged conduct is related to the occupation of a school bus driver, including, but not limited to, the following:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW; the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW; sexual exploitation of a child under chapter 9.68A RCW; sexual offenses where a child is the victim under chapter 9A.44 RCW; promoting prostitution of a child under chapter 9A.88 RCW; the sale or purchase of a child under RCW 9A.64.030; or violation of similar laws of another jurisdiction;

(b) Any crime involving the use, sale, possession, or transportation of any controlled substance or prescription within the last ten years;

(c) Any crime involving driving when a driver's license is suspended or revoked, hit and run driving, driving while intoxicated, being in physical control of motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault or vehicular homicide, within the last five years;

(d) Any crime against children or other persons as defined in RCW 43.43.830(5).

(5) Having been found in any dependency action under RCW 13.34.030 to have sexually assaulted or exploited any child or to have physically abused any child, within the last ten years.

(6) Having been found by a court in a domestic relation proceeding under Title 26 RCW, to have sexually abused or exploited any child or to have physically abused any child, within the last ten years.

(7) Having been found in any disciplinary board final decision to have sexually or physically abused or exploited any child or developmentally disabled person, within the last ten years.

(8) Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a lapsed, suspended, surrendered, or revoked school bus driver's authorization in a position for which authorization is required under this chapter. Having intentionally and knowingly transported public school students within the state of Washington within the previous five years with a suspended or revoked driver's license or a suspended, disqualified or revoked commercial driver's license.

(9) Having a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, bus drivers, or other colleagues. This subsection shall not be applied so as to deny, revoke, or suspend authorizations to any individual for the orderly exercise during off-duty hours of any rights guaranteed under the law to citizens generally, except where such conduct indicates a safety risk for the transportation of students.

(10) Shall not have refused to take a drug or alcohol test as required by the provisions of 49 CFR 382 within the preceding three years. Provided, that this requirement shall not apply to any refusal to take a drug or alcohol test prior to January 31, 2005.

AMENDATORY SECTION (Amending WSR 04-08-055, filed 4/2/04, effective 5/3/04)

WAC 180-20-111 (~~Authorization required—Duration—Issuing procedures—~~) **Temporary authorizations—Requirements and issuing procedures.** (1) (~~Every school bus driver shall meet the requirements for a school bus driver's authorization or temporary school bus driver's authorization issued in accordance with the provisions of this chapter. An authorization is no longer valid if suspended, lapsed, or revoked.~~

(2) ~~A school bus driver's authorization shall continue in effect from year to year as long as the person continues to meet the requirements of this chapter or until the authorization lapses or is suspended or revoked.~~

(3) ~~School bus driver authorizations shall be issued by the superintendent of public instruction upon request by an authorized representative of the employing school district. The employing school district shall forward to the superintendent of public instruction an application for a school bus driver authorization prior to issuance.~~

(4) ~~The following verifications relating to the applicant must be provided by the employing school district:)~~ A temporary school bus driver authorization may be issued by the superintendent of public instruction upon application by an

authorized representative of the employing school district when the following has been provided:

(a) Verification ~~((by a school bus driver instructor))~~ of successful completion of the school bus driver training course ~~((as required by this chapter)).~~

(b) Verification that it has on file a copy of a current and valid medical ~~((health certification as required by this chapter))~~ examiner's certificate.

(c) Verification that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days ~~((of))~~ prior to the date the application is being submitted for temporary authorization.

~~((Verification that the applicant has a current and valid first-aid card or equivalent.~~

~~((e)))~~ Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC ~~((180-20-101))~~ 180-20-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

~~((f)))~~ ~~((e))~~ Verification that it has ~~((on file the results of))~~ requested a criminal record check as required under chapter 28A.400 RCW and ~~((that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter))~~ the date of such request.

~~((g)))~~ ~~((f))~~ Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the education welfare or personal safety of students, teachers, bus drivers, or other colleagues.

~~((h)))~~ ~~((g))~~ Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter except for a first-aid card and/or the results of a criminal record check.

~~((5))~~ ~~((a))~~ Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

~~((b))~~ Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

~~((6))~~ On or before August 15 of each year, the superintendent of public instruction will provide each school district with a list of authorized drivers and their status.

~~((7))~~ A temporary authorization may be issued upon application by an authorized representative of the employing

school district subject to compliance with the following provisions:

~~((a))~~ Issuing procedure.

~~((i))~~ Application for a temporary authorization must be approved by an authorized representative of the employing school district, verified by said school official that the applicant meets the qualification requirements set forth in WAC 180-20-101 (except for a course in first aid and/or the results of a requested criminal record check), and further verified by a school bus driver instructor that the applicant has satisfactorily completed the school bus driver training course, as defined in this chapter.

~~((ii))~~ ~~((2))~~ Upon approval of the temporary authorization, notice will be ~~((transmitted))~~ provided to the employing school district.

~~((b))~~ ~~((Effective period.))~~ ~~((3))~~ The temporary authorization shall be valid for a period of sixty calendar days ~~((and shall be nonrenewable. Provided, That the temporary authorization may be extended for a reasonable number of days when extenuating circumstances exist)).~~ The temporary authorization may be renewed by approval of the regional transportation coordinator when the results of the criminal background check have not been received.

NEW SECTION

WAC 180-20-112 School bus driver authorization—Requirements and issuing procedures. A school bus driver authorization may be issued by the superintendent of public instruction upon application by an authorized representative of the employing school district subject to compliance with the following provisions:

(1) The employing school district shall forward to the superintendent of public instruction the following verifications relating to the applicant:

(a) Verification of successful completion of the school bus driver training course taught by an authorized school bus driver instructor.

(b) Verification that it has on file a copy of a current and valid medical examiner's certificate.

(c) Verification that it has on file a current five-year complete driver's abstract, including departmental actions, of the applicant's employment and nonemployment driving record issued by the department of licensing verifying compliance with all provisions of this chapter. The issue date of this abstract must be within sixty calendar days prior to the date an application was submitted for temporary authorization. If no request for a temporary school bus authorization was submitted, the issue date must be within sixty calendar days prior to the date of application of the school bus driver authorization.

(d) Verification that the applicant has a current and valid first-aid card.

(e) Verification that it has on file a disclosure statement in compliance with preemployment inquiry regulations in WAC 162-12-140, signed by the applicant, specifying all convictions which relate to fitness to perform the job of a school bus driver under WAC 180-20-103 and all crimes against children or other persons, that meets the requirements of RCW 43.43.834(2).

(f) Verification that it has on file the results of a criminal record check as required under chapter 28A.400 RCW and that such results establish that the applicant has not committed any offense which constitutes grounds for denying, suspending, or revoking an authorization under this chapter and the date of such request.

(g) Verification that it has on file an applicant's disclosure of all serious behavioral problems which explains the nature of all such problems and/or conditions, a listing of the names, addresses, and telephone numbers of all doctors, psychologists, psychiatrists, counselors, therapists, or other health care practitioners of any kind or hospitals, clinics, or other facilities who have examined and/or treated the applicant for such problems and/or conditions and dates of examinations, therapy, or treatment and the school district has determined that any reported serious behavioral problem does not endanger the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues.

(h) Verification that the applicant complies with all of the requirements for authorized school bus drivers set forth in this chapter.

(2) Upon approval of an application, the superintendent of public instruction shall issue a notice of school bus driver authorization to the employing school district.

(3) Subsequent authorizations for an individual driver with new or additional employing school districts must be issued from the superintendent of public instruction to such districts prior to the operation of any motor vehicle for the transportation of children.

(4) The superintendent of public instruction will provide each school district with a list of their authorized school bus drivers and each authorized school bus driver's status.

AMENDATORY SECTION (Amending WSR 02-18-055, filed 8/28/02, effective 9/28/02)

WAC 180-20-120 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings. (1) A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC 180-20-101 and 180-20-102 or for disqualifying conditions set forth in WAC 180-20-103, established by a preponderance of the evidence.

(2) Conduct, which by a preponderance of the evidence, amounts to a serious behavioral problem which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to denial, suspension, or revocation action. Upon such conviction, however, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3)(a) Any person in treatment for alcohol or other drug misuse shall have his or her authorization suspended until

((successful)) treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or ((other)) drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) Emergency suspension. If the superintendent of public instruction finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent of public instruction shall expedite all due process actions as quickly as possible.

(5)(a) Appeals and adjudicative proceedings. Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent of public instruction or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494, and the administrative practices and procedures of the superintendent of public instruction in chapter 392-101 WAC.

(b) The superintendent of public instruction may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent of public instruction may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the school district's determination of failure to meet any school bus driver authorization qualifications may request that the school district forward the pertinent records to the superintendent of public instruction. After review or investigation, the superintendent of public instruction shall grant, deny, suspend, or revoke the authorization.

AMENDATORY SECTION (Amending WSR 02-18-055, filed 8/28/02, effective 9/28/02)

WAC 180-20-135 School bus driver—Reporting. (1) Every person authorized under this chapter to operate a motor vehicle to transport children shall, within twenty calendar days, notify his or her employer in writing of the filing of any criminal charge involving conduct ((not meeting the standards)) listed in WAC ((180-20-101(1))) 180-20-103. The authorized driver shall also notify his or her employer of any disqualifying traffic convictions, or license suspension or revocation orders issued by the department of licensing. In cases where the employer is providing transportation services through a contract with the school district, the contractor shall immediately notify the school district superintendent or designee.

(2) The notification in writing shall identify the name of the authorized driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

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(3) The failure of an authorized driver to comply with the provisions of this section is an act of unprofessional conduct and constitutes grounds for authorization suspension or revocation by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 93-08-007, filed 3/24/93, effective 4/24/93)

WAC 180-20-140 School district—Reporting. (1) Every school district employing authorized school bus drivers to transport children or contracting with a private firm who provides such authorized drivers as a part of a contract shall, within twenty calendar days, notify the superintendent of public instruction in writing of knowledge it may have of the filing of any criminal charge involving the conduct (~~(not meeting the standards)~~) listed in WAC ((180-20-101)) 180-20-103 against any authorized school bus driver.

(2) The notification in writing shall be by certified or registered mail and shall identify the name of the authorized school bus driver, his or her authorization number, the court in which the action is commenced, and the case number assigned to the action.

AMENDATORY SECTION (Amending WSR 96-20-042, filed 9/24/96, effective 10/25/96)

WAC 180-20-145 School district—Verification of drivers continuing compliance. (1) Every school district shall evaluate each authorized school bus driver for continuing compliance with the provisions of this chapter annually. The results of this evaluation of all drivers shall be forwarded to the superintendent of public instruction (~~(as follows:)~~) on SPI Form 1799, Verification Statement and Confirmation of Updated Records, no later than November 15th of each year.

(2) This report shall (~~(be added to the regular school bus driver status report (Report 1799) exchanged between all school districts and the superintendent of public instruction)~~) verify that each authorized school bus driver's medical examination certificate expiration date, first-aid expiration date, driver's license expiration date and most recent school bus driver in-service training date has been updated in compliance with OSPI procedures.

(3) (~~(Verification that each authorized driver's criminal history record contains no convictions or charges which would be grounds for revocation or suspension of a school bus driver authorization.))~~ This report shall verify that each authorized school bus driver has made an updated disclosure in writing and signed and sworn under penalty of perjury which updates the disclosure required in WAC (~~(180-20-101 (4)(e))~~) 180-20-102(4).

(4) This report shall (~~(be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided))~~) verify that each authorized school bus driver's five-year driving record is in compliance with WAC 180-20-103.

(5) This report shall verify that each authorized school bus driver remains in compliance with the physical requirements of WAC 180-20-102(5).

(6) This report shall be a written verification that the evaluation has been conducted in accordance with the requirements of this chapter and that all drivers are in compliance, or if all drivers are not in compliance, a list of drivers who are out of compliance and the reason for noncompliance shall be provided.

WSR 05-15-058
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-27-035 Space allocations.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes will align state board policy with legislation passed in the 2005 session increasing the space allocations for school construction.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.525.020, 28A.335.120, and 28A.335.100.

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

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 8, 2005

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 01-19-044, filed 9/14/01, effective 10/15/01)

WAC 180-27-035 Space allocations. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with disabilities shall be based on a

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space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006	Beginning July 1, 2006
	Maximum Matchable Area Per Student	Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet	<u>90 square feet</u>
Grades seven and eight	110 square feet	<u>117 square feet</u>
Grades nine through twelve	120 square feet	<u>130 square feet</u>
Classrooms for students with disabilities	140 square feet	<u>144 square feet</u>

For purposes of this subsection, students with disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for students with disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
Skill Centers	140 square feet

(3) Space allowance for state matching purposes for districts with senior or four-year high schools with fewer than four hundred students shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

WSR 05-15-059
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-33-025 Space eligible for state financial assistance in modernization.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Versions 1 and 2 of the proposed changes set different dates for the elimination of the assistance program.

Reasons Supporting Proposal: With the recent increases in the area cost allowance for school building construction, this assistance is no longer needed.

Statutory Authority for Adoption: RCW 28A.525.020.

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

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 8, 2005

Larry Davis

Executive Director

Version 1

AMENDATORY SECTION (Amending WSR 98-09-052, filed 4/16/98, effective 5/17/98)

WAC 180-33-025 Space eligible for state financial assistance in modernization. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of WAC 180-33-015 (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) (~~below~~) of this section.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the school district's facilities is eligible for state financial assistance. If less than 3/4 of the overall square footage of the school district's facilities is eligible for state financial assistance, the district shall pay the entire

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cost of modernizing any additional space: Provided, That this subsection shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

(3) In planning for modernization in any combined facility as per WAC 180-33-015 (3)(c) a school district shall estimate enrollment in the district on the basis of a cohort survival enrollment as per WAC 180-27-045.

(4) The exception provided in subsection (2) of this section shall apply only to projects that have reached and started the D-10 form process by December 31, 2005.

Version 2

AMENDATORY SECTION (Amending WSR 98-09-052, filed 4/16/98, effective 5/17/98)

WAC 180-33-025 Space eligible for state financial assistance in modernization. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of WAC 180-33-015 (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization ((with the exception as stated in subsection (2) below)).

~~(2) ((In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the school district's facilities is eligible for state financial assistance. If less than 3/4 of the overall square footage of the school district's facilities is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space: Provided, That this subsection shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.~~

~~(3) In planning for modernization in any combined facility as per WAC 180-33-015 (3)(c) a school district shall estimate enrollment in the district on the basis of a cohort survival enrollment as per WAC 180-27-045.)~~ The changes to this section shall take effect January 1, 2006.

WSR 05-15-060
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-33-015 Eligibility for state financial assistance.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes remove reference to a repealed WAC and add a definitive requirement to be met.

Reasons Supporting Proposal: This clarifies the rule.

Statutory Authority for Adoption: RCW 28A.525.020.

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

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 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 91-12-058, filed 6/5/91, effective 7/6/91)

WAC 180-33-015 Eligibility for state financial assistance. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials;

(b) Changing the grade span grouping by facility by the addition, deletion, or combination thereof of two or more grades within the affected facility; ((or))

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

(i) Elementary school facility—500 pupils;

(ii) Middle or junior high school facility—700 pupils;

(iii) Senior high school facility—850 pupils;

Provided, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above: Provided further, That unless the district ((meets an exception provided in WAC 180-33-043 or)) demonstrates the existence of unhouseed students, state financial assistance for the new construction component of a combined modernization and new

construction project shall be limited to the provision of WAC 180-33-040; or

(d) Meeting the educational program of the facility.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years.

(3) School districts shall be ineligible for state assistance for modernization of any school facility accepted by the school district board of directors prior to January 1, 1993, where the principal purpose of that modernization project is to:

(a) Restore building systems and subsystems that have deteriorated due to deferred maintenance;

(b) Perform piecemeal work on one section or system of a school facility;

(c) Modernize a facility or any section thereof which has been constructed within the previous twenty years;

(d) Modernize a facility or any section thereof which has received state assistance under the authority of this chapter within the previous twenty years;

(e) To modernize a senior high school facility in a district with a senior high school where there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction pursuant to chapter 180-25 WAC.

(4) School facilities accepted by the school district board of directors after January 1, 1993, shall be ineligible for state assistance for modernization of the facility or any section thereof where:

(a) The facility was constructed and occupied within the previous thirty years;

(b) The facility received state assistance under the authority of this chapter within the previous thirty years.

WSR 05-15-061
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-33-035 Minimum project—Forty percent of replacement costs.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes set the area cost allowance (ACA) for school construction projects for the 2005 and 2006 release of state funds.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.525.200 and 28A.525.020.

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

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 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 01-19-042, filed 9/14/01, effective 10/15/01)

WAC 180-33-035 Minimum project—Forty percent of replacement costs. (1) State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than forty percent of the estimated cost of replacement. The estimated cost of major structural change shall not include the estimated capital costs associated with restoring building systems or subsystems due to deterioration as determined in the study and survey to be caused by deferred maintenance. The estimated cost of replacement shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance for the fiscal year funded as in WAC 180-27-045 set forth.

(2) The state board of education may grant a waiver from subsection (1) of this section in the event of an unanticipated increase in the area cost allowance that might cause prior approved projects expecting state assistance to become disqualified for such assistance.

WSR 05-15-062
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:36 a.m.]

Continuance of WSR 05-08-046.

Title of Rule and Other Identifying Information: WAC 180-85-033 Continuing education—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National board

for professional teaching standards assessment—Supervisors.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to this rule allows an individual to use continuing education credit hours (clock hours) earned through a professional growth plan for certification purposes.

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 8, 2005

Larry Davis

Executive Director

WSR 05-15-063

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-115.

Title of Rule and Other Identifying Information: WAC 180-08-025 Practice, procedure, and access to public funds [Coffee and/or light refreshment at SBE-sponsored meetings or formal trainings].

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This is a new rule establishing a policy to cover light refreshments at meetings/trainings of the State Board of Education.

Reasons Supporting Proposal: This is a housekeeping measure.

Statutory Authority for Adoption: RCW 34.05.220 and 28A.305.150.

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

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 8, 2005

Larry Davis

Executive Director

NEW SECTION

WAC 180-08-025 Coffee and/or light refreshment at SBE-sponsored meetings or formal trainings. The purpose of this section is to provide authority to purchase coffee or similar beverages and/or light refreshments to conform to State Administrative & Accounting Manual (SAAM) section 70.10.20.

The agency director or a manager (or an authorized designee) may approve the serving of coffee or similar beverages and/or light refreshments at agency-sponsored meetings or formal training sessions. However, the agency is not required to provide such beverages and light refreshments. This authority is not intended for use with the normal daily business of employees, board members or guests, but instead for special situations or occasions as determined by the executive director, a manager or authorized designee, where:

- The purpose of the meeting is to conduct official state business or to provide formal training that benefits the state.
- The coffee or similar beverages and/or light refreshments are an integral part of the meeting, conference, or formal training session.

In all cases, the following criteria must be met:

- The agency receives a receipt for the actual costs of the coffee or similar beverages and/or light refreshments.
- Agency approval for the serving of the coffee or similar beverages and/or light refreshments must be provided **prior** to the event to the agency meeting coordinator responsible for the meeting, conference or formal training session.

Sequential steps to be followed:

Meeting coordinator: Determine if coffee or similar beverages and/or light refreshments are to be part of the meeting or formal training session and agency reimbursement is to be requested.

Obtain approval of executive director or manager: The required approval for coffee or similar beverages and/or light refreshments is to be endorsed on Form SPI 1234 (Meeting Expense Authorization). Justification supporting the authorization must include the names of the organizations or persons attending the meeting and the purpose or accomplishments of the meeting.

Executive director or manager: Approve or disapprove the request. Return request to meeting coordinator.

Meeting coordinator: Submit a meeting expense authorization to agency accounting. Retain a copy of the form for program files. Upon completion of the meeting, submit receipts to agency accounting for payment.

Agency accounting: Audit and prepare warrant for payment of expense.

Expenditures for coffee or similar beverages and/or light refreshments are to be accounted for under code "GD 02" (coffee and/or light refreshments expenses).

WSR 05-15-065
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed July 12, 2005, 2:27 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-111.

Title of Rule and Other Identifying Information: WAC 180-33-040 Maximum costs eligible for state matching purposes.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes increase the eligible costs allowed from 80% to 100%.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 28A.525.050.

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

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 12, 2005
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 98-19-138, filed 9/23/98, effective 10/24/98)

WAC 180-33-040 Maximum costs eligible for state matching purposes—((Eighty)) One hundred percent of replacement cost. State assistance for modernization projects shall not exceed ((eighty)) one hundred percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 180-27 WAC. Costs exceeding ((eighty)) one hundred percent shall be paid by the local district.

WSR 05-15-075
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY

[Filed July 14, 2005, 1:55 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Repeal of Spokane County Air Pollution Control Authority (SCAPCA) Regulation 1, Article 6, Section 6.16 Motor Fuel Specification for Oxygenated Gasoline and repeal of Regulation 1, Article 10, Section 10.11 Oxygenated Gasoline.

Hearing Location(s): Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on September 1, 2005, at 9:00 a.m.

Date of Intended Adoption: September 1, 2005.

Submit Written Comments to: Ronald J. Edgar, 1101 West College Avenue, Suite 403, Spokane, WA 99201, e-mail rjedgar@scapca.org, fax (509) 477-4727, by August 25, 2005.

Assistance for Persons with Disabilities: Contact Barbara Nelson by August 25, 2005, (509) 477-4727 x 116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal of section 6.16 will remove the requirements for oxygenated gasoline in Spokane County. Ethanol will no longer be mixed with gasoline during the winter months to reduce carbon monoxide emissions. Repeal of section 10.11 eliminates the fees associated with the oxygenated gasoline program.

Reasons Supporting Proposal: With the approval of a carbon monoxide maintenance plan by EPA for Spokane County it has been demonstrated that oxygenated gasoline is no longer needed to meet Clean Air Act requirements. Spokane's maintenance plan shows the region maintaining compliance with carbon monoxide standards without the use of oxygenated fuels.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW.

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

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Ron Edgar, 1101 West College Ave-

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nue, Suite 403, Spokane, WA 99201, (509) 477-4727; and Enforcement: Matt Holmquist, 1101 West College Avenue, Suite 403, Spokane, WA 99201, (509) 477-4727.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a local air pollution control authority rule. RCW 34.05.328 does not apply to local air pollution control authority rule development/amendments.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70.95.141(1), RCW 34.05.328 does not apply to this rule amendment.

July 8, 2005

Ronald J. Edgar

Chief of Technical Services

ARTICLE VI

EMISSIONS PROHIBITED

ADOPTED: June 9, 1969

REVISED: October 7, 2004

EFFECTIVE: November 14, 2004

REPEALER

SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE

A. Purpose. This Section establishes motor fuel specifications for oxygenated gasoline in order to reduce wintertime carbon monoxide emissions from gasoline-powered motor vehicles.

B. Applicability. This Section applies to all blenders and to all retail sellers of oxygenated gasoline, intended as a final product for fueling of motor vehicles within the Spokane Control Area and supplied to purchasers within the Spokane Control Area, as defined in Chapter 173-492-070 of the Washington Administrative Code (WAC).

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.16 shall have the following meaning:

1. Authority means the Spokane County Air Pollution Control Authority.

2. Conform and Conformity have the same meanings as the terms are used in Section 176(e) of the Federal Clean Air Act.

3. Ecology means the Washington Department of Ecology.

4. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.

5. Federal Clean Air Act means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

6. Forecast Of Vehicle Miles Traveled has the same meaning as in Section 187 (a)(2) of the Federal Clean Air Act.

7. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act, as it pertains to the Spokane Carbon Monoxide Nonattainment Area.

8. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act, pertaining to revisions of the applicable implementation plan.

9. Maximum Allowable Oxygenate means the maximum amount of an oxygenate which may be added to gasoline without exceeding the limits for fuel additives established under Section 211(f) of the Federal Clean Air Act.

10. Metropolitan Planning Organization has the same meaning as in Chapter 173-420 WAC.

11. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act.

12. Spokane Carbon Monoxide Nonattainment Area has the same meaning as in CFR Title 40, Part 81.

13. Transportation Improvement Program has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.

14. Transportation Plan has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.

D. Adoption of state regulation by reference. Except for Subsections 173-492-040 (1) and (2), Chapter 173-492 WAC is hereby adopted by reference, to the extent that it applies to the Spokane Control Area.

E. Blend and retail sale requirements for gasoline with non-ethanol oxygenates. Gasoline shall contain the maximum allowable oxygenate for the control period, unless the oxygenate is ethanol.

F. Blend and retail sale requirements for gasoline with ethanol as an oxygenate. The following requirements shall apply:

1. Oxygen in the gasoline shall be no less than 3.2% by weight for the control period beginning on September 1, 1995 and ending February 29, 1996.

2. Oxygen in the gasoline shall be no less than 2.7% by weight for the control period beginning in 1996 and for all subsequent control periods.

G. Conformity blend and retail sale requirement for gasoline with ethanol as an oxygenate. Notwithstanding Subsection F., the following requirement shall apply after the applicable Metropolitan Planning Organization, Ecology, and the Authority determine, after consultation that, due solely to an exceedance of a forecast of vehicle miles traveled, a higher level of oxygen in gasoline than what is required in Subsection F., is necessary in order for the Transportation Plan or the Transportation Improvement Program to conform to the Implementation Plan or Maintenance Plan:

1. Oxygen in the gasoline shall be no less than 3.2% by weight, for the control period beginning in the year for which the higher level of oxygen is projected as necessary to show conformity, and for all subsequent control periods.

H. Contingency blend and retail sale requirements for gasoline with ethanol as an oxygenate. Notwithstanding Subsections F. or G., gasoline shall contain the maximum allow-

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able oxygenate, as of the initial control period beginning after EPA makes any one of the following findings in Subsection H.1., H.2., or H.3., relative to the Spokane Carbon Monoxide Nonattainment Area, in conjunction with the finding in Subsection H.4.:

- 1. Failure to make Reasonable Further Progress.
- 2. Failure to timely attain a National Ambient Air Quality Standard for carbon monoxide.
- 3. Violation of a National Ambient Air Quality Standard for carbon monoxide after 1995.
- 4. Wintertime emissions from gasoline powered motor vehicles are determined by the EPA, in consultation with Ecology and the Authority to be a contributing factor to such failure or violation.

The maximum allowable oxygenate requirement shall remain in effect for the duration of the initial control period and all subsequent control periods until the Authority proposes and EPA determines that subsequent reductions in carbon monoxide emissions, achieved through other control measures or strategies, are sufficient to correct the referenced failure or violation. Upon such determination by EPA, the applicable oxygenate requirement in Subsection F. or G. shall apply, as of the beginning of the control period immediately following the determination.

I. Test method. Compliance with requirements in this Section for oxygen in gasoline, including maximum allowable oxygenate, shall be determined by ASTM 4815-89; Determination of C1 and C2 Alcohols and MTBE in Gasoline by Gas Chromatography, or other test methods as approved by Ecology.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

ARTICLE X

FEES AND CHARGES

ADOPTED: September 12, 1991

REVISED: March 4, 2004

EFFECTIVE: April 10, 2004

REPEALER

SECTION 10.11 OXYGENATED GASOLINE

A. Pursuant to Chapter 173-492 WAC, the following annual fees shall be paid by blenders of oxygenated gasoline for sale in the Spokane Control Area.

Small Volume	(<100,000 Gallons/Month)	\$170
Medium Volume	(100,000 to <1,000,000 Gallons/Month)	\$335
Large Volume	(1,000,000 to <15,000,000 Gallons/Month)	\$2,070
Very Large Volume	(>15,000,000 Gallons/Month)	\$5,170

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-15-078
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed July 14, 2005, 4:20 p.m.]

PROPOSED

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-12-097.

Title of Rule and Other Identifying Information: WAC 388-473-0010 General provisions for ongoing additional requirements, 388-473-0020 Restaurant meals as an ongoing additional requirement, and 388-473-0030 Home-delivered meals as an ongoing additional requirement (repeal).

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire, a map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

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 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 29, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The needed change will extend the eligibility period for ongoing additional requirements for SSI recipients from yearly to up to twenty-four months and clarify what are ongoing additional requirements and their eligibility criteria. A CR-101 Preproposal Statement of Inquiry, was filed for WAC 388-473-0010. However, upon review of this WAC, the department determined WAC 388-473-0020 and 388-473-0030 require changes to address related subject matter.

Reasons Supporting Proposal: SSI recipients generally are long-term recipients and have few changes to their information. Therefore, there should be a longer eligibility period for their SSP benefits. Clarifying ongoing additional requirements and their eligibility criteria is necessary to streamline the process creating fewer errors and changes.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

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

PROPOSED

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lorri Gagnon, 1009 College S.E., Lacey, WA 98504, (360) 725-4619.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects 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."

July 11, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-01-070, filed 12/12/00, effective 2/1/01)

WAC 388-473-0010 (~~General provisions for~~) What are ongoing additional requirements(†) and how do I qualify? (~~For the purposes of this chapter, "we" and "us" refers to the department of social and health services. "You" refers to the applicant or recipient. An~~) "Ongoing additional requirement" (~~is a continuing need that you have for which you require additional financial benefits in order to~~) means a need beyond essential food, clothing, and shelter needs and is necessary to help you continue living independently.

(1) We may authorize ongoing additional requirement benefits if you are active in one of the following programs:

(a) (~~Eligible for temporary assistance for needy families (TANF), Tribal TANF, state family assistance (SFA), refugee or general assistance cash, or SSI payments; and~~

(b) ~~Aged: You are age sixty five or older;~~

(c) ~~Blind: You have central visual acuity of 20/200 or less in the better eye with the use of a correcting lens or limited fields of vision so the widest diameter of the visual field subtends an angle of no greater than twenty degrees; or~~

(d) ~~Disabled: You are unable to engage in any substantial gainful activity due to a medically determinable physical or mental impairment that:~~

(i) ~~Can be expected to result in death; or~~

(ii) ~~Has lasted or can be expected to last for a continuous period of not less than twelve months.-)~~

Temporary Assistance for Needy Families (TANF), or Tribal TANF;

(b) State Family Assistance (SFA);

(c) Refugee Cash;

(d) General Assistance Cash; or

(e) Supplemental Security Income (SSI).

(2) You (~~may~~) apply for an ongoing additional requirement benefit(~~s~~) by (~~asking for it from~~) notifying staff (~~that~~) who maintain your cash or medical assistance that you need additional help to live independently.

(3) We authorize ongoing additional requirement benefits only when we determine the item is essential to you. (~~In deciding if you are eligible for ongoing additional requirement benefits, we consider and verify~~) We make the decision based on proof you provide of:

(a) The circumstances that create(~~d~~) the need; and

(b) How the need affects your health, safety and ability to continue to live independently.

(4) (~~When~~) We (~~determine~~) authorize ongoing additional requirement benefits (~~are needed, we:~~

(a) ~~Increase~~) by increasing your monthly cash assistance benefit (~~to provide the additional benefits by monthly payment;).~~

(~~(b) Periodically~~) (5) We use the following review cycle table to decide when to review (~~whether you continue to~~) your need for the additional (~~benefits~~) benefit(s). (~~We conduct this review at least:~~)

REVIEW CYCLE	
Program	Frequency (Months)
TANF/RCA	6 Months
GA	12 Months
SSI	24 Months
All	Any time need or circumstances are expected to change
All	Any time need or circumstances are expected to change.

(~~(i) Twice a year for TANF and refugee cash assistance recipients;~~

(ii) ~~Yearly for general assistance or SSI recipients when we decide the need is not likely to change; or~~

(iii) ~~More frequently if we expect your circumstances to change.-)~~

(~~(5)~~) (6) Monthly payment standards for ongoing additional requirements are described under WAC 388-478-0050.

AMENDATORY SECTION (Amending WSR 00-15-053, filed 7/17/00, effective 9/1/00)

WAC 388-473-0020 (~~Restaurant~~) When do we authorize meals as an ongoing additional requirement(†)? (~~We authorize benefits for restaurant meals when we decide you are:~~

(1) ~~Physically or mentally unable to prepare meals;~~

(2) ~~A roomer and meals are not provided or your housing arrangement does not provide for or allow cooking; or~~

(3) ~~Homeless~~) (1) We authorize additional requirement benefits for meals when we decide all of the following conditions are true:

(a) You meet the criteria in WAC 388-473-0020;

(b) You are physically or mentally impaired in your ability to prepare meals; and

(c) Getting help with meals would meet your nutrition or health needs and is not available to you through another federal or state source; such as the community options program entry system (COPES), Medicaid personal care (MPC), or informal support, such as a relative or volunteer.

(2) When we decide to provide meals as an additional requirement, we choose whether to authorize this benefit as restaurant meals or home-delivered meals.

(3) We authorize restaurant meals when:

(a) You are unable to prepare some of your meals;

(b) You have some physical ability to leave your home; and

(c) Home-delivered meals are not available or would be more expensive.

(4) We authorize home-delivered meals when:

(a) You are unable to prepare any of your meals;

(b) You are physically limited in your ability to leave your home; and

(c) Home-delivered meals are available.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-473-0030	Home-delivered meals as an ongoing additional requirement.
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WSR 05-15-079

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 14, 2005, 4:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-18-068.

Title of Rule and Other Identifying Information: WAC 388-408-0055 Medical assistance units.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E., and Alhadeff Lane, behind Goodyear Tire, a map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes are technical corrections. The rule text is being reorganized to make it clearer that an SSI-related person who is not found eligible for Medicaid under this rule may be eligible under the SSI-related rules found in chapter 388-575 WAC.

Reasons Supporting Proposal: The proposed changes and corrections will reduce the possibility of misunderstanding the intent of the rule.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Statute Being Implemented: RCW 74.09.530.

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: Joanie Scotson, P.O. Box 45535, Olympia, WA 98504-5534, (360) 725-1330.

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

A cost-benefit analysis is not required under RCW 34.05.328. Client eligibility rules for medical programs are exempt under RCW 34.05.328 (5)(b)(vii).

July 8, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-17-030, filed 8/12/02, effective 9/12/02)

WAC 388-408-0055 Medical assistance units. (1) ~~((A))~~ One or more medical assistance units (MAU) is ~~((determined))~~ established for individuals living in the same household based on the ((basis of)) type of medical program, each individual's relationship to other family members, and the individual's financial responsibility for the other family members.

(2) Financial responsibility applies only to spouses and to parents, as follows:

(a) Married persons, living together are financially responsible for each other;

(b) ~~((Parents))~~ Persons who meet the definition of a natural, adoptive, or step-parent described in WAC 388-454-0010 are financially responsible for their unmarried, minor children living in the same household; and

~~((A parent's financial responsibility is limited when their minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:~~

~~((i) The treatment is expected to last ninety days or more;~~

~~((ii) The child is in court ordered out of home care in accordance with chapter 13.34 RCW; or~~

~~((iii) The department determines the parents are not exercising responsibility for the care and control of the child.))~~

~~((d))~~ Minor children are not financially responsible for their parents or for their siblings.

~~((2) Certain situations require the establishment of))~~ (3) When determining eligibility for family, pregnancy, or children's medical programs, separate MAUs are required for ((some)) family members living in the same household((- Separate MAUs are established for)) in the following situations:

(a) A pregnant minor, regardless of whether she lives with her parent(s);

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- (b) A child with earned or unearned income;
- (c) A child with resources which make((s)) another family member ineligible for medical assistance;
- (d) A child of unmarried parents when both parents reside with the child;
- (e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;
- (f) A caretaker relative that is not financially responsible for the support of the child;
- ~~((g)) SSI recipients or SSI-related persons from the non-SSI related family members;~~
- ~~(h) The purpose of applying medical income standards for an:~~
 - ~~(i) SSI-related applicant whose spouse is not relatable to SSI or is not applying for SSI-related medical; and~~
 - ~~(ii) Ineligible spouse of an SSI recipient.))~~

(4) For a family with multiple MAUs established based on the criteria described in subsection (3) of this section, a parent's:

(a) Income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated to their children in separate MAUs.

(b) Resources are allocated equally to the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs.

(5) The exceptions to the income allocations described in subsection (4) of this section are as follows:

~~((3)) (a) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.~~

(b) A parent's financial responsibility is limited when the minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:

(i) The treatment is expected to last ninety days or more;

(ii) The child is in court-ordered, out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

~~((4) A parent's income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated among their children in separate MAUs.~~

~~(5) A parent's resources are allocated equally among the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs)) (6) When determining eligibility for an SSI-related medical program, a separate MAU is required for:~~

(a) SSI recipients;

(b) An SSI-related person who has not been found eligible for family medical under this chapter; or

(c) The purpose of applying medical income standards for an:

(i) SSI-related applicant whose spouse is not relatable to SSI or is not applying for SSI-related medical; and

(ii) Ineligible spouse of an SSI recipient.

(7) For a person in a separate MAU, based on the criteria described in subsection (6) of this section, the income and

resource allocations described in subsection (4) of this section are not used. The SSI-related individual's eligibility is determined using the allocations or deeming rules in chapter 388-475 WAC.

~~((6)) (8) Countable income for medical programs ((as described in WAC 388-450-0150 and));~~

(a) For SSI individuals is described in chapter 388-475 WAC; or

(b) For family medical, pregnancy medical, and children's medical is described in WAC 388-450-0210.

WSR 05-15-097

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 15, 2005, 1:25 p.m.]

Continuance of WSR 05-08-044.

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

Title of Rule and Other Identifying Information: WAC 180-85-034 Continuing education credit hours—Definition—Professional development system, this is a proposed new section to the Washington Administrative Code (WAC).

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This new section in the WAC will allow educators to earn continuing education credit hours (clock hours) through a professional growth plan and use those continuing education credit hours for certification purposes.

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, 2005

Larry Davis

Executive Director

WSR 05-15-104
WITHDRAWAL OF PROPOSED RULES
SECRETARY OF STATE
 [Filed July 15, 2005, 4:56 p.m.]

The Office of the Secretary of State requests that the proposed rule making filed as WSR 05-14-171 on July 6, 2005, be rescinded immediately.

Steve Excell
 Assistant Secretary of State

WSR 05-15-105
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed July 18, 2005, 8:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-062.

Title of Rule and Other Identifying Information: WAC 139-10-550 Basic arrest, search, and seizure academy.

Hearing Location(s): Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on Wednesday, September 14, 2004 [2005], at 10:00 a.m.

Date of Intended Adoption: September 14, 2005.

Submit Written Comments to: Sonja Hirsch, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 439-3860, by September 7, 2005.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 7, 2005, TTY (206) 835-7300.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently, the arrest, search, and seizure week is part of the Community Corrections Officer Academy. Each iteration multiple students attend just this portion of the academy. These additional students are usually transferring from corrections counselor or classification counselor positions within the institutions and have already completed a majority of the academy. These additional students cannot be tracked with the present system and, therefore, do not show up in the commission's records as having attended and completed training in this area. This change would allow the commission to document the students' attendance and successful completion of this important aspect of community corrections officers basic training.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington State Criminal Justice Training Commission staff in cooperation with the Board on Corrections Training, Standards, and Education (BCTSE), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Graham, Burien, Washington, (206) 835-7302.

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

July 14, 2005
 Sonja Hirsch
 Confidential Secretary

NEW SECTION

WAC 139-10-550 Basic arrest, search, and seizure academy. The basic arrest, search, and seizure academy curriculum of the commission will be the second required academy for certification as a community corrections officer. The length must be at least forty instructional hours in length and will include, but not be limited to, the following subject matter areas:

- (1) Core skills
 - (a) Arrest procedures
 - (b) Search procedures
 - (c) Field safety techniques
- (2) Key skills
 - (a) Verbal deescalation
 - (b) Home assessments
- (3) Related skills
 - (a) Dealing with aggressive and resistive behavior
 - (b) Legal issues
 - (c) Evidence procedures
 - (d) Personal safety
 - (e) Security management.

WSR 05-15-106
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed July 18, 2005, 8:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-064.

Title of Rule and Other Identifying Information: WAC 139-10-210 Requirement of basic corrections training.

Hearing Location(s): Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on Wednesday, September 14, 2004 [2005], at 10:00 a.m.

Date of Intended Adoption: September 14, 2005.

Submit Written Comments to: Sonja Hirsch, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 439-3860, by September 7, 2005.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 7, 2005, TTY (206) 835-7300.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Currently, the arrest, search, and seizure week is part of the Community Corrections Officer Academy. Each iteration multiple students attend just this portion of the academy. These students are usually transferring from corrections counselor or classi-

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fication counselor positions within the institutions and have already completed a majority of the academy. These additional students cannot be tracked with the present system and, therefore, do not show up in the commission's records as having attended and completed training in this area. This change would allow the commission to document the students' attendance and successful completion of this important aspect of community corrections officers training. Adding this block into the definition will clarify that both of these academies are required for certification as a community corrections officer.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington State Criminal Justice Training Commission staff in cooperation with the Board on Corrections Training, Standards, and Education (BCTSE), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Graham, Buriel, Washington, (206) 835-7302.

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

July 14, 2005

Sonja Hirsch

Confidential Secretary

AMENDATORY SECTION (Amending WSR 04-13-071, filed 6/15/04, effective 7/16/04)

WAC 139-10-210 Requirement of basic corrections training. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington ~~((shall))~~ **must**, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored, or conducted by the ~~((Washington state criminal justice training))~~ commission. This requirement to complete basic training ~~((shall))~~ **must** be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the commission. Requests for extension or waiver of the basic training requirement ~~((shall))~~ **must** be submitted to the commission in writing as designated by its policies.

(1) Corrections personnel ~~((shall))~~ **must** attend basic academy training according to job function as described below:

(a) Corrections officers academy. All employees whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails, penal institutions, and detention facilities. Representative job classifications include, but are not limited to, custody and ~~((correctional))~~ **corrections** officers.

(b) Misdemeanant probation/classification academy. All employees whose primary job function is the case management of offenders under county/city supervision, to include: **Assessment**, case planning, counseling, supervision, and

monitoring. Representative job classes include, but are not limited to, adult probation officers, jail classification counselors, and work crew supervisors.

(c) Community corrections officers academy **and basic arrest, search, and seizure academy**. All employees whose primary job function is the case management in the community of adult offenders under state department of corrections supervision ~~((including))~~, **to include:** Monitoring adjustment of offenders involved with in/outpatient treatment programs ~~((;))~~, counseling offenders and/or referring them for counseling or other resource/treatment programs ~~((;))~~, **and** making home/field visits pursuant to offender classification standards. Representative job classifications include, but are not limited to, community corrections officers, community risk management specialists, hearings officers, and victim advocates.

(d) Institutional corrections counselors academy. All employees whose primary job function is to provide classification and program services to adult felony offenders housed in a state institutional setting: Parole planning ~~((;))~~, work/training release and prerelease referrals ~~((;))~~, academic/vocational/work program reviews ~~((;))~~, disciplinary and living unit program reviews ~~((;))~~, **and** risk management identification. Representative job classes include, but are not limited to, ~~((correctional))~~ **corrections** counselors, classification counselors, institution risk management specialists, and corrections mental health counselors.

(e) Juvenile services academy. All employees working with juveniles whose primary job function is the case management of offenders, to include: **Assessment**, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile probation and parole counselors, case aides/assistants, trackers, juvenile rehabilitation community counselors, juvenile drug court counselors, and community surveillance officers.

(f) Juvenile corrections officers academy. All employees responsible for the care, custody, and safety of youth in county and state juvenile custody facilities. Representative job class includes, but are not limited to, juvenile detention workers, juvenile corrections officers, and juvenile supervision officers.

(g) Juvenile residential counselors academy. All employees responsible for the case management, custody, counseling, supervision, and application of researched based treatment to youth in state institutions. Representative job classes include, but are not limited to, juvenile residential rehabilitation counselors, juvenile residential rehabilitation counselor assistants, and juvenile rehabilitation supervisors.

(h) Work release academy. All employees responsible for the safety, custody, and care of adult offenders in a work release facility. Representative job ~~((class))~~ **classes** include ~~((s))~~, but ~~((is))~~ **are** not limited to, work release officers, work release counselors, and work release program monitors.

(2) It ~~((shall-be))~~ **is** the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the commission.

An agency may elect to ~~((forgo-completely-any))~~ **decline** basic academy training if such employee occupies a middle

management or an executive position, as defined in WAC 139-10-410, 139-10-510, and 139-25-110.

(3) Failure to comply with the above requirements ~~((shall))~~ will result in a notification of noncompliance from the commission directed to the individual employee~~(s))~~ and, as appropriate, the employing agency director, chief or sheriff, ~~((the civil service commission, and/or the state auditor's office, and))~~ the chief executive of the local unit of government, and any other agency or individual determined by the commission.

(4) Each agency employing personnel covered by RCW 43.101.220 ~~((shall be))~~ is responsible for full and complete compliance with the above training requirements. Additionally, each such agency ~~((shall))~~ must provide the commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

WSR 05-15-107
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed July 18, 2005, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-063.

Title of Rule and Other Identifying Information: WAC 139-10-212 Physical requirements for admission to basic corrections academies.

Hearing Location(s): Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on Wednesday, September 14, 2004 [2005], at 10:00 a.m.

Date of Intended Adoption: September 14, 2005.

Submit Written Comments to: Sonja Hirsch, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 439-3860, by September 7, 2005.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 7, 2005, TTY (206) 835-7300.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This language change is being made because the Juvenile Security Workers Academy's name was changed to the Juvenile Corrections Officers Academy in September 2004.

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington State Criminal Justice Training Commission staff in cooperation with the Board on Corrections Training, Standards, and Education (BCTSE), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Graham, Burien, Washington, (206) 835-7302.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt

under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

July 14, 2005

Sonja Hirsch

Confidential Secretary

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-10-212 Physical requirements for admission to basic corrections academies. Each successful applicant for admission to a basic corrections officers or juvenile ~~((security workers))~~ corrections officers academy sponsored or conducted by the ~~((Washington state criminal justice training))~~ commission ~~((shall))~~ must possess good health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each trainee in any academy session ~~((shall))~~ must, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the ~~((training))~~ commission.

For this purpose, each academy applicant ~~((shall))~~ must be evaluated in the assessment areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the ~~((Training))~~ commission. Such evaluation ~~((shall))~~ will be based upon composite performance ratings in the overall assessment as established by the commission.

Failure to demonstrate a requisite level of fitness within the overall assessment will result in ineligibility for academy attendance and completion.

WSR 05-15-108
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed July 18, 2005, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-006.

Title of Rule and Other Identifying Information: Chapter 139-05 WAC, Law enforcement.

Hearing Location(s): Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on Wednesday, September 14, 2004 [2005], at 10:00 a.m.

Date of Intended Adoption: September 14, 2005.

Submit Written Comments to: Sonja Hirsch, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, fax (206) 439-3860, by September 7, 2005.

Assistance for Persons with Disabilities: Contact Sonja Hirsch by September 7, 2005, TTY (206) 835-7300.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To improve effectiveness, clarity, and intent in order to better serve clients, stakeholders, and communities.

PROPOSED

Statutory Authority for Adoption: RCW 43.101.080.

Statute Being Implemented: Not applicable.

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

Name of Proponent: Washington State Criminal Justice Training Commission staff in cooperation with the Board on Corrections Training, Standards, and Education (BCTSE), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ron Price, Burien, Washington, (206) 835-7331.

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

July 15, 2005

Sonja Hirsch

Confidential Secretary

AMENDATORY SECTION (Amending WSR 03-19-123, filed 9/17/03, effective 10/18/03)

WAC 139-05-200 Requirement of basic law enforcement training. (1) All fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, except volunteers and reserve officers, whether paid or unpaid, and officers of the Washington state patrol, unless otherwise exempted by the (~~Washington state criminal justice training~~) commission(~~, shall~~) must, as a condition of continued employment, successfully complete a basic law enforcement academy or an equivalent basic academy sponsored or conducted by the commission(~~, or obtain a certificate of equivalent basic training from the commission. This requirement of~~), Basic law enforcement training (~~shall be met~~) must be commenced within the initial six-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) of this section (~~shall~~) include:

(a) Individuals holding the office of sheriff of any county on September 1, 1979; and

(b) (~~Auxiliary and reserve personnel; and~~

~~e~~) Commissioned personnel(~~;~~);

(i) (~~Who have been granted an administrative exemption by the commission, provided that the initial grant and continuing effect of such exemption shall be governed by the following:~~

(A) No police chief or sheriff of any agency with ten or fewer commissioned officers shall be eligible to receive such exemption;

(B) ~~Any request for such exemption shall be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol and, in any instance wherein the requestor is a police chief, such request shall be co-signed by requestor's appointing authority;~~

(C) ~~Any individual receiving such exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but shall limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;~~

~~(D) Any approved administrative exemption shall remain in effect for the duration of the exemptee's term of service within the position upon which such exemption is based or until the nature of exemptee's primary duties and responsibilities change from administrative to general enforcement; and~~

~~(E) Any approved administrative exemption may be revoked by the commission at any time upon its finding that the conditions of such exemption are not being met or the basis for such exemption no longer exists;~~

(ii)) Whose initial date of full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978; or

((iii)) (i) Who have (~~been awarded~~) received a certificate of completion (~~of the basic law enforcement academy or the basic law enforcement equivalency~~) in accordance with the requirement of subsection (1) of this section, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of twenty-four months duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, (~~except the Washington state patrol, shall~~) must immediately notify the commission by approved form of each instance (~~wherein~~) where a commissioned officer begins continuing and regular employment with that agency. (~~Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification and enrollment required for compliance with the basic law enforcement training requirement.~~)

(4) Failure to comply with any of the above requirements of basic law enforcement training (~~shall~~) will result in notification of noncompliance(~~;~~) by the commission(~~, on approved form,~~) to:

(a) The individual in noncompliance;

(b) The head of his/her agency; and

(c) (~~The civil service commission having jurisdiction of such agency;~~

~~d) The judges and clerks of the municipal, district, and superior courts in which said agency is located;~~

~~e) The state auditor's office; and~~

~~f) Any other agency or individual, as determined by the commission.~~

NEW SECTION

WAC 139-05-205 Administrative exemption. Commissioned personnel may be granted an administrative exemption by the commission. A request for administrative exemption must be made under WAC 139-03-030. The initial grant and continuing effect of such exemption is governed by the following:

(1) No police chief or sheriff of any agency with ten or fewer commissioned officers is eligible to receive an exemption;

(2) Any request for an exemption must be submitted to the commission on an approved form with a criminal records check completed by the Washington state patrol, a current resume, and, in any instance where the requestor is a police

chief, the request must be cosigned by the requestor's appointing authority;

(3) Any individual receiving an exemption may not engage in patrol or other general enforcement activity on a usual or regular basis but must limit such involvement to that required for supervision, agency management, or manpower replacement on an emergency or exigent basis;

(4) Any approved administrative exemption will remain in effect for the duration of the exemptee's term of service in the position upon which an exemption is based or until the nature of the exemptee's primary duties and responsibilities changes from administrative to general enforcement; and

(5) Any approved administrative exemption may be revoked by the commission at any time upon a finding that the conditions of an exemption are not being met or the basis for the exemption no longer exists.

AMENDATORY SECTION (Amending WSR 04-13-070, filed 6/15/04, effective 7/16/04)

WAC 139-05-210 Basic law enforcement certificate of equivalency ~~((certification))~~. (1) A certificate of completion of equivalent basic law enforcement training ~~((shall be))~~ is issued ~~((only))~~ to applicants who successfully complete the equivalency process as required by the ~~((Washington state criminal justice training))~~ commission. For this purpose, the term "process" ~~((shall))~~ includes all documentation and prerequisites set forth in subsection (6) of this section~~((;))~~ and successful completion of all knowledge and skills requirements within the ~~((basic))~~ equivalency academy. A certificate of completion of equivalent basic law enforcement training ~~((shall be))~~ is recognized in the same manner as the certificate of completion of the basic law enforcement academy.

(2) ~~((Eligibility for))~~ Participation in the ~~((basic))~~ equivalency process ~~((shall be))~~ is limited to fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington, who otherwise are eligible to attend the basic law enforcement academy~~((;))~~ and who have attained ~~((basic certification through completion of))~~ commissioned law enforcement status by completing a basic training program in this or another state. For this purpose, the term "basic training program" ~~((shall))~~ does not include any military or reserve training program~~((;))~~ or any federal training program not otherwise approved by ~~((a majority of))~~ the commission ~~((membership))~~.

(3) ~~((The participation of any eligible and approved applicant for a certificate of equivalent basic law enforcement training shall be effected within, and limited to,))~~ Applicants who are approved to participate in the equivalency academy must attend the first available session of the ~~((basic))~~ equivalency academy following such applicant's date of hire~~((; provided that no))~~. Applicants ~~((shall be))~~ are not required to attend a session of the ~~((basic))~~ equivalency academy ~~((which is))~~ conducted within the initial sixty days of ~~((the))~~ employment ~~((for which certification is requested))~~.

It ~~((shall be))~~ is the responsibility of the applicant's agency to ensure that all necessary forms and documentation are completed and submitted to the commission in a timely manner, and as necessary, to ensure that the participation provided by this section is effected.

~~((The participation of any applicant in any session of the basic equivalency academy not otherwise provided herein shall require the approval of the commission.))~~

(4) In those instances ~~((wherein))~~ where an applicant has attended more than one basic training program, eligibility for participation in the ~~((basic))~~ equivalency process ~~((shall not be approved if such applicant, for whatever reason, failed to successfully complete))~~ will be based upon successful completion of the most recent of such programs attended.

(5) The decision to request an officer's participation ~~((within))~~ in the equivalency process ~~((shall be))~~ discretionary with the head of the officer's employing agency, who ~~((shall))~~ must advise the commission of that decision by appropriate notation upon the hiring notification ~~((submitted to the commission for such officer))~~ form. Upon receipt of such notification, the commission ~~((shall))~~ will provide ~~((to such agency head))~~ all necessary forms and information ~~((required for the processing of a request for a certificate of equivalent basic training))~~.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency ~~((shall))~~ must submit to the commission the following documentation as a precondition of participation within such process:

(a) A copy of the applicant's current and valid driver's license;

(b) A copy of the applicant's current and valid basic first-aid card;

(c) A statement of the applicant's health and physical condition by an examining physician;

(d) A record of the applicant's firearms qualification;

(e) A liability release agreement by the applicant; and

(f) A criminal records check regarding such applicant.

(7) If ~~((such))~~ comparable emergency vehicle operations training has not been completed previously, the applicant ~~((shall))~~ will be required to complete the commission's ~~((forty hour))~~ current emergency vehicle operation course, as scheduled by the commission.

(8) Upon completion of the equivalency process and review and evaluation of the applicant's performance~~((or therein))~~, the commission ~~((shall))~~ will:

(a) Issue a certificate of completion of equivalent basic law enforcement training; or

(b) Issue a certificate of completion of equivalent basic law enforcement training upon the applicant's successful completion of additional training as the ~~((training))~~ commission may require; or

(c) Require completion of the commission's basic law enforcement academy.

~~((9))~~ Any action or determination by the commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be reviewed by the executive director of the training commission.

~~((10))~~ Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the commission if it determines that sufficient justification exists for such action.)

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-220 Backgrounding requirement for admission to basic law enforcement academy. ~~((The Washington state criminal justice training commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the state of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.~~

~~In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program,)) It is the responsibility of each sponsoring or applying agency to conduct a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate agency or agencies. No individual ((shall)) will be granted academy admission or allowed continued participation if ((such)) the individual ((, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.~~

~~For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.~~

~~The term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.~~

~~It shall be the responsibility of each sponsoring or applying agency to request a complete criminal records check to include a search of state and national criminal history records information regarding its applicant through the submission of the applicant's fingerprints to an appropriate action agency or agencies)) is not otherwise eligible for certification or has been convicted of a crime that would make him or her ineligible for certification.~~

~~Each application for academy attendance ((shall)) must be accompanied by a written attestation by the applying agency that (1) the ((aforementioned)) criminal records check has been ((effected regarding the individual for which academy application is being made)) completed, and (2) ((that such search indicated the absence of any felony conviction or other)) there are no disqualifying convictions.~~

~~((No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the training commission.))~~

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-230 Physical requirements for admission to basic law enforcement academy. Each successful applicant for admission to a basic law enforcement academy sponsored or conducted by the ((Washington state criminal justice training)) commission ((shall)) must possess good

health and physical capability to actively and fully participate in defensive tactics training and other required physical activities. In order to minimize risk of injury and maximize the benefit of such participation, each recruit in any academy session ((shall)) must, as a precondition of his or her academy attendance, demonstrate a requisite level of physical fitness, as established by the ((training)) commission.

For this purpose, each academy applicant ((shall be evaluated)) will be assessed in the ((assessment)) areas of aerobic capacity, strength, and flexibility, in accordance with the requirements and procedures established by the ((training)) commission.

Failure to demonstrate a requisite level of fitness will result in ineligibility for academy admissions and/or attendance.

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-240 Requirements of basic law enforcement academy. ~~((1))~~ Each recruit in a basic law enforcement academy ((shall)) will receive a certificate of completion only upon full and successful completion of the academy process as prescribed by the ((Washington state criminal justice training)) commission. The performance of each recruit ((shall)) will be evaluated as follows:

~~((a) Scholarship.))~~ (1) Academic performance. A standardized examination process ((shall)) will be utilized by all basic law enforcement academies sponsored or conducted by the ((Washington state criminal justice training)) commission((;)) in evaluating the level of scholastic achievement of each recruit. Such process ((shall)) will include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment.

~~((b) Physical performance.))~~ (2) Practical skills. A standardized evaluation process ((shall)) will be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of ((physical)) practical performance of each ((trainee)) recruit. Such process ((shall)) will include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final passing grade in ((physical training, including defensive tactics, shall)) each practical skills dimension will preclude a certificate of completion.

~~((c) Department and))~~ (3) Conduct. Failure to maintain an exemplary standard of ((department and)) conduct or to adhere to all rules, regulations, and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

~~((2) Upon the written request of a recruit, or the head of a recruit's employing agency, any action affecting such recruit's status or eligibility for a certificate of completion shall be reviewed by the commission.))~~

AMENDATORY SECTION (Amending WSR 04-19-050, filed 9/14/04, effective 10/15/04)

WAC 139-05-242 Readmission to basic law enforcement academy. No person may be readmitted to the basic law enforcement training academy except as provided in this section.

(1) Any request for readmission to any academy ~~((shall))~~ must be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure, for disciplinary reasons other than those specified by subsection (3) of this section, or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) The head of the individual's current employing agency submits to the commission a written request for readmission of the individual to the academy program, and

(b) The ~~((executive))~~ director of the commission~~((;))~~ or ~~((his or her))~~ designee~~((;))~~ is satisfied that any conditions to the individual's readmission specified by the director or ~~((his or her))~~ designee have been met.

~~((Any individual dismissed from any academy for disciplinary reasons other than those specified by subsection (4) of this section, may be readmitted to a subsequent academy program only if:~~

~~((a) The head of the individual's current employing agency submits to the commission a written request for readmission, and~~

~~((b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~((4))~~ Any person dismissed from any academy for an integrity violation, including but not limited to: Cheating, ((or) the commission of a crime, or other violation((s)) not constituting disqualifying misconduct as defined in RCW 43.101.010(7), ((shall)) will not be eligible for readmission to any subsequent academy within twenty-four months from the date of dismissal. Such ineligibility ~~((shall)) will~~ not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

~~((5))~~ ~~((4))~~ After the ineligibility period specified in subsection ~~((4))~~ ~~((3))~~ of this section has passed, the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if~~((:~~

~~((a) The head of the individual's current employing agency submits to the commission a written request for readmission, and~~

~~((b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.~~

~~((6))~~ he or she satisfies the conditions of subsection (2) of this section.

(5) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-250 Basic law enforcement curriculum. The basic law enforcement curriculum of the ~~((Washington state criminal justice training))~~ commission ~~((shall))~~ may include, but not be limited to, the following core subject areas with common threads of communications, community policing, and ~~((police))~~ professional ethics throughout:

~~((Introduction to law enforcement;))~~ Orientation and history of policing;

(2) Criminal law;

(3) Criminal procedures;

(4) Patrol procedures;

~~((Communication skills;))~~ Crisis intervention;

(6) Emergency vehicle operation course;

~~((Human relations;))~~ Report writing;

(8) Traffic law;

(9) Firearms;

(10) Defensive tactics; and

(11) Criminal Investigation.

AMENDATORY SECTION (Amending WSR 05-01-112, filed 12/15/04, effective 1/15/05)

WAC 139-05-300 Requirement for in-service training. (1) The commission recognizes that continuing education and training is the cornerstone for a successful career as a peace officer in providing competent public safety services to the communities of Washington state.

(2) Every peace officer certified under RCW 43.101.095 ~~((shall)) will~~ complete a minimum of twenty-four hours of in-service training annually. The commission will establish an optional recordkeeping form along with published guidelines and/or criteria for approved in-service training and education. The training ~~((may)) must~~ be developed and provided by the employer or other training resources. The commission will maintain the records of successfully completed commission-sponsored and commission-recognized training. All remaining records for the training required under this rule must be maintained by the employing agency and be available for review upon request by an authorized commission representative.

(3) This requirement is effective January 1, 2006, for incumbent officers. The in-service training hours requirement for each newly hired officer ~~((will)) must~~ begin on ~~((the))~~ January 1 of the calendar year following their certification as a result of successful completion of the basic law enforcement academy, equivalency academy, or approved waiver as provided by WAC ~~((139-05-200))~~ 139-05-205.

(a) The sheriff or chief of an agency may approve an extension of three months for certified officers in their employ by notification in writing to the commission, identifying those specific officers.

(b) A sheriff or chief may request a three-month personal extension of the requirement by doing so in writing to the commission.

PROPOSED

(c) Written requests submitted under the provision of (a) and (b) of this subsection must be received by December 1 of the calendar year in question.

AMENDATORY SECTION (Amending WSR 02-02-004, filed 12/20/01, effective 1/20/02)

WAC 139-05-810 Basic training requirement for reserve officers. (1) For the purposes herein:

(a) "Reserve officer" includes any law enforcement officer who does not serve as a law enforcement officer of this state on a full-time basis, but who, when called by such agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state; and

(b) "Field assignment" includes any period of active service wherein the assigned officer is expected to take routine and/or special enforcement actions, independently or otherwise, in the same manner and capacity as a full-time officer with such assignment.

(2) For the purposes of the Washington Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW, every individual who is commissioned as a specially commissioned reserve peace officer in this state ~~((shall))~~ will obtain a basic reserve certificate as a precondition of ~~((his/her))~~ the exercise of authority pursuant to such act; provided that, any individual possessing a basic reserve certificate issued ~~((to him/her))~~ by the commission prior to January 1, 1989, ~~((shall))~~ will be deemed to have met this requirement.

(3) Upon approval of an applicant's eligibility to participate in the reserve ~~((certification))~~ process, the applicant's employing agency ~~((shall))~~ must submit to the commission all requested records, information and proof of background check as a precondition of participation within such process.

(4) A basic reserve certificate ~~((shall))~~ will be issued by the commission to any individual who successfully completes ~~((~~

~~((a)))~~ a basic course of instruction for reserve officers as prescribed and required by the commission ~~((and~~

~~((b))~~ A comprehensive examination developed and administered by the commission).

(5) Requirements of subsection (4) of this section may be waived in whole or in part ~~((as determined by))~~. A request for waiver must be made under WAC 139-03-030. In reviewing such request, the commission ((and based upon)) will consider the following:

(a) An evaluation of an applicant's experience and training accomplishments;

(b) The fact that an individual is a regular full-time commissioned law enforcement officer who leaves full-time employment; or

(c) The fact that an officer has been certified in accordance with the requirements of subsection (2) of this section, and thereafter has engaged in regular and commissioned law enforcement employment without break or interruption in excess of twelve months duration.

~~((In all of the above instances, the requests for such waiver must be submitted to the commission on an approved form by the applicant's agency head and, if approved, may result in direct issuance of a basic reserve certificate or issu-~~

~~ance of such certificate upon successful completion of specific training requirements prescribed by the commission.))~~

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-05-912 Requirement of training for fire marshals. (1) The training prescribed herein ~~((shall))~~ constitutes:

(a) The training requirement which must be met by deputy state fire marshals and resident fire marshals as a precondition of any exercise of police powers granted to such personnel by RCW 48.48.060, and

(b) The training standard recommended by the ~~((criminal justice training))~~ commission for local agencies employing a training requirement or prerequisite for the purpose of commissioning fire personnel.

(2) The training requirement herein prescribed for the purpose of RCW 48.48.060 ~~((shall))~~ will be met by:

(a) ~~((Obtainment of the training))~~ Obtaining the commission's basic law enforcement certificate ~~((;))~~; or

(b) ~~((Obtainment of))~~ Obtaining the ~~((training))~~ commission's basic law enforcement equivalency certificate ~~((;))~~; or

(c) Successful completion of a training program of at least one hundred and seventy-six hours, including:

- | | | |
|-------|---|--------------|
| (i) | Criminal investigation | ((52 hours)) |
| (ii) | Criminal law | ((40 hours)) |
| (iii) | Criminal procedures | ((42 hours)) |
| (iv) | ((Human relations)) <u>Crisis intervention</u> | ((38 hours)) |
| (v) | Use of force | ((04 hours)) |

(3) No authorization, expressed or implied, to carry a firearm in the performance of official duties may be granted to any deputy state fire marshal or resident fire marshal unless such personnel has successfully completed a basic firearms training program. Such program ~~((shall))~~ must be at least forty hours in length and include instruction in firearms care, handling, and usage, and a range qualification course approved by the ~~((training))~~ commission. Thereafter such personnel ~~((shall))~~ must successfully complete an eight-hour firearms requalification course approved by the ~~((training))~~ commission during each year in which authorization to carry a firearm is granted or remains in effect.

(4) It ~~((shall be))~~ is the responsibility of the state fire marshal to effect and ensure personnel compliance herein, and to provide documentation of such compliance upon the request of the ~~((training))~~ commission.

AMENDATORY SECTION (Amending WSR 05-01-114, filed 12/15/04, effective 1/15/05)

WAC 139-05-915 Requirements of training for law enforcement and corrections dog handlers and certification of canine teams. (1) Title and scope: These rules are intended to set minimum standards of performance for the certification of canine teams that are used for law enforcement or corrections purposes. This process is not related to nor does it have any effect upon the requirements for peace

officer certification. Nothing in these rules is intended to limit the use of canine teams employed by other state or federal agencies for law enforcement purposes, or the use of volunteer canine teams where the handler is not a Washington peace officer or corrections officer.

(2) For purposes of this section, the following definitions ~~((shall))~~ will apply:

(a) "Dog handler" means any fully commissioned law enforcement officer or corrections officer of a state, county, city, municipality, or combination thereof, agency who is responsible for the routine care, control, and utilization of a police canine within a law enforcement or corrections assignment; and

(b) "Canine team" means a specific officer and a specific canine controlled by that officer in the capacity of handler, formally assigned by the employing agency to work together in the performance of law enforcement or corrections duties.

(c) "Training" means any structured classroom or practical learning exercise conducted, evaluated, and documented by an experienced dog handler or trainer, certified as an instructor with recognized expertise on canine subjects associated with the development of the trainee's competency in the care, control, and utilization of a police canine.

(d) "Evaluator" means a certified peace officer or corrections officer, who has a minimum of three years experience as a dog handler and is recognized as a trainer of canines by a professional organization of police and/or corrections dog handlers/trainers or by the handler's employing agency. The trainer must have trained a canine team in accordance with the training requirements of WAC 139-05-915, or be recognized by the commission as a certified instructor with expertise in canine training of a specific police canine subject for the purpose of testing and certifying dog handlers and canines to work as a canine team.

(3) A dog handler ~~((shall))~~ must, as a precondition of such assignment, successfully complete the basic law enforcement academy or basic corrections officer academy, or otherwise comply with the basic training requirement prescribed by WAC 139-05-200 and 139-05-210 of the ~~((training))~~ commission.

(4) Prior to such assignment, a dog handler ~~((shall))~~ must successfully complete training according to the nature and purpose of utilization of the police canine for which such handler is responsible.

(a) A dog handler who is responsible for the routine and regular utilization of a police canine within general patrol or investigative activities, ~~((shall))~~ must successfully complete a minimum of four hundred hours of training, which ~~((shall))~~ will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Tracking;
- (vii) Trailing;
- (viii) Area search;
- (ix) Building search;
- (x) Evidence search;

(xi) Pursuit and holding; and

(xii) Master protection.

(b) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of specific substances, excluding explosives, ~~((shall))~~ must successfully complete a minimum of two hundred hours of training, which ~~((shall))~~ will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Building search;
- (viii) Evidence search;
- (ix) Vehicle search; and
- (x) Detection of specific substances.

(c) A dog handler who is responsible for the primary and specialized utilization of a police canine in the search for and detection of explosive substances and devices, ~~((shall))~~ must successfully complete a minimum of four hundred hours of training, which ~~((shall))~~ will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Area search;
- (vii) Private and commercial conveyance search;
- (viii) Building search;
- (ix) Evidence search; and
- (x) Detection of explosives.

(d) A dog handler who is responsible for the routine and regular utilization of a police canine solely for self-protection and assistance in hostile or potentially hostile situations, ~~((shall))~~ must successfully complete at least two hundred hours of training, which ~~((shall))~~ will include, but not be limited to:

- (i) Philosophies/theories of police canine;
- (ii) Legal and liability aspects, including applicable department policies;
- (iii) Public relations;
- (iv) Care and maintenance;
- (v) Obedience and control;
- (vi) Pursuit and holding; and
- (vii) Master protection.

(5) The commission ~~((shall))~~ will develop and adopt a minimum performance standard for canine teams performing specific law enforcement or corrections functions. It ~~((shall be))~~ is the handler's responsibility to keep their canines under control at all times. Each handler must be able to make their canine perform to a level that is deemed acceptable by the commission in the category for the team's intended use as a condition of certification.

(6) Certification of canine teams:

(a) The handler and the canine will be considered as a team and it is the team who will be certified. If the canine or

the handler changes, a new team exists and the team must be certified.

(b) A dog handler may not use a canine for police purposes unless the handler is certified to handle a specific canine for a specific purpose.

(c) In evaluating the proficiency of the canine team, the evaluators shall use the standards approved by the commission for that particular skill category. Performance ~~((shall))~~ will be rated on a pass/fail basis. The evaluator ~~((shall have))~~ has the discretion to discontinue the testing if excessive time has been spent without results, or if there is a concern about safety issues involving the canine, handler, or equipment.

(d) The commission ~~((shall))~~ will certify a canine team who can successfully show proficiency, under scrutiny of a canine evaluator, in all of the areas in which the canine will be used:

(i) Patrol and investigation:

- (A) Obedience;
- (B) Protection and control;
- (C) Area search;
- (D) Building search; and
- (E) Tracking.

(ii) Detection:

- (A) Building search;
- (B) Vehicle search;
- (C) Exterior search; and
- (D) Obedience.

(iii) Explosive detection:

- (A) Obedience;
- (B) Building search;
- (C) Private and commercial conveyance search;
- (D) Exterior search.

(iv) Master protection:

- (A) Obedience;
- (B) Protection and control.

(e) Each certification issued pursuant to these rules ~~((shall))~~ will remain valid as long as the composition and responsibility of the canine team does not change. A canine team's certification ~~((shall))~~ expires if the specific handler and canine, originally paired at the time of certification, cease to perform canine team functions together or if the function for which the team was certified changes. It is recommended that teams recertify on an annual basis.

(f) If the canine team fails any phase of an evaluation, the team must be reevaluated in that particular phase. Canine teams will be allowed three attempts to successfully pass the requirements of each phase during an evaluation. If the team does not pass by the third attempt, the team ~~((shall))~~ must be reevaluated in all phases at a different time to be scheduled by the evaluator and approved by the commission.

~~((g) Any handler who believes there has been improper procedures applied in the testing process, may file an appeal with the commission in writing. This appeal must be filed within thirty days of the last testing date pursuant to WAC 139-03-020.))~~

(7) Recordkeeping:

(a) Each agency ~~((shall be))~~ is required to keep training, performance, and identification records on canines. The records must stay with the agency responsible for the canine team. The records ~~((shall))~~ will be made available for review

in the event that the canine is sold or transferred to another agency. The records ~~((shall))~~ will include, but not be limited to:

- (i) Microchip number (if applicable);
- (ii) Canine's name;
- (iii) Breed;
- (iv) Training records;
- (v) Certification date;
- (vi) Date acquired or purchased;
- (vii) Source from which the canine was acquired;
- (viii) Purpose, use, or assignment of canine;
- (ix) Handler's name;
- (x) The date and reason the canine was released from service; and
- (xi) Copies of all incident reports in which use of the canine resulted in the use of force.

(b) These records ~~((shall))~~ must be retained for a period of one year from the date the canine is removed from active service unless a longer retention is required by statute or local ordinance.

(c) It ~~((shall be))~~ is the responsibility of the handler to advise their employing agency of the fact that they have met the standards for canine certification. The proof of certification with the evaluator's signature along with a request for canine certification ~~((shall))~~ must be submitted to the commission by the employing agency. This ~~((shall))~~ will be considered as a request for certification. Upon verification that the minimum requirements have been met, the commission ~~((shall))~~ will issue certification to the canine team.

(8) It is recommended that a canine intended for use by a law enforcement or corrections agency, be positively identified by having a microchip medically inserted in the canine. Any canine that is sold by a vendor to a Washington state governmental agency for use as a law enforcement or corrections canine should be able to be identified by microchip placed in the canine at the vendor's expense prior to the canine being sold to the law enforcement or corrections agency.

Once the microchip has been inserted, it is recommended that it not be removed except for medical necessity. If it becomes necessary to remove the microchip, the reason for the removal must be documented and entered into the canine's training records and a new microchip inserted, if medically appropriate.

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-920 Requirement of training for agriculture officers. (1) For purposes of this regulation, the term "agriculture officer" means any individual appointed by the state director of agriculture to enforce those laws relating to ~~((commission merchants, livestock identification, and livestock brand registration and inspection))~~ the department of agriculture.

(2) As a precondition of any exercise of enforcement authority ~~((generally vested in a peace officer)),~~ an agriculture officer ~~((shall))~~ must successfully complete training which ~~((shall))~~ will include, but is not limited to:

~~(a) ((Criminal procedures, to include the legal system, search and seizure, laws of arrest, and constitutional law—eight hours;))~~ Crime scene investigation;

~~(b) ((Evidence law—two hours;~~

~~(e)) Criminal investigation((—eight hours));~~

~~((d)) (c) Effective interviewing and interrogation((—four hours));~~

~~((e) Communication skills—six hours;))~~ (d) Report writing;

~~((f)) (e) Criminal law((—four hours))~~ to include Titles 9A and 20;

~~((g)) (f) Officer safety ((and basic patrol procedures—four hours));~~

~~((h) Use of deadly force—four hours;))~~ (g) Defensive tactics.

(3) As a precondition of any authorization to carry a firearm during the performance of duties, an ~~((authorized))~~ agriculture officer ~~((shall))~~ with enforcement authority will have successfully qualified in the firearms course which is incorporated by the basic law enforcement academy program of the ~~((Washington state criminal justice training))~~ commission, or is otherwise approved by the ~~((training))~~ commission. ~~((Such))~~ Following the initial qualification ((shall)), the department of agriculture must insure that such qualification be effected annually~~((;))~~ or within a period of twelve months preceding the aforementioned firearms authorization.

(4) It ~~((shall be))~~ is the responsibility of the state director of agriculture to effect and ensure personnel compliance ~~((herein))~~ and to provide necessary records and information upon the request of the ~~((training))~~ commission, to which said director ~~((shall be))~~ is accountable for purposes of such compliance. Additionally, any equivalency process or official recognition of equivalent training or experience in determining an agriculture officer's compliance ~~((herein shall))~~ will be within the prerogative and authorities of such director.

AMENDATORY SECTION (Amending WSR 03-19-122, filed 9/17/03, effective 10/18/03)

WAC 139-05-925 Requirement of training for railroad police officers. (1) For the purpose of this regulation, the term "railroad police" means any individual appointed by the commission under the provisions of RCW 81.60.010 through 81.60.060.

(2) Effective January 1, 2002, as a precondition of any newly appointed railroad police officer to enforce the laws of this state, railroad police ~~((shall))~~ must:

(a) Possess the commission's basic certificate, or in the alternative have successfully completed training and possess a basic certification from another state. In the event certification and training are from another state, the newly appointed railroad police officer must satisfactorily complete the equivalency course approved by the commission, within the first six months of employment.

(b) The above requirements do not apply to railroad police officers appointed prior to January 1, 2002; however, they may, if qualified, attend the equivalency academy.

(c) Railroad police officers whose primary duties are those of administration of other railroad police officers may request an administrative exemption from the above training

requirements. Administrative exemptions may be granted by the commission provided that the initial grant and continuing effect of such exemption ~~((shall be))~~ is governed by the provisions of WAC ~~((139-05-200(2)(e)(i)))~~ 139-05-205.

(3) It ~~((shall be))~~ is the responsibility of the railroad police officer's employing agency to effect and ensure personnel compliance herein, and provide necessary records, proof of background check information upon request of the commission to which the employing agency ~~((shall be))~~ is accountable for purposes of compliance.

(4) The corporation requesting appointment of a railroad police officer ~~((shall))~~ will bear the full cost of training or any other expenses.

NEW SECTION

WAC 139-05-935 Review of staff action. Any person aggrieved by a decision of commission staff under this chapter, or the head of the aggrieved person's agency, may request review by the commission by making a request for an adjudicative proceeding under WAC 139-03-020.

NEW SECTION

WAC 139-05-940 Exemption, waiver, extension or variance. Any request for exemption, waiver, extension or variance from any requirement of this chapter must be made under WAC 139-03-030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 139-05-820	Basic reserve equivalency certification.
WAC 139-05-930	Certification/decertification of D.A.R.E. officer.

WSR 05-15-109
PROPOSED RULES
POLLUTION LIABILITY
INSURANCE AGENCY
[Filed July 18, 2005, 9:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-063.

Title of Rule and Other Identifying Information: Underground storage tank community assistance program, chapter 374-60 WAC.

Hearing Location(s): Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98504-0930, on August 23, 2005, at 1:00 p.m.

Date of Intended Adoption: September 20, 2005.

Submit Written Comments to: Pollution Liability Insurance Agency, 1015 10th Avenue S.E., Olympia, WA 98504-0930, e-mail pliamail@plia.wa.gov, fax (360) 586-7187, by August 23, 2005.

Assistance for Persons with Disabilities: Contact Pollution Liability Insurance Agency by August 23, 2005, TTY (800) 822-3905 or (360) 586-5997.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the awarding and criteria of the underground storage tank (UST) community assistance program (chapter 374-60 WAC) to be consistent with legislative changes made during the 2005 legislative session to chapter 70.148 RCW.

WAC 374-60-070, require owner or operator to file an insurance claim with their insurance company if contamination is found on the underground storage tank site prior to receiving grant funds for the cleanup.

WAC 374-60-120, change the reporting requirement for those who receive grants from quarterly to annually.

Statutory Authority for Adoption: RCW 70.148.130.

Statute Being Implemented: Chapter 70.148 RCW.

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

Name of Proponent: Pollution Liability Insurance Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Russell E. Olsen, 1015 10th Avenue S.E., Olympia, WA 98504-0930, (360) 753-2008; Implementation and Enforcement: Lynn Gooding, 1015 10th Avenue S.E., Olympia, WA 98504-0930, (360) 753-2008.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments proposed do not meet the criteria requiring the agency to meet with chapter 19.85 RCW. The amendments are to ensure that the agency rule reflects the directives of the legislature as explicitly and specifically dictated by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The amendments proposed do not meet the criteria requiring the agency to meet with RCW 34.05.328. The amendments are to ensure that the agency rule reflects the directives of the legislature as explicitly and specifically dictated by statute.

July 18, 2005

Russell E. Olsen

UST Reinsurance Program Manager

AMENDATORY SECTION (Amending WSR 91-24-048, filed 11/27/91, effective 12/28/91)

WAC 374-60-010 Authority and purpose. The purpose of this chapter is to clarify eligibility criteria and requirements for ~~((the conduct of))~~ the underground storage tank community assistance program as set forth in chapter 70.148 RCW.

This chapter recognizes the hardship posed by loss of local sources of petroleum products faced by rural and remote communities, local governments and rural hospitals due to an inability to meet U.S. Environmental Protection Agency and department of ecology regulations and requirements for petroleum underground storage tanks. The underground storage tank community assistance program will award grants to qualifying privately owned and operated sources of petroleum products, local government entities, and rural hospitals meeting vital government, public health, education, recre-

ation, or safety needs for replacement or upgrading and, if required, clean up of underground petroleum storage tank sites.

AMENDATORY SECTION (Amending Order 93-01, filed 1/27/93, effective 2/27/93)

WAC 374-60-020 Definitions. (1) "Agency" means the Washington state pollution liability insurance agency.

(2) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third party payor, as determined by the Washington state hospital commission. (Defined in RCW 70.39.020.)

(3) "Cleanup" means any remedial action taken that complies with WAC 173-340-450 and any remedial action taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with WAC 173-340-360.

(4) "Community assistance program" means the program established by the Washington state legislature under the provision of chapter 70.148 RCW to provide financial assistance grants to:

(a) Private owners and operators of underground petroleum storage tanks;

(b) Local governmental entities~~((;))~~; and~~((;))~~

(c) Rural hospitals.

(5) "Director" means the director of the Washington state pollution liability insurance agency.

(6) "Local government entity" means a unit of local government, either general purpose or special purpose, and includes but is not limited to, counties, cities, towns, school districts and other governmental and political subdivisions. The local government unit must perform a public purpose and either:

(a) Receive an annual appropriation;

(b) Have taxing power; ~~((and))~~ or

(c) Derive authority from state or local government law enforcement power.

(7) "Operator" means any person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank system. (Defined in RCW 70.148.010.)

(8) "Owner" means any person who owns a petroleum underground storage tank. (Defined in RCW 70.148.010.)

(9) "Petroleum" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute) and includes gasoline, kerosene, heating oils and diesel fuels. (Defined in RCW 70.148.010.)

(10) "Private owner or operator" means any person, corporation, partnership or business that owns or operates one or more regulated petroleum underground storage tanks maintained for the purpose of providing petroleum products for retail sale to the public.

(11) "Release" means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere. (Defined in RCW 70.148.010.)

(12) "Remote rural community" means a geographic area outside the boundaries of an urban area of 10,000 or more of population, and which is either ((+));

(a) In an incorporated city or town located at a distance from an incorporated city or town or urban area of 10,000 or more of population or((-2));

(b) In an area outside of an incorporated city or town and at a distance from an incorporated city or town or urban area of 10,000 or more of population.

(13) "Rural hospital" means a hospital located anywhere in the state except the following areas:

(a) The counties of Snohomish (including Camano Island), King, Kitsap, Pierce, Thurston, Clark and Spokane;

(b) Areas within a twenty-five mile radius of an urban area with a population exceeding thirty thousand persons; and

(c) Those cities or city-clusters located in rural counties but which for all practical purposes are urban. These areas are Bellingham, Aberdeen-Hoquiam, Longview-Kelso, Wenatchee, Yakima, Sunnyside, Richland-Kennewick-Pasco, and Walla Walla. (Defined in RCW 18.89.020.)

(14) "Serious financial hardship" means:

(a) For a private sector applicant, that the applicant can provide conclusive evidence that the business and/or business operator(s), business owner(s) having a 20% or greater interest in the business or other persons with a beneficial interest in the business' profits do not have the cash, cash equivalents or borrowing capacity to bring a petroleum underground storage tank system into compliance with all federal and state underground storage tank regulations and requirements (~~(scheduled to be in effect on December 22, 1998.)~~);

(b) For a public sector applicant, that the applicant can provide conclusive evidence that the unit of government does not have adequate fund balances, debt capacity or other local revenue generating options to bring a petroleum underground storage tank system into compliance with all federal and state underground storage tank regulations and requirements (~~(scheduled to be in effect on December 22, 1998.)~~); and

(c) For a rural hospital, that the applicant can provide conclusive evidence that the rural hospital does not have the cash, cash equivalents or borrowing capacity to bring a petroleum underground storage tank system into compliance with all federal and state underground storage tank regulations and requirements (~~(scheduled to be in effect on December 22, 1998.)~~).

(15) "Sole source" means the only retailer of petroleum products to the motoring public that is located in a city or town or, if the retailer is remote from a community, the only business within a minimum of a ~~(five mile)~~ ten-mile radius where the motoring public can purchase petroleum products.

(16) "Underground storage tank (UST)" means any one or combination of tanks, including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of underground pipes connected to the tank) is ten percent or more beneath the surface of the ground. (Defined in RCW 70.148.010.)

(17) "UST site" means the location at which underground storage tanks are in place or will be placed. An UST

site encompasses all of the property with a contiguous ownership that is associated with the use of the tanks. (Defined in WAC 173-360-120.)

(18) "Vital local government, public health, education or safety need" means an essential or indispensable service provided by government for citizens.

AMENDATORY SECTION (Amending Order 93-01, filed 1/27/93, effective 2/27/93)

WAC 374-60-060 Applications. (1) Applications for assistance under the underground storage tank community assistance program shall be made on forms furnished by the agency in accordance with their instructions. All applications shall be legible, contain all the information required and shall be accompanied by all required documents and exhibits.

(a) Applications which are illegible, incomplete, or which fail to include all necessary information, documents or exhibits, or which are otherwise not in compliance with these rules, may be rejected by the agency.

(b) The agency may ignore defects in applications which are immaterial or insubstantial.

(2) Separate and different applications will be prepared for:

- (a) Private owners and operators;
- (b) Local government entities; and
- (c) Rural hospitals.

(3) Applications will be prepared in two parts:

(a) Part I of the application is designed to determine if the applicant meets certain eligibility criteria established for the program.

(b) Part II of the application is designed to determine if the applicant meets the financial eligibility criteria established for a grant, and requires detailed financial information, submission of a construction proposal, and certification by a local government entity of the vital local government, public health, education or safety need met by the continued operation of the UST(s).

(4) The director shall provide forms to local government entities for certification that continued operation of UST(s) by the private owners and operators is necessary to meet vital local government, public health, education or safety needs. Such certification shall consist of a local government resolution certifying:

- (a) That other petroleum providers are remote from the community;
- (b) That the applicant is capable of faithfully fulfilling the agreement required for financial assistance;
- (c) The specific vital need or needs the owner or operator meets; and

(d) Designating the local official who will be responsible for negotiating the contract for provision of cost-plus petroleum products to the local governmental entity.

(5) The director shall provide forms to local government entities for certification that maintaining continued operation of the petroleum UST(s) owned by the local government meets a vital local public health, education, recreation, or safety need. Such certification shall consist of a local government resolution certifying that continued operation of the

UST(s) meets a vital local government, public health, education, recreation, or safety need.

(6) The director shall provide forms to local government entities for certification that UST(s) operated by rural hospitals meet vital public health, and safety needs. Such certification shall consist of a local government resolution certifying that the continued operation of the UST(s) by the rural hospital is necessary.

AMENDATORY SECTION (Amending Order 93-01, filed 1/27/93, effective 2/27/93)

WAC 374-60-070 Eligibility—Private owners and operators. Private owners and operators, or a combination thereof, of an UST site may be eligible for an underground storage tank community assistance program grant if they meet the following requirements:

~~((a))~~ ~~Be the owner~~) (1) Own or ~~((operator of))~~ operate an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

~~((b))~~ (2) Own or operate a business currently selling or has sold petroleum products to the motoring public in a remote rural area;

~~((c))~~ (3) Demonstrate that the UST(s) is registered with the department of ecology;

~~((d))~~ (4) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

~~((e))~~ (5) Demonstrate that continued operation of the UST(s) meets a vital local government, public health, recreation, or safety need, as evidenced by a local government entity's certification; ~~and~~

~~((f))~~ (6) Provide proof that the UST(s) is insured against pollution liability or that application for pollution liability insurance has been made; and

(7) Sites with existing contamination must file a claim with any valid pollution liability insurance policy.

AMENDATORY SECTION (Amending WSR 91-24-048, filed 11/27/91, effective 12/28/91)

WAC 374-60-080 Eligibility—Local government entities. A local government may be eligible for an underground storage tank community assistance program grant if it meets the following requirements:

~~((a))~~ (1) Be the owner or operator of an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

~~((b))~~ (2) Demonstrate that the UST(s) is registered with the department of ecology;

~~((c))~~ (3) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

~~((d))~~ (4) Demonstrate that continued operation of the UST(s) meets a vital local government, public health, education, recreation, or safety need; and

~~((e))~~ (5) Provide proof that the UST(s) is insured against pollution liability or that application for pollution liability insurance has been made. ~~((Applicants must apply for insurance with one of the two insurers reinsured by the agency-))~~

AMENDATORY SECTION (Amending WSR 91-24-048, filed 11/27/91, effective 12/28/91)

WAC 374-60-090 Eligibility—Rural hospitals. A rural hospital may be eligible for an underground storage tank community assistance program grant if it meets the following requirements:

~~((a))~~ (1) Be the owner or operator of an UST(s) located in the state of Washington which is regulated by the U.S. Environmental Protection Agency and the department of ecology and for which proof of financial responsibility is currently or will be required;

~~((b))~~ (2) Demonstrate that the UST(s) is registered with the department of ecology;

~~((c))~~ (3) Demonstrate that the replacement or upgrading of the UST(s) and cleanup of the site would, without financial assistance, create serious financial hardship;

~~((d))~~ (4) Demonstrate that continued operation of the UST(s) meets a vital local government, public health or safety need as evidenced by a local governmental entity's certification; and

~~((e))~~ (5) Provide proof that the UST(s) is insured against pollution liability or that application for pollution liability insurance has been made. ~~((Applicants must apply for insurance with one of the two insurers reinsured by the agency-))~~

AMENDATORY SECTION (Amending WSR 91-24-048, filed 11/27/91, effective 12/28/91)

WAC 374-60-100 Evaluation. (1) Evaluation of applications for the UST community assistance program will be based on an assessment of eligibility, based on the requirements included in chapter 70.148 RCW.

(2) Applications of private owners and operators will be judged on three criteria. Evaluations will be based on:

(a) The financial condition of both the business and its owner(s) and operator(s) to determine if serious financial hardship exists;

(b) The vital local government ~~((of))~~, public health, recreation, or safety need(s) provided by the business; and

(c) Location and type of business.

(3) Applications of local government entities will be judged on three criteria. Evaluations will be based on:

(a) The financial condition of the local government entity to determine if a serious financial hardship exists;

(b) The vital local public health, education, recreation, or safety need(s) met by the continued operation of the UST(s); and

(c) Priority shall be given to local government entities which consolidate multiple operational UST(s) into as few sites as possible.

(4) Applications of rural hospitals will be judged on two criteria. Evaluations will be based on:

(a) The financial condition of the hospital to determine if a serious financial hardship exists; and

(b) The vital local public health or safety need(s) met by the continued operation of the UST(s).

(5) Evaluation of applications will be conducted by screening teams that will assess and score Part I of the application, and by screening teams that will assess and score Part II of the application. The assessments of the screening teams will be compiled and presented ~~((with a recommendation to the agency director. The director shall review applications with the pollution liability insurance agency technical advisory committee and consult with the technical advisory committee prior to the announcement of the awarding of grants))~~ to the agency director for final determination.

AMENDATORY SECTION (Amending WSR 91-24-048, filed 11/27/91, effective 12/28/91)

WAC 374-60-110 Funding. (1) Funds for the UST community assistance program shall be made available from the pollution liability insurance program trust account in accordance with the provision of chapter 70.148 RCW.

(2) ~~((The director may expend no more than fifteen million dollars (\$15,000,000.00) for the UST community assistance program.~~

~~((3)))~~ Grants shall be limited to no more than ~~((one hundred fifty thousand dollars (\$150,000.00)))~~ two hundred thousand dollars (\$200,000.00) in value for any one UST site of which amount no more than seventy-five thousand dollars (\$75,000.00) in value may be provided for cleanup of existing contamination caused by petroleum from the tank(s).

~~((4)))~~ (3) Grants shall be limited to only that amount necessary to supplement the applicant's financial resources.

~~((5)))~~ (4) No grant may be used for any purpose other than for replacement or upgrading of UST(s), or for cleanup of existing contamination caused by petroleum from the tank(s). The director may, however, provide financial assistance for the establishment of a new local government UST site if it is the result of consolidation of multiple operational UST sites into as few sites as possible. In such case, the grant shall be only for the amount of construction of the new UST site. The removal of the old UST(s) and any cleanup associated with the removal shall be the responsibility of the local government.

AMENDATORY SECTION (Amending WSR 96-04-005, filed 1/25/96, effective 2/25/96)

WAC 374-60-120 Grant management. (1) Successful applicants will be notified by letter of the award of a grant. Entitlement to a grant is finalized only after a contract has been finalized between the agency and the grant recipient, and a contract has been finalized between the grant recipient and the contractor performing the replacement or upgrading of the UST(s).

(a) Contracts may be entered only after all program eligibility requirements have been met, funds are available and the application and evaluation process has been completed to the satisfaction of the agency.

(b) Each contract becomes effective only with the signing of both required contracts. The day of the signing estab-

lishes the beginning date of the project. No costs incurred prior to that date are eligible for payment under the grant unless specific provision is made in the grant contract for such costs.

(2) The contract between the agency and a private owner and/or operator shall contain:

(a) An agreement assuring the state of Washington that the business, including the UST site, will be maintained for the retail sale of petroleum products to the public for at least fifteen (15) years after the grant is awarded;

(b) An agreement to sell petroleum products to local governmental entities on a cost-plus basis;

(c) An agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology;

(d) An agreement awarding the state of Washington a real property lien ensuring repayment of grant funds should any of the above conditions be violated. Such lien is to be binding on all heirs, successors or assignees of the grantee; and

(e) An agreement that should the grantee or any successor fail to adhere to all the terms of the contract through willful act, the amount of the grant shall immediately become due and payable to the state of Washington.

(3) The contract between the agency and a local government shall contain an agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology.

(4) The contract between the agency and a rural hospital shall contain:

(a) An agreement to comply with all technical and financial responsibility regulations of the U.S. Environmental Protection Agency and the department of ecology; and

(b) An agreement to provide charity care in a dollar amount equivalent to the financial assistance provided under the underground storage tank community assistance program. The period of time for the charity care to be accomplished will be established by the agency in consultation with the department of health, but will not exceed fifteen years.

(5) Contracts between the grantees and contractors shall contain terms covering payments, conditions of work and contaminated soil and water remediation procedures.

(6) If the grantee elects pollution liability insurance as the method for meeting financial responsibility, the insurance policy must name the pollution liability insurance agency as a "loss payee." If another method of demonstrating financial responsibility is selected, there must exist a provision for the agency to place an appropriate encumbrance on that document.

(7) Annually ~~((the local government entity that certified the vital local government, public health, education or safety need of the UST(s) must report, on a form provided by the agency, the status of contracts and services.~~

~~((Quarterly))~~, a private owner or operator that receives a grant must submit a report, on a form provided by the agency, of petroleum business volume and what local government contracts are currently in effect.

(8) Annually, a local government that receives a grant must submit a report, on a form provided by the agency, of petroleum business volume.

(9) Annually, a rural hospital that has received a grant will report to the agency the amount of charity care provided and the dollar value of that care.

(10) At the conclusion of the fifteen-year agreement, the agency will sign a release of any claim on the real property named in the original contract between the grantee and the agency. The responsibility for removing the lien will rest with the current property owner of record.

WSR 05-15-115

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed July 18, 2005, 12:17 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 246-840-990 Fees and renewal cycle, for all licensed practical (LPN) and registered nursing (RN). This proposal creates a surcharge fee of five dollars for a nursing center.

Hearing Location(s): Department of Health, Point Plaza East, Room 139, 310 Israel Road S.E., Tumwater, WA 98501, on August 23, 2005, at 1:00 p.m.

Date of Intended Adoption: August 25, 2005.

Submit Written Comments to: Kendra Pitzler, P.O. Box 47864, Olympia, WA 98504-7864, rules comment web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4738, by August 16, 2005.

Assistance for Persons with Disabilities: Contact Kendra Pitzler by August 9, 2005, TTY (800) 833-6388 or (360) 236-4723.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to implement chapter 268, Laws of 2005. This rule creates a fee of five dollars for a nursing center for all LPN and RN applications and renewals. The department, in consultation with the WorkForce Training and Education Coordinating Board and the Nursing Care Quality Assurance Commission, will use the proceeds to provide grants to a non-profit central nursing resource center. The activities of the nursing resource center are to include: Maintaining information on the current and projected supply and demand of nurses; monitoring and validating trends in the applicant pool for programs in nursing; facilitating partnerships between the nursing community and other health care providers and entities; evaluating the effectiveness of nursing education among programs; providing consultation and technical assistance relating to nursing resources; promoting strategies to enhance patient safety; and educating the public about opportunities and careers in nursing.

Reasons Supporting Proposal: It will allow the department to award grants to a nonprofit central nurse resource center to perform functions such as: Study the supply and demand of nurses; monitor trends in the applicant pool for nursing programs; facilitate partnerships between the nursing community and other health care providers and entities; and evaluate the effectiveness of nursing education.

Statutory Authority for Adoption: RCW 43.70.10 [43.70.110], 43.70.250, and chapter 268, Laws of 2005.

Statute Being Implemented: Chapter 268, Laws of 2005.

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

Name of Proponent: Department of Health, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Kendra Pitzler, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4723; Enforcement: Paula Meyer, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4713.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department did not conduct a small business economic impact statement under RCW 19.85.025(3). The rule is exempt under RCW 34.05.310 (4)(f) "rules that set or adjust fees or rates pursuant to legislative standards." The rule sets a nursing center surcharge fee as required by chapter 268, Laws of 2005.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt from the cost-benefit analysis requirement under RCW 34.05.328 (5)(b)(vi) "rules that set or adjust fees or rates pursuant to legislative standards."

July 18, 2005

B. White

for Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 05-12-012, filed 5/20/05, effective 7/1/05)

WAC 246-840-990 Fees and renewal cycle. (1) Applicants for a practical nurse or registered nurse license must pay the application fee and the nursing center surcharge fee when applying for a license. Licenses for practical nurse and registered nurse must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. Practical nurses and registered nurses must pay the renewal fee and the nursing center surcharge fee when renewing licenses. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) Licenses for advanced registered nurse must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall

remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(3) Registrations for nursing technicians must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The renewal must be accompanied by an attestation as described in chapter 258, Laws of 2003. This attestation will include the nursing technician's anticipated graduation date. If the anticipated graduation date is within one year, the registration will expire thirty days after the anticipated graduation date. The expiration date may be extended to sixty days after graduation if the nursing technician can show good cause as defined in WAC 246-840-010(15). The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(4) The following nonrefundable fees shall be charged by the health professions quality assurance division of the department of health. Persons who hold an RN and an LPN license shall be charged separate fees for each license. Persons who are licensed as an advanced registered nurse practitioner in more than one specialty will be charged a fee for each specialty:

RN/LPN fees:

Title of Fee	Fee
Application (initial or endorsement)	\$65.00
License renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Inactive renewal	20.00
Expired inactive license reissuance	20.00
Inactive late renewal penalty	10.00
Duplicate license	20.00
Verification of licensure/education (written)	25.00
<u>Nursing center surcharge</u>	<u>5.00</u>

Advanced registered nurse fees:

Title of Fee	Fee
ARNP application with or without prescriptive authority (per speciality)	\$65.00
ARNP renewal with or without prescriptive authority (per speciality)	50.00
ARNP late renewal penalty (per speciality)	50.00
ARNP duplicate license (per speciality)	20.00
ARNP written verification of license (per speciality)	25.00

Nurse technologist fees:

Title of Fee	Fee
Application fee registration	\$130.00
Renewal of registration	90.00
Duplicate registration	15.00
Registration late renewal penalty	50.00

**WSR 05-15-122
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed July 18, 2005, 2:35 p.m.]**

Original Notice.

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

Title of Rule and Other Identifying Information: Amendments to WAC 308-48-800 Funeral director/embalmer fees.

Hearing Location(s): Department of Licensing, 405 Black Lake Boulevard, Room 209, Olympia, WA 98502, on August 24, 2005, at 2:00 p.m.

Date of Intended Adoption: September 30, 2005.

Submit Written Comments to: Jeanne Todd, P.O. Box 9012, Olympia, WA 98507, e-mail Funerals@dol.wa.gov, fax (360) 586-4414, by September 7, 2005.

Assistance for Persons with Disabilities: Contact Jeanne Todd by August 17, 2005, TTY (360) 664-8885 or (360) 664-1537.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Deletes financial statement fee, adds new fee categories for Certificate of Removal Registration and Academic Intern. Changes the term "apprentice" to "intern" wherever it appears in this rule.

Reasons Supporting Proposal: Brings the rule into uniformity with the statutory language from SSB 5752.

Statutory Authority for Adoption: RCW 18.139.175 and chapter 34.05 RCW.

Statute Being Implemented: Chapter 18.39 RCW.

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

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

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis McPhee, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1551; and Enforcement: Board of Funeral Directors and Embalmers, 405 Black Lake Boulevard, Olympia, WA 98502.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 (3) this rule making is exempt.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Licensing is not one of the named agencies in RCW 34.05.328.

July 15, 2005
Joe Vincent Jr.
Administrator

PROPOSED

AMENDATORY SECTION (Amending WSR 03-11-021, filed 5/12/03, effective 6/30/03)

WAC 308-48-800 Funeral director/embalmer fees.
The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination or reexamination	\$100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00
Embalmer ((apprentice)) <u>intern</u>:	
((Apprentice)) <u>Intern</u> application	75.00
((Apprentice)) <u>Intern</u> renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral director:	
State examination or reexamination	100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00
Funeral director ((apprentice)) <u>intern</u>:	
((Apprentice)) <u>Intern</u> application	75.00
((Apprentice)) <u>Intern</u> renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral establishment:	
Original application	300.00
Renewal	150.00
Branch registration	250.00
Branch renewal	150.00
Preneed application	140.00
Preneed renewal:	
0-25 sales	25.00
26-99 sales	75.00
100 or more sales	125.00
((Financial statement fee)	50.00)
Crematory endorsement registration	140.00
Crematory endorsement renewal	
\$3.20 per cremation performed during previous calendar year.	
<u>Academic intern</u>	<u>No fee</u>
<u>Certificate of removal registration:</u>	
<u>Application</u>	<u>30.00</u>
<u>Renewal</u>	<u>15.00</u>

WSR 05-15-128
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 19, 2005, 8:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-10-027.

Title of Rule and Other Identifying Information: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation, revisions to this chapter need to be made in response to legislative changes regarding the school bus reimbursement process.

Hearing Location(s): Office of Superintendent of Public Instruction, Brouillet Conference Room, 600 South Washington Street, Olympia, WA 98504, on August 23, 2005, at 1:00 p.m.

Date of Intended Adoption: September 15, 2005.

Submit Written Comments to: Allan J. Jones, Director, P.O. Box 47200, Olympia, WA 98504-7200, e-mail ajjones@ospi.wednet.edu, fax (360) 586-6124, by August 22, 2005.

Assistance for Persons with Disabilities: Contact Joie Erickson by August 19, 2005, TTY (360) 664-3631 or (360) 725-6142.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The 2005 Washington state legislature required the Office of Superintendent of Public Instruction to develop a transition process to move the school bus replacement system to a method using a five year average of school bus prices. Some of the changes identified here constitute that transition process and the resulting five year average price system. The anticipated effect of the change to a five year price average system will be to provide a smoothing effect on replacement system funding levels. The transition process identified will result in a relatively smooth transition to the five year system.

The additional significant change is to reflect the implementation of the "menu style" bidding process provided in the 2004 Washington state operating budget and made permanent by the passage in the 2005 legislative session of HB 1485.

There are additional changes of a technical nature made to clarify existing replacement and depreciation system processes.

Statutory Authority for Adoption: RCW 28A.150.290.

Statute Being Implemented: RCW 28A.160.195.

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

Name of Proponent: [Superintendent of Public Instruction], governmental.

Name of Agency Personnel Responsible for Drafting: Charlie Schreck, Office of Superintendent of Public Instruction, (360) 725-6136; Implementation: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 725-5175; and Enforcement: Allan J. Jones, Office of Superintendent of Public Instruction, (360) 725-6123.

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

PROPOSED

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

July 18, 2005
Marty Daybell
Deputy Superintendent
for Dr. Terry Bergeson

NEW SECTION

WAC 392-142-171 Definition—System price. The system price of an individual school bus is the price used to calculate the replacement system payment in a given school year.

NEW SECTION

WAC 392-142-172 Definition—Average price. The average price for an individual school bus is calculated by adding the current year state-determined purchase price to the total of the previous four years' state-determined purchase prices and dividing by five. School bus categories no longer available or no longer supported use the historic prices for those categories in years when such bus categories were available or supported.

NEW SECTION

WAC 392-142-174 Definition—Weighting factor. The weighting factor for an individual school bus is calculated by subtracting the 2005 average price from the 2005 state-determined purchase price and dividing by two.

NEW SECTION

WAC 392-142-176 Definition—2005 weighted price. The 2005 weighted price for an individual school bus is calculated by adding the weighting factor to the 2005 average price.

NEW SECTION

WAC 392-142-178 Definition—2006 weighted price. The 2006 weighted price for an individual school bus is calculated by adding one half the weighting factor to the 2005 system price.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-185 Definition—((Imputed)) Assumed interest earnings. As used in this chapter, "((imputed)) assumed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the transportation vehicle fund from state payments and accumulated interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-213 Purchase of school buses by school districts. (1) School districts may purchase school buses directly from ((the)) any school bus dealer who has provided ((the lowest competitive)) an accepted price quote in each school bus category without regard to RCW 28A.335.190.

(2) School districts that do not purchase school buses in accordance with subsection (1) of this section may conduct their own competitive bid process in accordance with RCW 28A.335.190. School districts that choose to conduct their own bid shall:

(a) Use vendor bid proposal forms provided by the superintendent of public instruction.

(b) Prepare a summary of all bids received for retention in school district files and submission to the superintendent of public instruction.

(3) School buses which have been acquired by school districts or educational service districts, in accordance with subsection (1) or (2) of this section, are entitled to reimbursement payments for school bus replacement in accordance with this chapter.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-225 Placement of used school buses on state replacement or depreciation schedules. A used school bus shall be placed on the state replacement or depreciation schedule as if it had been issued a school bus operation permit on the first of September in the year of manufacture, including an estimate by the superintendent of public instruction of:

(1) Prior school years total state replacement or depreciation payments;

(2) ((Imputed)) Assumed interest earnings (if purchased by a school district); and

(3) Salvage value (if purchased by a school district).

NEW SECTION

WAC 392-142-231 Calculation of system price. The system price of a school bus shall be calculated as following:

(1) For the 2005-06 school year, the system price for an individual school bus shall be determined by selecting the first condition that applies, as follows:

(a) If a school bus is in its final year on the replacement system, the system price is the state-determined purchase price.

(b) If the average price for the school bus is greater or equal to the 2004 or the 2005 state-determined purchase price, the system price is the average price.

(c) If the average price for the school bus is less than the 2004 state-determined purchase price, the system price is the 2005 weighted price.

(d) If the 2005 weighted price for the school bus is less than the 2004 actual price, the system price is the 2004 actual price.

(2) For the 2006-07 school year, the system price for an individual school bus shall be determined by selecting the first statement that applies, as follows:

(a) If a school bus is in its final year on the replacement system, the system price is the actual price.

(b) If the 2005 system price for the bus was the 2005 average price, the 2006 system price is the 2006 average price.

(c) If the 2006 average price for the school bus is greater or equal to the 2005 system price, the system price is the 2006 average price.

(d) If the 2006 average price for the school bus is less than the 2005 system price, the system price is the 2006 weighted price.

(3) Effective September 1, 2007, the system price for an individual school bus is the state-determined purchase price if a school bus is in its final year on the replacement system. For a school bus not in its final year on the replacement system, the system price is the average price.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-240 Calculation of annual state replacement payment for district-owned school buses. The superintendent of public instruction shall calculate each school district's annual state replacement payment for district-owned school buses as follows:

(1) For district-owned school buses issued a school bus operation permit prior to the fifteenth of ~~((the))~~ any month of the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the ~~((state determined purchase))~~ system price by the useful lifetime in months as determined in (a) of this subsection; and

(c) Multiply the result obtained in (b) of this subsection by the number of months remaining in the school year.

(2) For school buses issued a school bus operation permit prior to the current school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the ~~((state determined purchase))~~ system price by the useful lifetime in months determined in (a) of this subsection;

(c) Multiply the result obtained in (b) of this subsection by the total number of months the school bus has been on the replacement schedule including the months for the current school year;

(d) Subtract from the result obtained in (c) of this subsection the total school bus replacement payments made in prior school years;

(e) Subtract from the result obtained in (c) of this subsection the ~~((imputed))~~ assumed interest earnings; and

(f) Subtract from the result obtained in (e) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-245 Calculation of annual state depreciation payment for contractor-owned school buses. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses as follows:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year:

(a) Place each bus in the appropriate school bus category set forth in WAC 392-142-155;

(b) Divide the state determined purchase price by the useful lifetime in months determined in (a) of this subsection; and

(c) Multiply the result obtained in (b) of this subsection by the number of months remaining in the school year.

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; ~~((and))~~

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime in months for the appropriate school bus category set forth in WAC 392-142-155~~((:));~~

(c) Calculate the total number of months the bus is eligible for depreciation payment in the current school year; and

(d) Multiply the amount calculated in (b) of this subsection by the number of months calculated in (c) of this subsection.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-250 Allocation of state replacement or depreciation payment. The superintendent of public instruction shall apportion school bus replacement or depreciation payments each school year calculated as follows:

(1) ~~((Pursuant to WAC 392-142-240 in:))~~ For school district-owned vehicles:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year; or

(2) ~~((Pursuant to WAC 392-142-245))~~ For contractor-owned vehicles: According to the schedule set forth in RCW 28A.510.250.

AMENDATORY SECTION (Amending WSR 03-13-049, filed 6/12/03, effective 7/13/03)

WAC 392-142-255 Deposit of payments in transportation vehicle fund. School districts shall deposit proceeds for the rent, sale, or lease of school buses and replacement payments ~~((allocated pursuant to WAC 392-142-240))~~ for school district-owned vehicles in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments ~~((allocated pursuant to WAC 392-142-245))~~

for contractor-owned vehicles in the transportation vehicle fund. For school buses placed on the reimbursement system between September 1, 1975, and August 31, 1980, the superintendent of public instruction shall recover ninety percent of the net proceeds of the sale of such vehicles by deduction from the next annual reimbursement allocation. For school buses placed on the reimbursement system between September 1, 1980, and August 31, 1982, the superintendent of public instruction shall recover one hundred percent of the net proceeds of the sale of such vehicles by deduction from the next annual reimbursement allocation.

AMENDATORY SECTION (Amending WSR 95-17-011, filed 8/4/95, effective 9/4/95)

WAC 392-142-265 Maintenance and operation. (1)

To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with general accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standards unless proven otherwise by the school district. Prima facie evidence of such proof shall include ((required changes in the category of bus, or)) unforeseen ((natural)) events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. ((Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.))

(3) If a district fails to follow generally accepted standards of maintenance and operation or disposes of a bus prior to the end of its useful life time ((as set forth in WAC 392-142-155)), the superintendent of public instruction shall ((penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate)) discontinue reimbursement system payments, including recovering the prorated amount of the current year payment according to the number of months in the current year the bus was not operated.

WSR 05-15-139

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed July 19, 2005, 2:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-2-112.

Title of Rule and Other Identifying Information: Chapter 180-24 WAC, School district organization.

Hearing Location(s): Educational Service District 123, 3918 West Court Street, Pasco, WA 98301, on August 25, 2005, at 8:30 a.m.

Date of Intended Adoption: August 26, 2005.

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 10, 2005.

Assistance for Persons with Disabilities: Contact Laura Moore, Executive Assistant, by August 10, 2005, TTY (360) 664-3631 or (360) 725-6025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed revisions to chapter 180-24 WAC clarify the process to be used in transferring of territory from one school district to another.

Reasons Supporting Proposal: The proposed changes will clarify language.

Statutory Authority for Adoption: Chapter 28A.315 RCW.

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

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 19, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 03-23-040, filed 11/12/03, effective 12/13/03)

WAC 180-24-00701 Regional committee decision making criteria. (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

(a) Student educational opportunities (see RCW 28A.315.205 (4)(a) for full text);

(b) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.205 (4)(c) for full text);

(d) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(f) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e).)

(2) ((Under RCW 28A.315.195(2))) The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

PROPOSED

(3) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

(4) In considering student educational opportunities under subsection (1)(a) of this section, the regional committee shall not consider one set of test scores, alone, as a sufficient basis to make a judgment about student educational opportunities. Test scores in the districts affected by the proposed transfer of territory shall be looked at in context, including over time and by disaggregating the scores by student subgroups.

(5) In considering geographic accessibility under subsection (1)(d) of this section, the regional committee shall make one judgment on geographic accessibility, regardless of how many individual components may apply to the particular transfer of territory petition.

(6) Each regional committee shall use the same criterion checklist included in the *Lay Persons's Guide to School District Boundaries* and published on the state board of education and superintendent of public instruction web sites.

(7) If a regional committee needs to continue a public hearing or schedule more than one additional hearing on a proposed transfer of territory, each such hearing is subject to public notice requirements.

(8) Regional committees shall use the decision format (motion) included in the *Lay Person's Guide to School District Boundaries* and published on the state board of education and superintendent of public instruction web sites.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-195 Notification to ~~((superintendent of public instruction))~~ state board of education of regional committee meetings. The secretary of each regional committee—i.e., the educational service district superintendent—shall notify the ~~((superintendent of public instruction))~~ state board of education of all meetings of the regional committee ~~((called pursuant to RCW 28A.315.100 and all proposals pursuant to RCW 28A.315.110)).~~

NEW SECTION

WAC 180-24-207 Transfer of territory—Other district requirements. (1) At least one member of each school board whose district is affected by a proposed transfer of territory must be part of the respective district's negotiating team.

(2)(a) Upon reaching a decision recommendation through the district-to-district negotiation process on a proposed transfer of territory, the negotiating parties shall pro-

duce, at a minimum, a written summary of the recommendation, including rationale for the recommendation, and submit to the respective affected school district boards of directors.

(b) Each school board of directors shall adopt at a public meeting of the board a written resolution indicating whether the board approves or disapproves the recommendation on the proposed transfer of territory. The resolution format included in the *Lay Person's Guide to School District Boundaries* and published on the state board of education and superintendent of public instruction web sites shall be used.

NEW SECTION

WAC 180-24-209 Transfer of territory—Sufficiency of written record for appeal to state board of education—Referral of case back to regional committee. (1) A written transcript of the regional committee hearing shall be considered a sufficient record for purposes of appeal to the state board of education. Such transcript must clearly include evidence that the regional committee considered all the facts presented. The transcript must also demonstrate that the regional committee applied the facts against the required statutory and regulatory criteria.

(2) When referring a transfer of territory case back to the originating regional committee, the state board of education will make every effort to submit the written referral within fourteen days of its decision.

AMENDATORY SECTION (Amending WSR 99-24-125, filed 12/1/99, effective 1/1/00)

WAC 180-24-210 Adjustment of assets and liabilities—Considerations. (1) In determining an equitable adjustment of assets and liabilities, the negotiating school districts ~~((;))~~ and the regional committees ~~((, and the state board of education))~~ shall consider the factors under RCW 28A.315.245.

(2) A regional committee is authorized to phase in the adjustment of assets and liabilities over a period not less than two years nor more than eight years. This authorization is subject to the annual March 1 deadline for taxing districts to establish the taxing boundaries and rates for the ensuing tax collection year.

NEW SECTION

WAC 180-24-213 Student enrollment effective under approved transfer of territory. When a proposed transfer of territory has finally been approved, students in the affected territory may begin attending the appropriate school in the next logical term within the school year or beginning with the next school year, as determined by the parent(s) or legal guardian(s) of the student.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-24-215

Superintendent of public instruction staff review of

regional committee proposals—When.

the Department of Social and Health Services relating only to client medical or financial eligibility.

July 13, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-15-146

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 19, 2005, 4:18 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-01-128.

Title of Rule and Other Identifying Information: New WAC 388-106-0047 When can the department terminate or deny long-term care services to me?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on August 25, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New rules are needed to clarify long-term care services eligibility, including denial and termination.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 42 C.F.R. 441.302(a) 1915 c waiver rules, 42 C.F.R. 440.180.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 42 C.F.R. 441.302(a) 1915 c waiver rules, 42 C.F.R. 440.180.

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: Carol Sloan, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2345.

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

A cost-benefit analysis is not required under RCW 34.05.328. Exempt, per RCW 34.05.328 (5)(b)(vii), rules of

NEW SECTION

WAC 388-106-0047 When can the department terminate or deny long-term care services to me? The department must deny or terminate long-term care services to you when you:

- (1) Are not eligible for long-term care services;
- (2) Refused to accept the long-term care services identified in your plan of care that are vital to your health, welfare and safety; or
- (3) Choose to receive services in your own home where hazardous conditions jeopardize the health, safety, and welfare of you or your provider. Hazardous conditions include but are not limited to the following:
 - (a) Threatening, uncontrolled animals (e.g. dogs);
 - (b) Illegal drug use;
 - (c) Evidence of a methamphetamine lab;
 - (d) Presence of hazardous materials (e.g. exposed sewage).
- (4) You or others in your place of residence demonstrate behaviors that present a likelihood of serious harm or imminent danger, as defined in RCW 71.05.020(19).

WSR 05-15-147

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 19, 2005, 4:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-08-091.

Title of Rule and Other Identifying Information: WAC 388-492-0040 Can I choose whether I get WASHCAP or Basic Food benefits?

Hearing Location(s): Blake Office Park East (behind Goodyear Courtesy Tire), Rose Room, 450 10th Avenue S.E., Lacey, WA, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

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 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule changes are necessary to implement federal rules that require

PROPOSED

the department to adjust certain standards used in food benefit programs every year based on the consumer price index (CPI). The approved Washington combined application program (WASHCAP) state plan waivers specifically require the opt-out threshold standard included among those standards requiring such annual adjustment.

This rule is currently being litigated and there may be an additional change made to the proposed rule as mandated by the superior court. If such a change is required, it will be read into this proposed rule at the public hearing.

Reasons Supporting Proposal: All relevant shelter cost based standards must be calibrated annually based on the CPI inflation factors, as specified in federal rule and the WASHCAP state plan waivers. This rule change will ensure the opt-out threshold is updated consistent with all other shelter and utility standards in both the regular food stamp program and WASHCAP.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090.

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: Rebecca Henrie, 1009 College S.E., Lacey, WA 98504, (360) 725-4615.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses, it only affects 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."

July 12, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-08-009, filed 3/25/05, effective 4/25/05)

WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits? You can choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) Your non-utility shelter costs as defined in WAC 388-450-0190 (1)(a) through (d) are more than five hundred (~~twenty-seven~~) forty-four dollars a month;

(2) Your out-of-pocket medical expenses are more than thirty-five dollars a month; or

(3) You chose to have Basic Food benefits instead of WASHCAP benefits prior to January 1, 2005.

WSR 05-15-148

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 19, 2005, 4:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-114.

Title of Rule and Other Identifying Information: Part 3 of 3, new sections WAC 388-551-1800 Pediatric palliative care (PPC) case management/coordination services—General, 388-551-1810 Pediatric palliative care (PPC) case management/coordination services—Client eligibility, 388-551-1820 Pediatric palliative care (PPC) contact—Services included and limitations to coverage, 388-551-1830 How to become a department-approved pediatric palliative care (PPC) case management/coordination services provider, 388-551-1840 Pediatric palliative care (PPC) case management/coordination services—Provider requirements, and 388-551-1850 Pediatric palliative care (PPC) case management/coordination services—Rates methodology.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is adopting these rules to incorporate into rule language for the pediatric palliative care (PPC) case management/coordination services program.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.-520, and 42 C.F.R. 418.

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: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1342; Implementation and Enforcement: Pam Colyar, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1582.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendment and concludes that it

will impose no new costs on small businesses. The preparation of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Pam Colyar, Health and Recovery Services Administration, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1582, fax (360) 586-1471, e-mail colyaps@dshs.wa.gov.

July 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-551-1800 Pediatric palliative care (PPC) case management/coordination services - General. Through a hospice agency, the department's pediatric palliative care (PPC) case management/coordination services provide the care coordination and skilled care services to clients who have life-limiting medical conditions. Family members and caregivers of clients eligible for pediatric palliative care services may also receive support through care coordination when the services are related to the client's medical needs.

NEW SECTION

WAC 388-551-1810 Pediatric palliative care (PPC) case management/coordination services - Client eligibility. To receive pediatric palliative care (PPC) case management/coordination services, a person must:

- (1) Be twenty years of age or younger;
- (2) Be a current recipient of the:
 - (a) Categorically needy program (CNP);
 - (b) Limited casualty program - medically needy program (LCP-MNP);
 - (c) CNP - Alien emergency medical;
 - (d) LCP-MNP-Alien emergency medical;
 - (e) Children's health insurance program (SCHIP); and
- (3) Have a life-limiting medical condition that requires case management and coordination of medical services due to at least three of the following circumstances. The client must:
 - (a) Have immediate medical needs during a time of crisis;
 - (b) Require coordination with family member(s) and providers in more than one setting (i.e. school, home, and multiple medical offices or clinics);
 - (c) Have a life-limiting medical condition that impacts cognitive, social, and physical development;
 - (d) Have a medical condition that the family is unable to cope with;
 - (e) Have a family member(s) and/or caregiver who lacks knowledge regarding the client's medical needs; and
 - (f) Have therapeutic goals focused on quality of life, comfort, and family stability.

NEW SECTION

WAC 388-551-1820 Pediatric palliative care (PPC) contact -Services included and limitations to coverage. (1) The department's pediatric palliative care (PPC) case management/coordination services cover up to six pediatric palliative care contacts per client, per calendar month, subject to the limitations in this section and other applicable WAC.

(2) One pediatric palliative care contact consists of:

(a) One visit with a registered nurse, social worker, or therapist with the client in the client's residence to address:

- (i) Pain and symptom management;
- (ii) Psychosocial counseling; or
- (iii) Education/training.

(b) Two hours or more per month of case management or coordination services to include any combination of the following:

(i) Psychosocial counseling services (includes grief support provided to the client, client's family member(s), or client's caregiver prior to the client's death);

(ii) Establishing or implementing care conferences;

(iii) Arranging, planning, coordinating, and evaluating community resources to meet the client's needs;

(iv) Visits lasting twenty minutes or less (for example, visits to give injections, drop off supplies, or make appointments for other PPC-related services.); and

(v) Visits not provided in the client's home.

(3) The department does not pay for a pediatric palliative care contact described in subsection (2) of this section when a client is receiving services from any of the following:

(a) Home health program;

(b) Hospice program;

(c) Private duty nursing (private duty nursing can subcontract with PPC to provide services)/medical intensive care;

(d) Disease case management program; or

(e) Any other department program that provides similar services.

(4) The department does not pay for a pediatric palliative care contact that includes providing counseling services to a client's family member or the client's caregiver for grief or bereavement for dates of service after a client's death.

NEW SECTION

WAC 388-551-1830 How to become a department-approved pediatric palliative care (PPC) case management/coordination services provider. This section applies to department-enrolled providers who currently do not provide pediatric palliative care (PPC) services to medical assistance clients.

(1) To apply to become a department-approved provider of PPC services, a provider must:

(a) Be a department-approved hospice agency (see WAC 388-551-1300 and 388-551-1305); and

(b) Submit a letter to the department's hospice/PPC program manager requesting to become a department-approved provider of PPC and include a copy of the provider's policies and position descriptions with minimum qualifications specific to pediatric palliative care.

PROPOSED

(2) A hospice agency qualifies to provide PPC services when:

- (a) All the requirements in this section are met; and
- (b) The department provides the hospice agency with written notification.

NEW SECTION

WAC 388-551-1840 Pediatric palliative care (PPC) case management/coordination services - Provider requirements. (1) An eligible provider of pediatric palliative care (PPC) case management/coordination services must do all of the following:

- (a) Meet the conditions in WAC 388-551-1300;
- (b) Confirm that a client meets the eligibility criteria in WAC 388-551-1810 prior to providing the pediatric palliative care services;
- (c) Place in the client's medical record a written order for PPC from the client's physician;
- (d) Determine and document in the client's medical record the medical necessity for the initial and ongoing care coordination of pediatric palliative care services;
- (e) Prescribe and document in the client's medical record:
 - (i) A palliative plan of care (POC) (a written document based on assessment of a client's individual needs that identifies services to meet those needs).
 - (ii) The medical necessity for those services to be provided in the client's residence; and
 - (iii) Discharge planning.
- (f) Provide medically necessary skilled interventions and psychosocial counseling services by qualified interdisciplinary hospice team members;
- (g) Assign and make available a PPC case manager (nurse, social worker or therapist) to implement care coordination with community-based providers to assure clarity, effectiveness, and safety of the client's POC;
- (h) Complete and fax the Pediatric Palliative Care (PPC) Referral and 5-Day Notification form (DSHS 13-752) to the department's PPC program manager within five working days from date of occurrence of the client's:
 - (i) Date of enrollment in PPC.
 - (ii) Discharge from the hospice agency or PPC program when the client:
 - (A) No longer meets PPC criteria;
 - (B) Is able to receive all care in the community;
 - (C) Does not require any services for sixty days; or
 - (D) Discharges from the PPC program and enrolls in the department's hospice program.
 - (iii) Transfer to another hospice agency.
 - (iv) Death.
- (i) Maintain the client's file which includes the POC, visit notes, and all of the following:
 - (i) The client's start of care date and dates of service;
 - (ii) Discipline and services provided (in-home or place of service);
 - (iii) Case management activity and documentation of hours of work; and
 - (iv) Specific documentation of the client's response to the palliative care and the client's and/or client's family's

response to the effectiveness of the palliative care (e.g. would the client have required acute care or hospital emergency room visits without the pediatric palliative care services).

(j) Provide when requested by the department's PPC program manager, a copy of the client's POC, visit notes, and any other documents listing the information identified in subsection (1)(i) of this section.

(2) If the department determines the POC, visit notes, and/or other required information do not meet the criteria for a client's PPC eligibility or does not justify the billed amount, any payment to the provider is subject to recoupment by the department.

NEW SECTION

WAC 388-551-1850 Pediatric palliative care (PPC) case management/coordination services - Rates methodology. (1) The department determines the reimbursement rate for a pediatric palliative care (PPC) contact described in WAC 388-551-1820 using the average of statewide Metropolitan Statistical Area (MSA) home health care rates for skilled nursing, physical therapy, speech-language therapy and occupational therapy.

(2) The department makes adjustments to the reimbursement rate for PPC contacts when the legislature grants a venter rate change. New rates become effective as directed by the legislature and are effective until the next rate change.

(3) The reimbursement rate for authorized out-of-state PPC services is the same as the in-state non-MSA rate.

WSR 05-15-149

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 19, 2005, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-114.

Title of Rule and Other Identifying Information: Part 1 of 3, amending WAC 388-551-1000 Hospice program, 388-551-1010 Hospice definitions, 388-551-1200 Client eligibility for hospice care, 388-551-1210 Services included in the hospice daily rate, 388-551-1300 How to become a MMA hospice provider, 388-551-1310 Certifications (election periods) for hospice clients and 388-551-1320 Hospice plan of care; and new section WAC 388-551-1305 Requirements for becoming a department-approved hospice care center (HCC).

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 24, 2005.

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

10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS is amending these rules to incorporate language from contracts with hospice care centers (HCCs) into chapter 388-551 WAC, Hospice services; to clarify and update hospice services definitions and rules; and to provide a standard for medically appropriate and fiscally responsible utilization.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09-520, and 42 C.F.R. 418.

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: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1342; Implementation and Enforcement: Pam Colyar, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1582.

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July 15, 2005

Andy Fernando, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1000 Hospice program - General. (1) The department's hospice program is a twenty-four hour a day program ((e)ordinated by a hospice interdisciplinary team) that allows a terminally ill client to choose physical, pastoral/spiritual, and psychosocial comfort care rather than cure. ((The hospice program allows the terminally ill client to choose physical, pastoral/spiritual, and psychosocial comfort rather than cure.)) A hospice interdisciplinary team communicates with the client's nonhospice care providers to ensure the client's needs are met through the hospice plan of care. Hospitalization is used only for acute symptom management.

(2) ~~((Hospice care is initiated by the choice of))~~ A client, ((family, or)) a physician, or an authorized representative under RCW 7.70.065 may initiate hospice care. The client's physician must certify ~~((a))~~ the client as terminally ill and appropriate for hospice care.

(3) ~~Hospice care ((may be))~~ is provided in a client's temporary or permanent place of residence.

(4) ~~Hospice care ((is ended by the client or family (revocation), the hospice agency (discharge), or death))~~ ends when:

(a) The client or an authorized representative under RCW 7.70.065 revokes the hospice care;

(b) The hospice agency discharges the client;

(c) The client's physician determines hospice care is no longer appropriate; or

(d) The client dies.

(5) ~~((Bereavement care is provided to the family of the client who chooses hospice care. It provides emotional and spiritual comfort associated with the death of a hospice client))~~ Hospice care includes the provision of emotional and spiritual comfort and bereavement support to the client's family member(s).

(6) Department-approved hospice agencies must meet the general requirements in chapter 388-502 WAC, Administration of medical programs - Providers.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1010 Hospice program - Definitions.

The following definitions and abbreviations and those found in WAC 388-500-0005, Medical definitions ~~((have the following meanings for)),~~ apply to this subchapter. ((Defined words and phrases are bolded in the text.))

"Authorized representative" means an individual who has been authorized to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated. See RCW 7.70.065.

"Biologicals" means medicinal preparations including serum, vaccine autotoxins, and biotechnological drugs made from living organisms and their products.

"Brief period" means six days or less within a thirty consecutive-day period.

~~((("CSO") "Community services office (CSO) means ((the client's community services office of the department's economic services administration)) an office of the department that administers social and health services at the community level.~~

"Discharge" means an agency ends hospice care for a client. ~~((See WAC 388-551-1350 for details.))~~

"Election period" means the time, ninety or sixty days, that the client is certified as eligible for and chooses to receive hospice care. ~~((See WAC 388-551-1310 for details.))~~

"Family" means ~~((any person(s) important to the client, as defined by the client))~~ an individual or individuals who are important to, and designated in writing by, the client and need not be relatives, or who are legally authorized to represent the client.

"HCS" means the client's home and community services office of the aging and adult services administration.

"Hospice interdisciplinary team" means the following health professionals who plan and deliver hospice care to a client as appropriate under the direction of a certified physician: Home health aides monitored by a registered nurse, therapists (physical, occupational, speech language), registered nurses, physicians, social workers, counselors, volunteers, and others as necessary.) "Home and community services (HCS) office" means an aging and disability services administration (ADSA) office that manages the state's comprehensive long-term care system which provides in-home, residential, and nursing home services to clients with functional disabilities.

"Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW who, under the direction and supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist, assists in the delivery of nursing or therapy related activities, or both, to patients of a hospice agency, or hospice care center.

"Home health aide services" means services provided by home health aides employed by an in-home services agency licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in client's conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

"Hospice agency" means a person or entity administering or providing hospice services directly or through a contract arrangement to individuals in places of temporary or permanent residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and volunteer. (Note: For the purposes of this subchapter, requirements for hospice agencies also apply to hospice care centers.)

"Hospice care center" means a homelike noninstitutional facility where hospice services are provided, and that meets the requirements for operation under RCW 70.127.280 and applicable rules.

"Hospice services" means symptom and pain management provided to a terminally ill individual, and emotional, spiritual, and bereavement support for the individual and individual's family in a place of temporary or permanent residence.

"Interdisciplinary team" means the group of individuals involved in client care providing hospice services or hospice care center services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor, and volunteer.

"Legal representative" means an individual who has been authorized under state law to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated.

"Palliative" means medical treatment designed to reduce pain or increase comfort, rather than cure.

"Plan of care." ((See WAC 388-551-1320 for details)) means a written document based on assessment of client needs that identifies services to meet these needs.

"Related condition(s)" means any health condition(s) that manifests secondary to or exacerbates symptoms associated with the progression of the condition and/or disease, the treatment being received, or the process of dying. (Examples of related conditions: Medication management of nausea and vomiting secondary to pain medication; skin breakdown prevention/treatment due to peripheral edema.)

"Residence" means ((where the client lives for an extended period of time)) a client's home or place of living.

"Revoke" ((and) or "revocation" ((mean a client or family member's)) means the choice to stop receiving hospice care. ((See WAC 388-551-1220 for details.))

"Terminally ill" means the client has a life expectancy of six months or less, assuming the client's disease process runs its natural course.

"Twenty-four-hour day" means a day beginning and ending at midnight.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1200 Client eligibility for hospice care. (1) A client who elects to receive hospice care must be eligible for one of the following ~~((Medicaid))~~ medical assistance programs ((to receive hospice care)), subject to the restrictions and limitations in this chapter and other WAC:

- (a) Categorically needy program (CNP);
- (b) ~~((General assistance—disability determination pending (GAX);~~
- (~~e~~)) Limited casualty program - medically needy program (LCP-MNP); ~~((e~~
- (~~d~~)) (c) Children's health (V);
- (d) State children's health insurance program (SCHIP);
- (e) CNP - Alien emergency medical;
- (f) LCP-MNP - Alien emergency medical; or
- (g) General assistance-expedited disability (GAX).
- (2) ~~((An eligible Medicaid client who voluntarily chooses hospice care must be certified by a physician as terminally ill before MAA pays for hospice care))~~ A hospice agency is responsible to verify a client's eligibility with the client or the client's home and community services (HCS) office or community services office (CSO).

(3) ~~((Clients enrolled in one of MAA's healthy options managed care plans receive all hospice services directly through their plan. The managed care plan must arrange or provide all hospice services for a managed care client))~~ A client enrolled in one of the department's managed care plans must receive all hospice services, including facility room and board, directly through that plan. The client's managed care plan is responsible for arranging and providing all hospice services for a client enrolled in a managed care plan.

(4) ~~((Hospice clients attain institutional status as described in WAC 388-513-1320 when they elect and are certified for hospice care. See WAC 388-513-1380 for the client's financial participation requirements))~~ A client who is also eligible for Medicare part A is not eligible for hospice care through the department's hospice program. The depart-

ment does pay hospice nursing facility room and board for these clients if the client is admitted to a nursing facility or hospice care center (HCC) and is not receiving general inpatient care or inpatient respite care. See also WAC 388-551-1530.

(5) A client who meets the requirements in this section is eligible to receive hospice care through the department's hospice program when all of the following is met:

(a) The client's physician certifies the client has a life expectancy of six months or less.

(b) The client elects to receive hospice care and agrees to the conditions of the "election statement" as described in WAC 388-551-1310.

(c) The hospice agency serving the client:

(i) Notifies the department's hospice program within five working days of the admission of all clients, including:

(A) Medicaid-only clients;

(B) Medicaid-Medicare dual eligible clients;

(C) Medicaid clients with third party insurance; and

(D) Medicaid-Medicare dual eligible clients with third party insurance.

(ii) Meets the hospice agency requirements in WAC 388-551-1300 and 388-551-1305.

(d) If the client is a Medicaid-only client (i.e., not a medicaid-Medicare dual eligible client) and has a diagnosis other than cancer, the client's initial assessment has been reviewed and approved by the department (see WAC 388-551-1320).

(e) The hospice agency provides additional information for a diagnosis when the department requests and determines, on a case-by-case basis, the information that is needed for further review.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1210 Covered services ((~~included in~~)), including core services and supplies reimbursed through the hospice daily rate. (1) ~~((In the client's individual plan of care, the hospice interdisciplinary team identifies the specific Hospice services and supplies to be provided to the client))~~ The department reimburses a hospice agency for providing covered services, including core services and supplies described in this section, through the department's hospice daily rate, subject to the conditions and limitations described in this section and other WAC.

~~(2) ((The services must be all of the following))~~ To qualify for reimbursement, covered services, including core services and supplies in the hospice daily rate, must be:

~~(a) ((Medically necessary for palliative care))~~ Related to the client's hospice diagnosis;

~~(b) ((Related to the client's terminal illness))~~ Identified by the client's hospice interdisciplinary team;

~~(c) ((Prescribed by the client's attending physician, alternate physician, or hospice medical director))~~ Written in the client's plan of care (POC); and

~~(d) ((Supplied or arranged for by the hospice provider; and~~

~~(e) Included in the client's plan of care))~~ Made available to the client by the hospice agency on a twenty-four hour basis.

~~(3) ((The following intermittent services and supplies, paid by MAA's hospice daily rate, must be available from and offered by the hospice provider for the client as determined by the client's hospice interdisciplinary team:~~

~~(a) Medical equipment and supplies that are medically necessary for palliative care;~~

~~(b) Drugs and biologicals used primarily for the relief of pain and management of symptoms;~~

~~(c) Home health aide services furnished by qualified aides of the hospice agency. A registered nurse must complete a home site supervisory visit every two weeks to assess aide services provided;~~

~~(d) Physical therapy, occupational therapy, and speech-language therapy to manage symptoms or enable the client to safely perform ADLs (activities of daily living) and basic functional skills;~~

~~(e) Physician services related to administration of the plan of care;~~

~~(f) Nursing care provided through the hospice agency by either:~~

~~(i) A registered nurse; or~~

~~(ii) A licensed practical nurse under the supervision of a registered nurse;~~

~~(g) Medical social services provided through the hospice agency by a social worker under the direction of a physician;~~

~~(h) Counseling services provided through the hospice agency to the client and his or her family members or caregivers;~~

~~(i) Medical transportation services; and~~

~~(j) Short term, inpatient care, provided in a Medicare-certified hospice inpatient unit, hospital, or nursing facility))~~

The hospice daily rate includes the following core services that must be either provided by hospice agency staff, or contracted through a hospice agency, if necessary, to supplement hospice staff in order to meet the needs of a client during a period of peak patient loads or under extraordinary circumstances:

(a) Physician services related to the administration of POC.

(b) Nursing care provided by:

(i) A registered nurse (RN); or

(ii) A licensed practical nurse (LPN) under the supervision of an RN.

(c) Medical social services provided by a social worker under the direction of a physician.

(d) Counseling services provided to a client and the client's family members or caregivers.

(4) Covered services and supplies may be provided by a service organization or an individual provider when contracted through a hospice agency. To be reimbursed the hospice daily rate, a hospice agency must:

(a) Assure all contracted staff meets the regulatory qualification requirements;

(b) Have a written agreement with the service organization or individual providing the services and supplies; and

(c) Maintain professional, financial, and administrative responsibility.

(5) The following covered services and supplies are included in the appropriate hospice daily rate as described in

WAC 388-551-1510(6), subject to the conditions and limitations described in this section and other WAC:

- (a) Skilled nursing care;
 (b) Drugs, biologicals, and over-the-counter medications used for the relief of pain and symptom control of a client's terminal illness and related conditions;
 (c) Communication with nonhospice providers about care not related to the client's terminal illness to ensure the client's plan of care needs are met and not compromised;
 (d) Medical equipment and supplies that are medically necessary for the palliation and management of a client's terminal illness and related conditions;
 (e) Home health aide, homemaker, and/or personal care services that are ordered by a client's physician and documented in the POC. (Home health aide services are provided through the hospice agency to meet a client's extensive needs due to the client's terminal illness. These services must be provided by a qualified home health aide and are an extension of skilled nursing or therapy services. See 42 CFR 484.36);
 (f) Physical therapy, occupational therapy, and speech-language therapy to manage symptoms or enable a client to safely perform ADLs (activities of daily living) and basic functional skills;
 (g) Medical transportation services;
 (h) A brief period of inpatient care, for general or respite care provided in a Medicare-certified hospice care center, hospital, or nursing facility; and
 (i) Other services or supplies that are documented as necessary for the palliation and management of a client's terminal illness and related conditions;
 (6) A hospice agency is responsible to determine if a nursing facility has requested authorization for medical supplies or medical equipment, including wheelchairs, for a client who becomes eligible for the hospice program. The department does not pay separately for medical equipment or supplies that were previously authorized by the department and delivered on or after the date the department enrolls the client in the hospice program.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1300 (~~How to become a MAA~~) Requirements for a department-approved hospice (~~provider~~) agency. (1) To (~~be reimbursed by MAA, a~~) become a department-approved hospice agency (~~must be~~;

~~(a)), the department requires a hospice agency to provide documentation that it is Medicare, Title XVIII certified(, and~~

~~(b) Enrolled with MAA as a provider of hospice care) by the department of health (DOH) as a hospice agency.~~

~~(2) (All services provided through a hospice agency must be performed by qualified personnel as required through Medicare's certification process in effect as of February 1, 1999. For more information on Medicare certifications, contact:~~

Department of Health
 Hospice Certification Program
 Mailstop 47852
 Olympia, Washington, 98504-7852-))

A department-approved hospice agency must at all times meet the requirements in chapter 388-551 WAC, subchapter I, Hospice services, and the requirements under the Title XVIII Medicare Program.

(3) ((Freestanding hospice agencies licensed as hospitals by the department of health must sign an additional selective contract with MAA to receive payment from MAA)) To ensure quality of care for medical assistance client's, the department's clinical staff may conduct hospice agency site visits.

NEW SECTION

WAC 388-551-1305 Requirements for becoming a department-approved hospice care center (HCC). (1) To apply to become a department-approved hospice care center, the department requires a hospice agency to:

- (a) Be enrolled with the department as a department hospice agency (see WAC 388-551-1300);
 (b) Submit a letter of request to:

Hospice Program Manager
 Division of Medical Management
 Department of Social and Health Services
 PO Box 45506
 Olympia, WA 98504-5506; and

(c) Include documentation that confirms the agency is Medicare certified by department of health (DOH) as a hospice care center and provides one or more of the following levels of hospice care (levels of care are described in WAC 388-551-1500):

- (i) Routine home care;
 (ii) Inpatient respite care; and
 (iii) General inpatient care.

(2) A department-approved hospice care center must at all times meet the requirements in chapter 388-551 WAC, subchapter I, Hospice services, and the requirements under the Title XVIII Medicare Program.

(3) A hospice agency qualifies as a department-approved hospice care center when:

- (a) All the requirements in this section are met; and
 (b) The department provides the hospice agency with written notification.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1310 (~~Certifications (election periods) for hospice clients~~) Hospice election periods, election statements, and the hospice certification process. ((A client chooses to receive Hospice care through a series of time limited periods, called "election periods." An example of this process is WAC 388-551-1315. Hospice providers are responsible for obtaining physician certifications for these election periods:

~~(1) A client's hospice coverage must be available for two initial ninety day election periods followed by an unlimited number of succeeding sixty day election periods.~~

~~(2) The hospice provider must document the client's medical prognosis of a specific terminal illness in the client's~~

~~hospice record. This written certification must be filed in the client's hospice record for each election period. The certification must meet all of the following criteria:~~

~~(a) For the initial election period, signatures of the hospice medical director and the client's attending physician; and~~

~~(b) For subsequent election periods:~~

~~(i) Signature of the hospice medical director; and~~

~~(ii) Verbal certifications by the hospice medical director or the client's attending physician must be documented in writing no later than two calendar days after hospice care is initiated or renewed.~~

~~(3) The provider must file election statements in the client's hospice medical record. This election statement must include:~~

~~(a) Name and address of the hospice;~~

~~(b) Proof that client was fully informed about hospice care and waiver of other services;~~

~~(c) Effective date of the election; and~~

~~(d) Signature of the client or their representative.~~

~~(4) When a client's hospice coverage ends within an election period, the remainder of that election period is forfeited.)~~

~~(1) Hospice coverage is available for two ninety-day election periods followed by an unlimited number of sixty-day election periods. A client or a client's authorized representative must sign an election statement to initiate or reinstate an election period for hospice care.~~

~~(2) The election statement must be filed in the client's hospice medical record within two calendar days following the day the hospice care begins and requires all of the following:~~

~~(a) Name and address of the hospice agency that will provide the care;~~

~~(b) Documentation that the client is fully informed and understands hospice care and waiver of other Medicaid and/or Medicare services;~~

~~(c) Effective date of the election; and~~

~~(d) Signature of the client or the client's authorized representative.~~

~~(3) The following describes the hospice certification process:~~

~~(a) At the time a client elects to receive hospice care, the department requires a hospice agency to:~~

~~(i) Obtain a signed written certification of the client's terminal illness; or~~

~~(ii) Document in the client's medical file that a verbal certification was obtained and follow up a documented verbal certification with a written certification signed by:~~

~~(A) The medical director of the hospice agency or a physician staff member of the interdisciplinary team; and~~

~~(B) The client's attending physician (if the client has one).~~

~~(iii) Place the signed written certification of the client's terminal illness in the client's medical file:~~

~~(A) Within sixty days following the day the hospice care begins; and~~

~~(B) Before billing the department for the hospice services.~~

~~(b) For subsequent election periods, the department requires the hospice agency to:~~

~~(i) Obtain a signed written certification statement of the client's terminal illness; or~~

~~(ii) Document in the client's medical file that a verbal certification was obtained and follow up a documented verbal certification with a written certification signed by the medical director of the hospice agency or a physician staff member of the hospice agency; and~~

~~(iii) Place the written certification of the client's terminal illness in the client's medical file:~~

~~(A) Within two calendar days following the beginning of a subsequent election period; and~~

~~(B) Before billing the department for the hospice services.~~

~~(4) When a client's hospice coverage ends within an election period (e.g., the client revokes hospice care), the remainder of that election period is forfeited. The client may reinstate the hospice benefit at any time by providing an election statement and meeting the certification process requirements.~~

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1320 Hospice plan of care. (1) ~~((The))~~ A hospice agency must establish ~~((the client's hospice plan of care))~~ a written plan of care (POC) for a client that describes the hospice care to be provided. The POC must be in accordance with ~~((Medicare))~~ department of health (DOH) requirements ~~((before hospice services are delivered. Hospice services delivered must be consistent with that plan of care))~~ as described in WAC 246-335-985, and meet the requirements in this section.

(2) A registered nurse or physician must conduct an initial physical assessment of ~~((the))~~ a client and ~~((must))~~ develop the ~~((plan of care))~~ POC with at least one other member of the hospice interdisciplinary team.

(3) ~~((The hospice interdisciplinary team))~~ At least two other hospice interdisciplinary team members must review ~~((in a case planning conference))~~ the ~~((plan of care,))~~ POC no later than two working days after it is developed.

(4) The ~~((plan of care))~~ POC must be reviewed and updated every two weeks by at least three members of the hospice interdisciplinary team ~~((, including))~~ that includes at least:

(a) A registered nurse;

(b) A social worker; and

(c) One other hospice interdisciplinary team member.

~~((5) Also see WAC 246-331-135 for the department of health's plan of care requirements.))~~

WSR 05-15-150

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 19, 2005, 4:26 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-07-114.

PROPOSED

Title of Rule and Other Identifying Information: Part 2 of 3, amending WAC 388-551-1330 Hospice coordination of care, 388-551-1340 When a client leaves hospice without notice, 388-551-1350 Discharges from hospice care, 388-551-1360 Ending hospice care (revocations), 388-551-1370 When a hospice client dies, 388-551-1400 Hospice providers must notify the department, 388-551-1500 Availability requirements for hospice care, 388-551-1510 Payment method for hospice providers, 388-551-1520 Payment method for nonhospice providers, 388-551-1530 Payment method for Medicaid-Medicare dual eligible clients; and repealing WAC 388-551-1315 Example of how hospices client certifications (election periods) work and 388-551-1410 Hospice providers must notify institutional providers.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane, behind Goodyear Tire. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097, on August 23, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than August 24, 2005.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail fernaax@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m., August 23, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by August 19, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at schilse@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS is amending these rules to incorporate language from contracts with hospice care centers (HCCs) into chapter 388-551 WAC, Hospice services; to clarify and update hospice services definitions and rules; to provide a standard for medically appropriate and fiscally responsible utilization; and to allow stabilization of reimbursement payments for hospice services provided to medical assistance clients. Also, to repeal outdated sections in chapter 388-551 WAC regarding election periods and notification requirements.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Statute Being Implemented: RCW 74.08.090, 74.09.520, and 42 C.F.R. 418.

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: Kathy Sayre, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1342; Implementation and Enforcement: Pam Colyar, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1582.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the proposed rule amendment and concludes that it will impose no new costs on small businesses. The prepara-

tion of a comprehensive small business economic impact statement is not required.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Pam Colyar, Health and Recovery Services Administration, P.O. Box 45506, Olympia, WA 98504-5506, phone (360) 725-1582, fax (360) 586-1471, e-mail colyaps@dshs.wa.gov.

July 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1330 Hospice (~~coordination of care~~) - Client care and responsibilities of hospice agencies. (1) (~~Once a client chooses hospice care from a hospice agency, that client gives up the right to:~~

(a) ~~Covered Medicaid hospice services and supplies received at the same time from another hospice agency; and~~

(b) ~~Any covered Medicaid services and supplies received from any other provider and which are related to the terminal illness.~~

(2) ~~Services and supplies not covered by the Medicaid hospice benefit are paid separately, if covered under the client's Medicaid eligibility. These services include but are not limited to:~~

(a) ~~COPES (community options program entry system) as determined and paid by the department's aging and adult services administration (AASA); and~~

(b) ~~Medically intensive home care program (MIHCP) as determined by the department's division of developmentally disabled.~~

(3) ~~Clients eligible for coordinated community aids services alternatives (CCASA) are not eligible for hospice coverage.~~

(4) ~~The hospice provider must coordinate all the client's medical management for the terminal illness.~~

(5) ~~All of the client's providers, including the hospice provider, must coordinate:~~

(a) ~~The client's health care; and~~

(b) ~~Services available from other department programs, such as COPES)) A hospice agency must facilitate a client's continuity of care with nonhospice providers to ensure that medically necessary care, both related and not related to the terminal illness, is met. This includes:~~

(a) Determining if the department has approved a request for prescribed medical equipment, such as a wheelchair. If the prescribed item is not delivered to the client before the client becomes covered by a hospice agency, the department will rescind the approval. See WAC 388-543-1500.

(b) Communicating with other department programs and documenting the services a client is receiving in order to prevent duplication of payment and to ensure continuity of care. Other department programs include, but are not limited to, programs administered by the aging and disability services administration (ADSA).

(c) Documenting each contact with nonhospice providers.

(2) When a client resides in a nursing facility, the hospice agency must:

(a) Coordinate the client's care with all providers, including pharmacies and medical vendors; and

(b) Provide the same level of hospice care the hospice agency provides to a client residing in their home.

(3) Once a client chooses hospice care, hospice agency staff must notify and inform the client of the following:

(a) By choosing hospice care from a hospice agency, the client gives up the right to:

(i) Covered Medicaid hospice service and supplies received at the same time from another hospice agency; and

(ii) Any covered Medicaid services and supplies received from any other provider that are necessary for the palliation and management of the terminal illness and related medical conditions.

(b) Services and supplies are not paid through the hospice daily rate if they are:

(i) Proven to be clinically unrelated to the palliation and management of the client's terminal illness and related medical conditions (see WAC 388-551-1210(3));

(ii) Not covered by the hospice daily rate;

(iii) Provided under a Title XIX Medicaid program when the services are similar or duplicate the hospice care services; or

(iv) Not necessary for the palliation and management of the client's terminal illness and related medical conditions.

(4) A hospice agency must have written agreements with all contracted providers.

Hospice - Discharges and Notification

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1340 When a client leaves hospice without notice. When a client chooses to leave hospice care or refuses hospice care without giving the hospice ((~~pro~~vider)) agency a revocation statement, as required by WAC 388-551-1360, the hospice ((~~pro~~vider)) agency must do all of the following:

(1) ((~~Notify MAA's hospice coordinator~~)) Within five working days of becoming aware of the client's decision, inform and notify in writing the department's hospice program manager (see WAC 388-551-1400 for further requirements);

(2) ((~~Stop billing MAA for hospice payment~~)) Complete a Medicaid Hospice 5-Day Notification form (DSHS 13-746) and forward a copy to the appropriate home and community services (HCS) office or community services office (CSO) to notify that the client is discharging from the program;

(3) Notify the client, or the client's authorized representative, that the client's discharge has been reported to ((MAA)) the department; and

(4) Document the effective date and details of the discharge in the client's hospice record.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1350 Discharges from hospice care.

(1) A hospice ((~~pro~~vider)) agency may discharge a client from hospice care when the client:

((~~(1)~~)) (a) Is no longer certified for hospice care;

((~~(2)~~)) (b) Is no longer appropriate for hospice care; or

((~~(3)~~ Seeks)) (c) The hospice agency's medical director determines the client is seeking treatment for the terminal illness ((~~from~~)) outside the plan of care (POC) ((as defined by the hospice interdisciplinary team)).

(2) At the time of a client's discharge, a hospice agency must:

(a) Within five working days, complete a Medicaid Hospice 5-Day Notification form (DSHS 13-746) and forward to the department's hospice program manager (see WAC 388-551-1400 for additional requirements), and a copy to the appropriate home and community services office (HCS) or community services office (CSO);

(b) Keep the discharge statement in the client's hospice record;

(c) Provide the client with a copy of the discharge statement; and

(d) Inform the client that the discharge statement must be:

(i) Presented with the client's current medical identification (medical ID) card when obtaining Medicaid covered healthcare services or supplies, or both; and

(ii) Used until the department issues the client a new medical ID card that identifies that the client is no longer a hospice client.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1360 Ending hospice care (revocations). (1) A client or a ((family member)) client's authorized representative may choose to stop hospice care at any time by signing a revocation statement.

(2) The revocation statement documents the client's choice to stop Medicaid hospice care. The revocation statement must include all of the following:

(a) Client's signature (or the client's authorized representative's signature if the client is unable to sign);

(b) Date the revocation was signed; and

(c) Actual date that the client chose to stop receiving hospice care.

(3) The hospice agency must keep any explanation supporting any difference in the signature and revocation dates in the client's hospice records.

(4) When a client revokes hospice care, the hospice agency must ((keep the revocation statement in the client's hospice record));

(a) Within five working days of becoming aware of the client's decision, inform and notify in writing the department's hospice program manager (see WAC 388-551-1400 for additional requirements);

(b) Notify the appropriate home and community services (HCS) office or community services office (CSO) of the revocation by completing and forwarding a copy of the Med-

icaid Hospice 5-Day Notification form (DSHS 13-746) to the appropriate home and community services (HCS) office or community services office (CSO);

(c) Keep the revocation statement in the client's hospice record;

(d) Provide the client with a copy of the revocation statement; and

(e) Inform the client that the revocation statement must be:

(i) Presented with the client's current medical identification (medical ID) card when obtaining Medicaid covered healthcare services or supplies, or both; and

(ii) Used until the department issues a new medical ID card that identifies that the client is no longer a hospice client.

(5) After a client revokes hospice care, the remaining days ((~~0~~)) within the current election period are forfeited. The client may immediately enter the next consecutive election period ((~~immediately~~)). The client does not have to wait for the forfeited days to pass before entering the next consecutive election period.

((Hospice—Notification))

NEW SECTION

WAC 388-551-1370 When a hospice client dies.

When a client dies, the hospice agency must:

(1) Within five working days, inform and notify in writing the department's hospice program manager; and

(2) Notify the appropriate home and community services (HCS) office or community services office (CSO) of the client's date of death by completing and forwarding a copy of the Medicaid Hospice 5-Day Notification form (DSHS 13-746) to the appropriate HCS office or CSO.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1400 ((Hospice providers must notify the department)) Notification requirements for hospice agencies. (1) ((~~Notification within five working days avoids duplicative payments for services related to a client's terminal illness. Hospice providers must notify the MAA hospice coordinator, and either the client's CSO or HCS as appropriate.~~)

~~(2) Hospice providers must report any changes in the client's hospice status within five working days from when a MAA client:~~

~~(a) Begins the first day of hospice care;~~

~~(b) Changes hospice agencies. Clients may change hospice agencies only once per election period. Both the old and new hospice providers must supply the department as described in subsection (1) of this section with:~~

~~(i) The effective date of discharge from the old agency; and~~

~~(ii) The effective date of the admit to, the name of, and the provider number of the new agency;~~

~~(e) Revokes the hospice benefit (home or institutional);~~

~~(d) Discharges from hospice care;~~

~~(e) Becomes an institutional facility resident;~~

~~(f) Leaves an institutional facility as a resident; or~~

~~(g) Dies.~~

~~(3) A hospice agency must submit a client's assessment to MAA within five working days of MAA's request for that assessment)) To be reimbursed for providing hospice services, the hospice agency must complete a Medicaid Hospice 5-Day Notification form (DSHS 13-746) and forward to the department's hospice program manager within five working days from when a medical assistance client begins the first day of hospice care, or has a change in hospice status. The hospice agency must notify the department's hospice program of:~~

~~(a) The name and address of the hospice agency;~~

~~(b) The date of the client's first day of hospice care;~~

~~(c) A change in the client's primary physician;~~

~~(d) A client's revocation of the hospice benefit (home or institutional);~~

~~(e) The date a client leaves hospice without notice;~~

~~(f) A client's discharge from hospice care;~~

~~(g) A client who admits to a nursing facility (this does not apply to an admit for inpatient respite care or general inpatient care);~~

~~(h) A client who discharges from a nursing facility (this does not apply to an admit for inpatient respite care or general inpatient care.);~~

~~(i) A client who is eligible for or becomes eligible for Medicare or third party liability (TPL) insurance;~~

~~(j) A client who dies; or~~

~~(k) A client who transfers to another hospice agency. Both the former agency and current agency must provide the department with:~~

~~(i) The client's name, the name of the former hospice agency servicing the client, and the effective date of the client's discharge; and~~

~~(ii) The name of the current hospice agency serving the client, the hospice agency's provider number, and the effective date of the client's admission.~~

~~(2) The department does not require a hospice agency to notify the hospice program manager when a hospice client is admitted to a hospital for palliative care.~~

~~(3) When a hospice agency does not notify the department's hospice program within five working days of the date of the client's first day of hospice care as required in subsection (1)(c) of this section, the department authorizes the hospice daily rate reimbursement effective the fifth working day prior to the date of notification.~~

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1500 ((A availability requirements for)) Hospice daily rate - Four levels of hospice care. All services, supplies and equipment related to the client's terminal illness and related conditions are included in the hospice daily rate ((~~through~~)). The department pays for only one of the following four levels of hospice care per day (see WAC 388-551-1510 for payment methods):

(1) Routine home care ((~~for each day the client is at their residence, with no restriction on length or frequency of visits,~~)). Routine home care includes daily care administered to the client at the client's residence. The services are not

restricted in length or frequency of visits, are dependent on the client's needs, and are provided to achieve palliation or management of acute symptoms.

(2) Continuous home care ~~((is acute episodic care received by the client to maintain the client at home and addresses a brief period of medical crisis. Continuous care consists predominately of nursing care. This benefit)).~~ Continuous home care includes acute skilled care provided to an unstable client during a brief period of medical crisis in order to maintain the client in the client's residence and is limited to:

- (a) A minimum of eight hours of acute care provided during a twenty-four-hour day;
- (b) Nursing care that must be provided by a registered or licensed practical nurse for more than half the period of care; ~~((and))~~
- (c) Homemaker, home health aide, and attendant services that may be provided as supplements to the nursing care; and
- (d) In home care only (not care in a nursing facility or a hospice care center).

(3) Inpatient respite care. Inpatient respite ~~((is))~~ care ~~((received in an approved))~~ includes room and board services provided to a client in a department-approved hospice care center, nursing facility, or hospital. Respite care is intended to ~~((relieve))~~ provide relief to the client's primary caregiver ~~((This benefit))~~ and is limited to:

- (a) No more than ~~((five))~~ six consecutive days; and
- (b) A client not currently residing in a hospice care center, nursing facility, or hospital.

(4) General inpatient hospice care ~~((is)).~~ General inpatient hospice care includes services administered to a client for pain ~~((and symptom management that cannot be provided in other settings))~~ control or management of acute symptoms. In addition:

- (a) The services must conform to the client's written plan of care (POC).
- (b) This benefit is limited to brief periods of care in ~~((MAA))~~ department-approved:
 - (i) Hospitals;
 - (ii) Nursing facilities; or
 - (iii) Hospice ~~((inpatient facilities))~~ care centers.

(b) There must be documentation in the client's medical record to support the need for general inpatient level of hospice care.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1510 Rates methodology and payment method for hospice ~~((providers))~~ agencies. This section describes rates methodology and payment methods for hospice care provided ~~((under WAC 388-551-1500))~~ to hospice clients.

(1) ~~((Prior to submitting a claim to MAA, the hospice provider must file written certification in the client's hospice record per WAC 388-551-1310))~~ The department uses the same rates methodology as Medicare uses for the four levels of hospice care identified in WAC 388-551-1500.

(2) ~~((MAA may pay for Hospice care provided to clients in one of the following settings:~~

- ~~((a) A client's residence;~~
- ~~((b) Inpatient respite services; or~~
- ~~((c) General inpatient as follows:~~

day of	paid at
Admit	General Inpatient
Brief Period	General Inpatient
Death	General Inpatient
Other Discharge	Routine

)) Each of the four levels of hospice care has the following three rate components:

- (a) Wage component;
- (b) Wage index; and
- (c) Unweighted amount.

(3) ~~((To be paid by MAA, the hospice provider must provide and/or coordinate MAA covered:~~

- ~~((a) Medicaid hospice services; and~~
- ~~((b) Services that relate to the client's terminal illness at the time of the hospice admit))~~ To allow hospice payment rates to be adjusted for regional differences in wages, the department bases payment rates on the Metropolitan Statistical Area (MSA) county location. MSAs are identified in the department's current published billing instructions.

(4) ~~((MAA does not pay hospice providers for the client's last day, except for the day of death))~~ Payment rates for:

- (a) Routine and continuous home care services are based on the county location of the client's residence.
- (b) Inpatient respite and general inpatient care services are based on the MSA county location of the providing hospice agency.

(5) ~~((Hospice providers must bill MAA for their services using hospice specific revenue codes))~~ The department pays hospice agencies for services (not room and board) at a daily rate calculated as follows:

- (a) Payments for services delivered in a client's residence (routine and continuous home care) are based on the county location of the client's residence; or
- (b) Payments for respite and general inpatient care are based on the county location of the providing hospice agency.

(6) ~~((MAA pays hospice providers for services (not room and board) at a daily rate calculated by one of the following methods and adjusted for current wages:~~

- ~~((a) Payments for services delivered in a client's residence (routine and continuous home care) are based on the county location of the client's residence for that particular client; or~~
- ~~((b) Payments for respite and general inpatient care are based on the county location of the providing hospice agency))~~ The department:

- (a) Pays for routine hospice care, continuous home care, respite care, or general inpatient care for the day of death;
- (b) Does not pay room and board for the day of death; and
- (c) Does not pay hospice agencies for the client's last day of hospice care when the last day is for the client's discharge, revocation, or transfer.

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(7) ~~((MAA pays nursing facility room and board payments to hospice agencies, not licensed as hospitals, at a day rate as follows:~~

~~(a) Directly to the hospice provider at ninety five percent of the nursing facility's lowest current Medicaid day rate;~~

~~(b) The hospice agency pays the nursing facility at a day rate no greater than the nursing facility's lowest current Medicaid daily rate; and~~

~~(c) The correct amount of the patient's participation must be:~~

~~(i) Collected by the hospice agency as directed by the department each month; and~~

~~(ii) Forwarded to the nursing facility)) Hospice agencies must bill the department for their services using hospice-specific revenue codes.~~

(8) For hospice clients in a nursing facility:

(a) ((MAA)) The department pays nursing facility room and board payments ((to free standing hospice agencies licensed as hospitals by using MAA's administrative state-wide average day rate in effect at the time the contract is signed)) at a daily rate directly to the hospice agency at ninety-five percent of the nursing facility's current Medicaid daily rate in effect on the date the services were provided; and

(b) The hospice agency pays the nursing facility at a daily rate no greater than the nursing facility's current Medicaid daily rate.

(9) ((The department pays for COPES services clients directly to the COPES provider.

(a) Patient participation in that case is paid separately to the COPES provider.

(b) Hospice providers bill MAA directly for hospice services, not the COPES program)) The department:

(a) Pays a hospice care center a daily rate for room and board based on the average room and board rate for all nursing facilities in effect on the date the services were provided.

(b) Does not pay hospice agencies or hospice care centers a nursing facility room and board payment for:

(i) A client's last day of hospice care (e.g., client's discharge, revocation, or transfer); or

(ii) The day of death.

(10) The daily rate for authorized out-of-state hospice services is the same as for in-state non-MSA hospice services.

(11) The client's notice of action (award) letter states the amount of participation the client is responsible to pay each month towards the total cost of hospice care. The hospice agency receives a copy of the award letter and:

(a) Is responsible to collect the correct amount of the client's participation if the client has any; and

(b) Must show the client's monthly participation on the hospice claim. (Hospice providers may refer to the department's current published billing instructions for how to bill a hospice claim.) If a client has a participation amount that is not reflected on the claim and the department reimburses the amount to the hospice agency, the amount is subject to recoupment by the department.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1520 Payment method for nonhospice providers. (1) ~~((Hospitals which provide inpatient care to clients in the hospice program for medical conditions not related to their terminal illness may be paid)) The department pays for hospitals that provide inpatient care to clients in the hospice program for medical conditions not related to their terminal illness according to chapter 388-550 WAC, Hospital services.~~

~~((MAA)) The department pays providers who are attending physicians ((who are)) and not employed by the hospice agency ((at their)), the usual amount through the resource based relative value scale (RBRVS) fee schedule:~~

~~(a) For direct physician care services provided to a hospice client;~~

~~(b) When the provided services are not related to the terminal illness; and~~

~~(c) When the client's providers, including the hospice ((provider)) agency, coordinate the health care provided.~~

(3) The department's aging and disability services administration (ADSA) pays for services provided to a client eligible under the community options program entry system (COPES) directly to the COPES provider.

(a) The client's monthly participation amount, if there is one, for services provided under COPES is paid separately to the COPES provider; and

(b) Hospice agencies must bill the department's hospice program directly for hospice services, not the COPES program.

AMENDATORY SECTION (Amending WSR 99-09-007, filed 4/9/99, effective 5/10/99)

WAC 388-551-1530 Payment method for Medicaid-Medicare dual eligible clients. (1) ~~((MAA)) The department does not pay for any hospice care provided to a client covered by ((part A)) Medicare part A (hospital insurance).~~

~~((MAA)) The department may pay for hospice care provided to a client:~~

~~(a) Covered by ((part B)) Medicaid part B (medical insurance); and~~

~~(b) Not covered by ((part A)) Medicare part A.~~

(3) For hospice care provided to a Medicaid-Medicare dual eligible client, hospice ((providers must)) agencies are responsible to bill:

(a) Medicare before billing ((Medicaid, except for hospice nursing facility room and board)) the department;

(b) The department for hospice nursing facility room and board;

(c) The department for hospice care center room and board; and

(d) Medicare for general inpatient care or inpatient respite care.

(4) All the limitations and requirements related to hospice care described in this ((chapter)) subchapter apply to the payments described in this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-551-1315 Example of how hospice client certifications (election periods) work.
- WAC 388-551-1410 Hospice providers must notify institutional providers.

**WSR 05-15-156
PROPOSED RULES
DEPARTMENT OF HEALTH**
[Filed July 20, 2005, 8:50 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Chapter 246-650 WAC, Newborn screening; WAC 246-650-991 Specialty clinic support fee, describes fee, allowed use, and amount.

Hearing Location(s): Washington State Department of Health, 310 Israel Road, PPE Room 153, Conference Center, Tumwater, WA 98501, on August 23, 2005, at 9:00 a.m.

Date of Intended Adoption: August 11, 2005.

Submit Written Comments to: Michael Glass, 1610 N.E. 150th, Shoreline, WA 98155, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (206) 418-5415, by August 17, 2005.

Assistance for Persons with Disabilities: Contact Juli Terao-Fast, by August 15, 2005, TTY 1-800-833-6388 or (206) 418-5537.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal increases the "clinic subsidy" fee from \$3.50 to \$6.60 to provide funds to support specialty clinics that provide essential care to prevent consequences of otherwise disabling conditions added to the newborn screening battery in 2004. The additional funds will help assure access to these critical services for infants identified through the Department of Health's newborn screening program.

Reasons Supporting Proposal: The conditions detected through newborn screening have disabling or deadly consequences unless infants receive appropriate specialty clinic care. This proposal will allow the Department of Health to collect and distribute funds to help assure access to this critical care. The proposal is in response to ESSB 6090, which was passed by the legislature during the 2005 legislative session.

Statutory Authority for Adoption: RCW 70.83.040.

Statute Being Implemented: RCW 70.83.040, chapter 518, Laws of 2005.

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

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Glass, 1610 N.E. 150th Street, Shoreline, WA 98155, (206) 418-5470.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department did not prepare a small business impact statement under chapter 19.85 RCW. The proposed rule is exempt under RCW 19.85.025(3), because the rule adjusts fees pursuant to legislative standards, in this case, the provisions of ESSB 6090.

A cost-benefit analysis is not required under RCW 34.05.328. The rule adjusts fees pursuant to legislative standards, (ESSB 6090) and is thus exempt under RCW 34.05.328 (5)(b)(vi).

July 20, 2005
M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-20-036, filed 9/29/99, effective 10/30/99)

WAC 246-650-991 Specialty clinic support fee. (1) The department has the authority under RCW 70.83.040 to collect a fee for each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia (~~and~~), congenital hypothyroidism and other disorders defined by the state board of health under RCW 70.83.020.

(2) The specialty clinic support fee is \$3.50. It is to be collected in conjunction with the screening charge from the parents or other responsible party through the facility where the screening specimen is obtained.

(3) However, effective through June 30, 2007, the department will collect an additional \$3.10 to fund specialty clinics that provide treatment services for other disorders defined by the board under RCW 70.83.020.

PROPOSED



WSR 05-15-084
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed July 15, 2005, 10:05 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services, this rule explains how the business and occupation (B&O), retail sales, and use taxes to laundries, dry cleaners, laundry pickup and delivery services, self-service laundries and dry-cleaners, and linen and uniform supply services.

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 JoAnne Gordon, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, fax (360) 586-5543, e-mail joaneg@dor.wa.gov, AND RECEIVED BY September 19, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed WAC 458-20-165 (Rule 165) incorporates provisions of chapter 514, Laws of 2005.

Reasons Supporting Proposal: Effective July 1, 2005, a portion of chapter 514, Laws of 2005, excludes from the definition of "retail sale" charges for the use of self-service laundry facilities. As a result of this exclusion, charges for the use of such facilities are no longer subject to the retailing B&O tax and the retail sales tax. However, the gross income derived from such charges is subject to the service and other activities B&O tax.

Rule 165 explains the application of excise taxes to laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services. The rule in part explains that charges for coin-operated and self-service laundry facilities are a retail sale and subject to the retailing business and occupation (B&O) tax and retail sales tax. Chapter 514, Laws of 2005, excludes such charges from the definition of a retail sale. Thus, effective July 1, 2005, charges for coin-operated and self-service laundry facilities are not subject to retail sales tax and income derived from such charges is subject to the service and other activities B&O tax.

The department adopted an emergency rule on June 30, 2005 (WSR 05-14-103), to reflect this legislative change. This rule action is being taken to amend the permanent rule.

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

Statute Being Implemented: Provisions of chapter 514, Laws of 2005.

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

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: JoAnne Gordon, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6121; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Janis P. Bianchi, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

July 14, 2005

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-23-034, filed 11/13/02, effective 12/14/02)

WAC 458-20-165 Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services. (1) **Introduction.** This ((rule)) section discusses the application of the business and occupation (B&O), retail sales, and use taxes to laundries, dry cleaners, laundry pickup and delivery services, self-service laundries and dry cleaners, and linen and uniform supply services. It also discusses the tax treatment of laundry services provided to non-profit health care facilities and income received from coin-operated laundry facilities.

Chapter 514, Laws of 2005, changed the tax reporting responsibilities of persons operating self-service or coin-operated laundry facilities. Refer to subsection (6) of this section for further information.

(2) **What is a laundry or dry cleaning service?** A "laundry or dry cleaning service" is the activity of laundering, cleaning, dying, and pressing of articles such as clothing, linens, bedding, towels, curtains, drapes, and rugs. It also includes incidental mending or repairing. The term applies to services operating their own cleaning establishments as well as those contracting with other laundry or dry cleaning services. It also includes pickup and delivery laundry services performed by persons operating in their independent capacity and not as agent for another laundry or dry cleaning service.

(a) **Sales of laundry or dry cleaning services.** The gross proceeds of sale and selling price of laundry or dry cleaning services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010. The retailing B&O and retail sales taxes also apply to sales of soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property to consumers.

The wholesaling B&O tax applies to the gross proceeds of sale from laundry or dry cleaning services performed for persons reselling these services. The seller must obtain a resale certificate from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 (Resale certificates).

(b) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale for laundry and dry cleaning services is the place the laundering or dry cleaning is performed. RCW 82.14.020(4) and 82.04.050. For example, a laundry or dry cleaning service located in Washington

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must collect sales tax from an Oregon resident who brings clothing items to the business for laundering or dry cleaning. In addition, the gross proceeds are subject to the retailing B&O tax. Even though the customer resides in Oregon, both taxes apply because the laundering or dry cleaning occurs in Washington.

(i) **Seller hiring third-party to perform services.** A customer may purchase laundry or dry cleaning services from a seller who hires another person to perform the actual cleaning activity. In such cases, the customer will drop off and pick up the clothing or other articles to be cleaned at the seller's business location. The place of sale with respect to this sale is the seller's location where the customer drops off and picks up the articles.

(ii) **Seller using agent for pickup and delivery.** If a person providing laundry or dry cleaning services uses an agent such as a hotel or a driver for pickup and delivery of the articles to be cleaned, the place of sale is the seller's location where the cleaning is performed.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles cleaned; and

(ii) Soap, bleach, fabric softener, laundry bags, hangers, and other tangible personal property that are not used in performing a laundry or dry cleaning services but are resold as tangible personal property.

(d) **Purchases subject to retail sales or use tax.** A laundry or dry cleaning business that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a laundry or dry cleaning service that are subject to retail sales tax or use tax:

(i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;

(ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture;

(iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery; and

(iv) Items given to customers without charge.

(3) **What are linen and uniform supply services?** "Linen and uniform supply services" means the activity of providing customers with a supply of clean linen, towels, uniforms, gowns, protective apparel, clean room apparel, mats, rugs, and/or similar items whether ownership of the item is in the person operating the linen and uniform supply service or in the customer. RCW 82.08.0202. It also means the supply of diapers and bedding. "Linen and uniform supply services" includes supply services operating their own cleaning estab-

lishments as well as those contracting with other laundry or dry cleaning businesses.

A person providing linen and uniform supply services performs a number of different activities, often at multiple locations. Many of these activities are the same types of activities performed by a person providing laundry or dry cleaning services, such as: Laundering, dry cleaning, pressing, incidental mending, and/or pickup and delivery. Additional activities not generally performed by a person providing laundry or dry cleaning services may include: Providing linen and uniform items customized by application of the customer's business name, company logo, employee names, etc.; measuring and/or issuing uniforms to the customer's employees; repairing or replacing worn or damaged linen and uniform items; and/or performing various administrative functions for the customer, such as inventory control.

(a) **Sales of linen and uniform supply services.** The gross proceeds of sale and selling price from linen and uniform supply services provided to consumers are subject to the retailing B&O tax and retail sales tax, respectively. No deduction is available for commissions allowed or amounts paid to another for the performance of all or part of the laundry or dry cleaning service. RCW 82.04.070 and 82.08.010.

(b) **Place of sale.** Effective July 1, 2001, for the purposes of determining a seller of linen and uniform supply services' responsibility to remit B&O tax and to collect and remit retail sales tax, the place of sale is the place of delivery to the customer. For periods before July 1, 2001, the place of sale was the location at which the laundering activity was performed.

For assistance with determining appropriate local sales and use tax rates, the department's geographic information system (GIS) provides a mapping and address lookup system. The system is available on the department's internet site at: <http://dor.wa.gov>.

(c) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of the cleaned article is a wholesale sale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates).

The following are examples of items that may be purchased at wholesale:

(i) Linen, uniforms, towels, cabinets, hand soap, and similar property rented or supplied to customers as a part of the laundry and linen supply service; and

(ii) Dyes, fabric softeners, starches, sizing, and similar articles or substances that become ingredients of the articles being cleaned.

(d) **Purchases subject to retail sales or use tax.** A linen or uniform supply service that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a linen or uniform supply service that are subject to retail sales tax or use tax:

- (i) Soaps, cleaning solvents, and other articles or substances that do not become ingredients of the articles cleaned;
- (ii) Equipment such as washing machines, dryers, presses, irons, fixtures, and furniture; and
- (iii) Supplies such as hand tools, sewing notions, scissors, spotting brushes, and stationery.

(4) **Customer's responsibility to remit use tax.** Effective July 1, 2002, chapter 367, Laws of 2002, imposes the use tax on certain retail services acquired by consumers without payment of the retail sales tax. Such services include installing, repairing, cleaning, altering, imprinting, or improving tangible personal property. Thus, a consumer must report and pay use tax directly to the department when a seller of laundry or dry cleaning services or linen and uniform supply services fails to collect the retail sales tax.

For example, a person with a restaurant location in Vancouver and another in Portland, Oregon, contracts with an Oregon business for linen and uniform supply services. Each week, the linen and uniform supply service delivers clean linens and uniforms and picks up soiled items for both locations at the person's Portland location. The person's Vancouver location turns in soiled uniforms and linens and receives its supply of clean items at the person's Portland location. The person is responsible for reporting and paying use tax on the value of the linen and uniform supply services used by its Vancouver location. For further discussion about use tax, refer to WAC 458-20-178.

(5) **Laundry agents collecting and distributing laundry.** Persons who collect and/or distribute laundered or dry cleaned items as an agent for a provider of laundry services, dry cleaning services, or linen and uniform supply services are liable for the service and other activities B&O tax on their gross commissions. See WAC 458-20-159 for the record-keeping requirements for showing agency status. The person providing the laundry service, dry cleaning services, or linen and uniform supply service must collect and remit to the department retail sales tax on the total charge made to the customer (see subsections (2) and (3) of this ~~((rule))~~ section).

(6) **Self-service and coin-operated laundry facilities.** Effective July 1, 2005, the definition of "retail sale" excludes charges made for the use of self-service or coin-operated laundry facilities. Chapter 514, Laws of 2005. Thus, gross income received from charges for the use of ((self-service or coin-operated laundry)) such facilities ((are)) is subject to the ((retailing B&O and retail sales taxes, except as discussed below. Likewise sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller to deduct the tax from the total amount received in coin-operated machines to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080)) service and other activities B&O tax. Retail sales tax does not apply to these charges.

(a) ~~((Coin-operated laundry facilities for the exclusive use of tenants. Effective))~~ **Tax reporting responsibilities for periods before July 1, 2005.** Between July 1, 1998, and July 1, 2005, the taxability of self-service and coin-operated laundry facilities was subject to various changes.

(i) Before July 1, 2005, the definition of "retail sale" included charges made for the use of self-service or coin-operated laundry facilities, except as explained below in (a)(ii) of this subsection. For reporting periods occurring before July 1, 2005, gross income derived from charges for the use of these facilities was subject to the retailing B&O tax. In addition, such charges were subject to the retail sales tax.

(ii) Between July 1, 1998, and June 30, 2005, the definition of ((a)) "retail sale" ((excludes)) excluded charges for the use of coin-operated laundry facilities in apartment houses, rooming houses, or mobile home parks when the facilities ((are)) were provided for the exclusive use of tenants. RCW 82.04.050 (2)(a). As a result, charges for the use of these facilities ((are)) were not subject to the retailing B&O tax or the retail sales tax. However, the gross proceeds of sale received from these facilities ((is)) were subject to the service and other activities B&O tax. Before July 1, 1998, these charges were retail sales and subject to the retailing B&O tax and retail sales tax.

Charges for the use of coin-operated laundry facilities in hotels, motels, trailer camps, and other locations providing lodging or camping facilities to transients ~~((remain))~~ remained subject to the retailing B&O and retail sales taxes. Persons providing transient lodging should refer to WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, trailer camps, etc.) in effect during that time.

(b) **Sales of tangible personal property.** Sales of soap, bleach, fabric softener and other supplies to consumers are subject to the retailing B&O tax and retail sales tax. For most sales, the law requires a seller to separately state the retail sales tax from the selling price. However, the law allows a seller making sales of tangible personal property to a consumer from a vending machine to deduct the tax from the total amount received to arrive at the net amount that becomes the measure of the tax. RCW 82.08.050 and 82.08.080.

(c) **Place of sale.** For the purposes of determining a seller's responsibility to remit B&O tax and/or to collect and remit retail sales tax, the place of sale ~~((with respect to charges for the use of a self-service or coin-operated laundry facility))~~ is the location of the facility.

~~((e))~~ (d) **Purchases at wholesale.** The purchase of tangible personal property for resale as tangible personal property is a purchase at wholesale. Such purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as discussed by WAC 458-20-102 (Resale certificates). Thus, purchases of soap, bleach, fabric softener and other supplies for resale to customers separate from charges for the use of the laundry facilities are wholesale purchases.

~~((d))~~ (e) **Purchases subject to retail sales or use tax.** A self-service or coin-operated laundry facility that acquires tangible personal property for use as a consumer must pay retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about use tax, refer to WAC 458-20-178 (Use tax).

The following are examples of purchases by a self-service or coin-operated laundry facility that are subject to retail sales tax or use tax:

(i) Washing machines, dryers, fixtures, and furniture; and

(ii) Items given to customers without charge.

(7) **Laundry services performed for nonprofit health care facilities.** For the purpose of this ~~((rule))~~ section, "nonprofit health care facilities" means facilities operated by nonprofit organizations providing diagnostic, therapeutic, convalescent, or preventive inpatient or outpatient health care services. The term includes, but is not limited to, nonprofit hospitals, nursing homes, and hospices.

(a) **Sales of laundry services to nonprofit health care facilities.** Effective July 1, 1998, the definition of a retail sale specifically excludes sales of laundry services to nonprofit health care facilities. As a result, charges for laundry services provided to these facilities are not subject to retail sales tax or the retailing B&O tax. However, effective July 1, 1998, the gross proceeds of sale received for providing laundry services to nonprofit health care facilities is subject to the service and other activities B&O tax. For the period of July 1, 1993, through June 10, 1998, the service and other activities B&O tax applied only to sales of laundry services to members by nonprofit associations composed exclusively of nonprofit hospitals.

(b) **Purchases subject to retail sales or use tax.** Persons providing laundry services to nonprofit health care facilities are considered consumers of all items used in providing such services. RCW 82.04.190. As a result, purchases of items such as dyes, fabric softeners, linens, and uniforms are subject to the retail sales tax. The same is true for purchases of washing machines, dryers, fixtures, furniture, and other items of tangible personal property. The buyer must remit retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the appropriate retail sales tax. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

WSR 05-15-090

EXPEDITED RULES

UNIVERSITY OF WASHINGTON

[Filed July 15, 2005, 10:33 a.m.]

Title of Rule and Other Identifying Information: House-keeping rule revisions to Title 478 WAC to update an office location, a job title, a meeting room change and other small wording changes that clarify without changing the effect of the rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU

MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rebecca Goodwin Dearth, University of Washington, Rules Coordination Office, 4014 University Way N.E., Seattle, WA 98105-6203, e-mail rules@u.washington.edu, fax (206) 616-6294, AND RECEIVED BY September 21, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed housekeeping amendments are intended to keep the University of Washington's rules accurate and are as follows:

WAC 478-04-030, updates a meeting location and clarifies the rule to indicate that committees of the board of regents are considered the same as the full board for the purpose of executive sessions.

WAC 478-136-015 and 478-136-030, update an office location, address and phone number.

WAC 478-168-035, 478-168-180, 478-168-310 and 478-168-390, update a job title.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

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

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rebecca Goodwin Dearth, Director of Rules Coordination, 4014 University Way N.E., Seattle, WA 98105-6203, phone (206) 543-9219.

July 13, 2005

Rebecca Goodwin Dearth
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 05-08-064, filed 3/31/05, effective 5/1/05)

WAC 478-04-030 Meetings of the board of regents.

(1) Regular meetings. Regular meetings of the board shall be held pursuant to a schedule and at locations established yearly by resolution of the board. ~~((Meetings of the board will be held in the Walker Ames Room of Kane Hall on the campus in Seattle, Washington, or at such other place as the board may direct from time to time.))~~ The president of the board, with the concurrence of a majority of the members of the board, may cancel any regular meeting. All such regular meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

The board shall give no less than twenty-four hours notice of cancellation of a regular meeting.

(2) Special meeting. The president of the university, the president of the board, or any six members of the board may call a special meeting at any time. Not less than twenty-four hours before any special meeting, the secretary shall have notified each member of the board by written notice of the time, place, and the business to be transacted at the meeting. Such notice shall be distributed and posted in accordance with the laws of the state governing such meetings. The presence of a regent at the meeting or the regent's written waiver of notice filed with the secretary shall constitute a waiver of receiving written notice of the meeting. When the meeting is called to deal with an emergency involving injury or damage,

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or the likelihood of injury or damage, to persons or property, and the time requirements for notice provided for above would be impractical and increase the likelihood of such injury or damage, such required notice may be dispensed with and the secretary shall notify each member of the board by the best means possible under the circumstances.

(3) Notice of agenda for regular meeting. Not less than four days before any regular meeting, the secretary shall mail to each member of the board a reminder of the regular meeting and a preliminary agenda setting forth the matters which are to be considered at the meeting.

(4) Addenda to the agenda at regular or special meetings. Addenda to the agenda of either a regular or a special meeting may be permitted at the commencement of or during such meeting, except that final disposition shall not be taken on addenda to the agenda of a special meeting unless notice as required by applicable law has been given.

(5) Quorum. A majority of the entire board shall be necessary to constitute a quorum at all regular meetings and special meetings.

(6) Order of business. The following shall be the order of business at each regular meeting of the board:

- Report of the president of the board;
- Report of the president of the university;
- Consent agenda (including approval of minutes);
- Reports of standing committees of the board;
- Reports of special committees of the board; and
- Any other business that may properly come before the board.

The following shall be the order of business at each special meeting of the board:

- Reading of notice of meeting;
- The special business for which the meeting was called;

and

Any other business that may properly come before the board.

The order of business of the board may be changed or suspended at any meeting by a majority of the regents present. An item shall be removed from the consent agenda by request of any regent.

(7) Minutes. The minutes of all regular and special meetings of the board shall be kept by the secretary. Such minutes, following approval, shall be open to public inspection in the office of the secretary of the board of regents during regular university business hours.

(8) Public meetings. Regular and special meetings of the board of regents and committees thereof as required by applicable law shall be open to the public, except for executive sessions which may be held as permitted by applicable law. Board members may appear at any meeting through a telephone or video-conferencing device that permits communications with all other persons at the meeting. Persons wishing to appear before the board to make a presentation shall comply with the procedures as specified in subsection (11) of this section.

(9) Committee of the whole meetings. Meetings of the board as a committee of the whole may be held before regular or special meetings of the board or at such time and such place as the president of the board may direct from time to time.

(10) Executive sessions. During any regular or special meeting of the board or committee, the board or committee may hold an executive session to discuss matters as permitted in applicable laws of the state of Washington.

(11) Communications to and appearance before the board. Any persons who wish to communicate to the board or appear before the board shall do so as follows:

(a) Communications to the board. Any person who wishes to bring a matter to the attention of the board may do so by submitting such communication in writing to the secretary of the board of regents. The secretary shall bring such written communications to the attention of the president of the board and the president of the university for direction as to response and/or transmittal to the board.

(b) Appearance before the board. The meetings of the board of regents are intended for presentation of agenda items by the chairs of the respective standing committees and by the president of the university for discussion and action by the members of the board. Public testimony on agenda items, or on other relevant items which any person may wish to call to the attention of the board, may be taken by the appropriate standing committee or by the committee of the whole. The chair of each committee shall have the discretion to limit the time and order of appearances as deemed desirable for a fair presentation of views consistent with the other business before the committee. In an unusual case, this subsection may be waived by the president of the board or by any other six members of the board.

(c) Petition to board for promulgation, amendment, or repeal of rule. Persons having an interest in the promulgation, amendment, or repeal of a "rule" as defined in RCW 34.05.010 may submit a written petition to the university's rules coordination office. Any petition so submitted shall contain the name and address of the petitioner or petitioners, a description of the persons on whose behalf the petition is presented if it is presented in a representative capacity, a statement of the interest of the petitioner and/or the persons on whose behalf it is presented, and a statement of the reasons supporting the petition. If the petition is for the promulgation of a rule, it shall contain the proposed rule. If the petition is for an amendment of an existing rule, it shall contain the rule with the proposed deletions lined out and proposed additions underlined or italicized. If the petition is for the repeal of a rule, it shall contain a copy of the rule proposed to be repealed. The petition shall be considered by the board at the first regular meeting held not less than thirty days after the date the petition was submitted to the rules coordination office, provided that the board may consider the petition at any earlier regular or special meeting of the board.

Within sixty days after submission of a petition to the rules coordination office that is for the promulgation, amendment, or repeal of a "rule," as defined in RCW 34.05.010, the board shall either deny the petition in writing or initiate rule-making procedures in accordance with RCW 34.05.330.

(12) Rules of procedure. *Robert's Rules of Order*, latest revised edition, shall govern all meetings of the board and its committees except where such rules of order are superseded by the bylaws of the board of regents or standing orders of the board. Any member of the board may make a motion which

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need not be seconded in order to bring the subject of the motion before the board for action.

AMENDATORY SECTION (Amending WSR 02-06-020, filed 2/25/02, effective 3/28/02)

WAC 478-136-015 Administrative responsibilities.

(1) The board of regents has delegated to the president of the university the authority to regulate the use of university facilities.

(2) Under this authority, the president has appointed the committee on the use of university facilities: To provide for proper review of the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate. Inquiries concerning the use of university facilities may be directed to:

University of Washington
Secretary of the Committee on the
Use of University Facilities
(400) 239M Gerberding Hall
Box ((351210)) 351241
Seattle, WA ((98195-1210)) 98195-1241
(or phone: ((206-543-2560)) 206-543-9233).

(3) Preliminary approval of an event by an academic or administrative unit of the university implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the university.

(4) Final approval of a facilities use request by the committee on the use of university facilities implies that the committee has reviewed the proposed event with regard to: The general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.

(5) The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The university will not make its facilities or services available to organizations which do not assure the university that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the university's use of facilities regulations and approved users who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals

may be requested to leave university property or be refused future use of university facilities. Failure to comply with a request to leave university property could subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

AMENDATORY SECTION (Amending WSR 03-24-045, filed 11/26/03, effective 12/27/03)

WAC 478-136-030 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.

(2) University facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office so long as the event has received preliminary approval by an administrative or academic unit and final approval by the committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.

(a) First priority for the use of campus facilities shall be given to regularly scheduled university activities.

(b) University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. However, use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.

(f) University facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their

respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities. When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the committee on the use of university facilities: "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/tecast information related to the user's activities offered in university facilities. The committee will determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Husky Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Husky Union Building or in other outdoor locations. Permission should be requested through:

University of Washington
Secretary to the Committee on the
Use of University Facilities
(400) 239M Gerberding Hall
Box ((351210)) 351241
Seattle, WA ((98195-1210)) 98195-1241

(or phone: ((206-543-2560)) 206-543-9233), sufficiently in advance of the program to allow timely consideration.

(9)(a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed under a permit or license obtained under subsection (13) of this section. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking is prohibited in the seating areas of all athletic stadia. Smoking is permitted on pedestrian concourses.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other campus auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or non-profit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the

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scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo, but in keeping with university policy may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located on the scoreboard.

(12) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following smoking policy to protect nonsmokers from exposure to smoke in their university-associated environments and to protect life and property against fire hazards:

(a) Except as provided in subsections (10)(c) and (12)(b) of this section, smoking is prohibited in all university vehicles, inside all buildings owned or occupied by the university and/or used by the university's faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) Smoking may be permitted in student rooms in university residence halls and apartments in university student housing in accordance with smoking regulations established for those facilities by the vice-president for student affairs.

(c) The director of environmental health and safety may designate specific outdoor locations as no smoking areas.

(d) Any student, staff, or faculty member who violates the university smoking policy may be subject to disciplinary action. In addition, violations of the university smoking policy may be subject to enforcement by the University of Washington police department.

(13) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at the faculty center, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.

(d) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(e) Except as provided in (c) and (d) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses

issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the committee on the use of university facilities and an application to the committee must be accompanied by a request for written authorization under (f) or (g) of this subsection or proof that the seller holds an appropriate license; and

(ii) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance, and a university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) or (g) of this subsection; and

(iii) A university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) or (g) of this subsection; and

(iv) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopen containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(f) Written authorization to apply for a special occasion license to sell alcoholic beverages at university facilities must be obtained from the committee on the use of university facilities prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the University of Washington, secretary to the committee on the use of university facilities, sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor control board.

(g) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the vice-president for student affairs prior to applying for the permit from the Washington state liquor control board. Authorization should be requested through the University of Washington, office of the vice-president for student affairs, sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit application filed with the Washington state liquor control board.

(h) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

AMENDATORY SECTION (Amending WSR 95-14-045, filed 6/28/95, effective 9/18/95)

WAC 478-168-035 University of Washington libraries and Marian Gould Gallagher Law Library—Service schedule. (1) Business hours are based on the identifiable needs of the university community as a whole and in consideration of the staff made available to support public service activities of the libraries.

(2) All libraries may close on legal and university holidays. Such closures are posted at the respective library locations seven days in advance.

(3) **Unscheduled closures** may be declared by the ((~~director~~)) **dean** of **university libraries** or his/her designee, for the University of Washington libraries. The director of the Marian Gould Gallagher Law Library or his/her designee will have responsibilities for determining unscheduled closures for the Marian Gould Gallagher Law Library. Unscheduled closures will be due to staffing or physical plant problems beyond the libraries' control which constitute a threat to life, limb, essential creature comforts or utility of the facilities by users and staff.

AMENDATORY SECTION (Amending WSR 04-13-087, filed 6/17/04, effective 9/21/04)

WAC 478-168-180 Identification card—Conditions of use. (1) Each borrower is responsible for obtaining an official identification card from the appropriate university office or a library borrower's card from the library cashier.

(2) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification must be presented for the completion of each in-person circulation transaction.

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card. Library materials are not to be loaned to others except as designated in WAC 478-168-180(6).

(5) Campus borrowers are responsible for keeping the registrar or payroll office informed of changes of address. Off-campus borrowers are responsible for keeping the library cashier informed of changes of address.

(6) Each University of Washington faculty, academic personnel, administrative personnel, professional staff, visiting scholar, and other individuals as authorized by the ((~~director~~)) **dean** of university libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

AMENDATORY SECTION (Amending WSR 04-13-087, filed 6/17/04, effective 9/21/04)

WAC 478-168-310 Fines and charges. (1) All borrowers are subject to a uniform system of fines and charges for late return of library material and for replacement costs when required. The ((~~director~~)) **dean** of university libraries or his/her designee will set the schedule of fines and charges on a regular basis.

(2) The approved schedule of fines and charges will be available online and in the *Libraries Operations Manual*.

(3) Fines are monetary sanctions for the late return of material. Fines are levied only when an overdue item is returned prior to billing.

(4) Billing charges are levied to defray the costs incurred by the libraries in billing, processing sanctions, and other activities related to the recovery of material that is substantially overdue.

(5) Replacement charges are levied to pay for the replacement of substantially overdue material. The replacement charges include the cost of the material and the cost of processing the material for the shelves. All library materials, regardless of fines and fees paid, remain state property.

(6) Binding, mending and damage charges are levied to repair material, to prepare replacement materials for circulation or to compensate for the decreased value of materials due to irreparable damage.

AMENDATORY SECTION (Amending WSR 04-13-087, filed 6/17/04, effective 9/21/04)

WAC 478-168-390 Failure to pay library charges and misuse of library privileges. (1) Failure to pay library charges and/or return library material may result in:

(a) Holds being placed on student records.

(b) Cancellation or blocking of registration for students.

(c) Collection processing by the libraries and/or campus agencies designated by the University of Washington. Such accounts may also be reported to credit bureaus and/or litigation instituted.

(d) Revocation of borrowing privileges.

(e) Civil or criminal action against the borrower.

(f) Any combination thereof.

(2) Misuse of library privileges may result in revocation of borrowing privileges by the ((~~director~~)) **dean** of university libraries or his/her designee.

WSR 05-15-123

EXPEDITED RULES

BOARD OF TAX APPEALS

[Filed July 18, 2005, 2:47 p.m.]

Title of Rule and Other Identifying Information: WAC 456-09-150 Meetings of the board, 456-09-360 Intervention, and 456-09-630 Prehearing conference—Purpose.

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 Anne Solwick, Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, fax (360) 586-9020, AND RECEIVED BY September 19, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to repeal three duplicative provisions of chapter 456-09 WAC, the rules of practice and procedure before the board. The anticipated result is a reduction in confusion.

Reasons Supporting Proposal: On June 21, 2005, the board adopted amendments to chapters 456-09 and 456-10 WAC. A total of sixty-two WAC sections were amended, fifteen new sections were added, and fifty-three were repealed. In the course of making these significant changes, through drafter error the three sections noted above were redrafted and renumbered; however, the old provisions were not

repealed. As a result, for each of the three new provisions the three old remain in the WAC.

Statutory Authority for Adoption: RCW 82.03.170.

Statute Being Implemented: Not applicable.

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

Name of Proponent: The Board of Tax Appeals, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Anne Solwick, 910 5th Avenue S.E., (360) 753-5446; and Enforcement: Georgia Gardner, Chair, 910 5th Avenue S.E., (360) 753-5446.

July 18, 2005

Anne N. Solwick
Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 456-09-150 Meetings of the board.
- WAC 456-09-360 Intervention.
- WAC 456-09-630 Prehearing conference—Purpose.

WSR 05-15-151

EXPEDITED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 19, 2005, 4:27 p.m.]

Title of Rule and Other Identifying Information: Interpreter services, repealing WAC 388-555-1000 Definitions, 388-555-1050 Covered services, 388-555-1100 Noncovered services, 388-555-1150 Eligible providers, 388-555-1200 Provider requirements, 388-555-1250 Coordination of services, 388-555-1300 Payment, 388-555-1350 Payment methodology, 388-555-1400 Recordkeeping and audits, and 388-555-1450 Services at federally qualified health clinics.

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, or deliver to Blake Office Park East, 4500 10th Avenue S.E., Lacey, WA 98503, e-mail

fernaax@dshs.wa.gov, fax (360) 664-6185, AND RECEIVED BY 5:00 p.m. on September 19, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is repealing these sections because the method of purchasing interpreter services on behalf of limited-English speaking or sensory-impaired applicants and clients of public assistance was replaced with a new "brokerage" model for all DSHS programs effective January 2003. Under the brokerage model, DSHS contracts at a specified rate with any qualified individual or agency and contracts with intermediaries who schedule and link interpreters with clients and service providers. As a result, these rules are no longer applicable.

Reasons Supporting Proposal: Repealing these rules will eliminate the potential for confusion and misunderstanding surrounding interpreter services.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 39.29.040, and 43.19.190.

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: Wendy Boedigheimer, P.O. Box 45533, Olympia, WA 98504-5533, (360) 725-1306.

July 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 388-555-1000 Definitions.
- WAC 388-555-1050 Covered services.
- WAC 388-555-1100 Noncovered services.
- WAC 388-555-1150 Eligible providers.
- WAC 388-555-1200 Provider requirements.
- WAC 388-555-1250 Coordination of services.
- WAC 388-555-1300 Payment.
- WAC 388-555-1350 Payment methodology.
- WAC 388-555-1400 Recordkeeping and audits.
- WAC 388-555-1450 Services at federally qualified health clinics.

EXPEDITED

WSR 05-15-161
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-050271—Filed July 20, 2005, 11:24 a.m.]

Title of Rule and Other Identifying Information: This rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent versions of adopted federal rules and other adopted publications, and correct grammatical and punctuation errors.

Commission Docket No. A-050271, affected WAC chapters include chapters 480-14, 480-15, 480-30, 480-31, 480-40, 480-62, 480-70, 480-73, 480-75, 480-90, 480-100, 480-110, and 480-120 WAC.

Proposed Rule Changes			
Adoption by Reference Date Changes and Other Administrative Changes			
Docket No. A-050271			
July 13, 2005			
Action	WAC No.	Rule Title	Proposed Changes^a
Chapter 480-14 WAC, Motor carriers excluding household goods carriers and common brokers			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria (CVSA^b) April 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations, October 1, 2004 - Part 390, see No. 1. 2. Updated reference title in subsection (1). 3. Updated availability of resource materials.
Chapter 480-15 WAC, Household goods carriers			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria April 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations October 1, 2004 - Part 390, see No. 1. 2. Updated reference title in subsection (1). 3. Updated availability of resource materials.
Chapter 480-30 WAC, Auto transportation companies			
Amend	480-30-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria April 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations October 1, 2004 - No significant change. 2. Updated reference title in subsection (1). 3. Updated availability of resource materials.
Chapter 480-31 WAC, Private, nonprofit transportation providers			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria April 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations October 1, 2004 - No significant change. 2. Updated reference title in subsection (1). 3. Updated availability of resource materials.
Chapter 480-40 WAC, Passenger charter carriers			
Amend	480-40-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria April 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations October 1, 2004 - Parts 382 and 391, see No. 1 and 2.

EXPEDITED

Action	WAC No.	Rule Title	Proposed Changes ^a
			2. Updated reference title in subsection (1). 3. Updated availability of resource materials.
Chapter 480-62 WAC, Railroad companies—Operations			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ Title 49 Code of Federal Regulations October 1, 2004 - Part 219, see No. 2. ■ MUTCD^c November 2004 - No significant change. ■ WSDOT^d Chapter 468-95 WAC March 25, 2004 - No significant change. ■ ANSI^e Z308.1 April 29, 2003 - No change to current rule. ■ ANSI/ISEA 107-1999 changed to ANSI/ISEA 107-2004 September 15, 2004 - See No. 3. ■ Title 49 United States Code January 2, 2002 - No change to current rule. 2. Updated availability of resource materials. 3. Typographical changes within section.
Chapter 480-70 WAC, Solid waste collection companies			
Amend	480-70-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ North American Standard Out-of-Service Criteria April 1, 2005 - No significant change. ■ Title 40 Code of Federal Regulations July 1, 2005 - No significant change. ■ Title 49 Code of Federal Regulations October 1, 2004 - Parts 390 and 391, see No. 1; Part 390, see No. 4. 2. Updated availability of resource materials.
Chapter 480-73 WAC, Hazardous liquid pipeline companies			
Amend	480-73-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ Title 18 Code of Federal Regulations April 1, 2005 - No significant change. 2. Updated availability of resource materials. 3. Typographical changes within section.
Chapter 480-75 WAC, Hazardous liquid, gas, oil and petroleum pipeline companies—Safety			
Amend	480-75-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ Title 49 Code of Federal Regulations October 1, 2004 - Part 199, see No. 2. ■ The American Society of Mechanical Engineers (ASME) B31.4 1998 edition - No change to current rule, see No. 5. ■ Section IX, ASME Boiler and Pressure Vessel Code - as of 2001 No change to current rule, see No. 5. ■ American Petroleum Institute (API), Standard 1104 - 19th edition See No. 6. ■ API RP standard 1117 - as of August 1996 No change to current rule. 2. Updated availability of resource materials. 3. Typographical changes within section.
Chapter 480-90 WAC, Gas companies—Operations			
Amend	480-90-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ Title 18 Code of Federal Regulations April 1, 2005 - Part 201, see No. 7 ■ NARUC^f, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985 No change to current rule.

EXPEDITED

EXPEDITED

Action	WAC No.	Rule Title	Proposed Changes ^a
			2. Added language in subsection (1) to preserve the commission's rate-making authority. See No. 8. 3. Updated availability of resource materials. 4. Typographical changes within section.
Chapter 480-100 WAC, Electric companies			
Amend	480-100-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ Title 18 Code of Federal Regulations April 1, 2005 - Part 101, see No. 7 ■ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985 No change to current rule. ■ National Electrical Code - as of 2002 No change to current rule. ■ ANSI C12.1, Code for Electricity Metering, 2001 - as of 2001 No change to current rule. 2. Added language in subsection (1) to preserve the commission's rate-making authority. See No. 8. 3. Updated availability of resource materials. 4. Typographical changes within section.
Chapter 480-110 WAC, Water companies			
Amend	480-110-999	Adoption by reference.	1. No change to current references: <ul style="list-style-type: none"> ■ NARUC, Uniform System of Accounts for Water Utilities - as of 1996 No change to current rule. ■ NARUC, The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies - as of 1985 No change to current rule. 2. References in subsections (1) and (2) will be in bold-face type.
Chapter 480-120 WAC, Telecommunications companies			
Amend	480-120-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> ■ American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications" - (ANSI T1.510-1999) - as of December 29, 1999 No change to current rule. ■ The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as of March 22, 1984 and reaffirmed September 16, 1992 No change to current rule - See No. 8. ■ National Electrical Safety Code January 1, 2002 - No change to current rule. ■ Title 47 Code of Federal Regulations, except Sections 64.2003 through 64.2009 October 1, 1998 - No change to current rule - See No. 9. ■ Title 47 Code of Federal Regulations, Sections 64.2003 through 64.2009 October 1, 2004 - No significant change. 2. Updated availability of resource materials. 3. Typographical changes within section.

Note

1. 49 C.F.R. Parts 390 and 391 Federal Motor Carrier Safety Administration: Safety Performance History of New Drivers.

Effective: April 29, 2004 (Docket No. FMCSA 97-2277)

Provides the minimum date for driver safety performance history date employers must seek from new or prospective applicants under consideration for employment as commercial motor vehicle (CMV) drivers; designates where, and from whom, that information must be sought; and requires previous employers to provide the minimum driver safety performance history information. The change will

enable prospective motor carrier employers to make better decisions for hiring drivers and that improve CMV safety on the nation's highways.

2. 49 C.F.R. Part 199 Research and Special Programs Administration

Part 219 Federal Railroad Administration

Part 382 Federal Motor Carrier Safety Administration: Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Drug and Alcohol Management Information System Reporting.

Effective: December 31, 2003 (Docket No. OST - 2002 - 13435)

DOT's drug and alcohol testing rules include requirements for select employees to submit drug and alcohol testing data to five DOT agencies. In the past, these employers have been required to use agency-specific management information system (MIS) forms for this purpose, twenty-one different forms in all. The DOT recently published a final rule revising the agency MIS forms and condensing them into a one-page form for use throughout all the DOT agencies. The requirement for use of the form is codified 49 C.F.R. Part 40. By this action, the DOT endorses the use of this one-page form within its regulated industries, and provides regulated employers with guidance for submission of the form.

3. ANSI/ISEA 107-2004 - American National Standard for High-Visibility Safety Apparel.

Effective: September 15, 2004

Provides a uniform, authoritative guide for the design, performance specifications, and use of high-visibility and reflective apparel including vests, jackets, bib/jumpsuit coveralls, trousers and harnesses. Garments that meet this standard can be worn twenty-four hours a day to provide users with a high level of conspicuity through the use of combined fluorescent and retroreflective materials.

The revised version of the standard expands the product coverage to include high-visibility headwear. It also contains additional testing procedures for knitted fabrics used as background material, and eliminates tests from the previous edition that added no value. User guidance has been expanded to provide occupational scenarios, recommended performance classes, and additional examples of garment design. The appendixes now include standard test reports and a compliance certificate.

4. 49 C.F.R. Part 390 Federal Motor Carrier Safety Administration: Federal Motor Carrier Safety Regulations: Hazardous Materials Safety Permits.

Effective: July 30, 2004 (Docket No. FMCSA-97-2180)

The Federal Motor Carrier Safety Administration is establishing a national safety permit program for motor carriers that transport certain hazardous materials in interstate or intrastate commerce. This final rule implements provisions of federal hazardous materials transportation law. The rule will promote safe and secure transportation of materials and thereby improves motor carrier safety.

5. ASME B31.4, 1998 edition

Section IX of the ASME Boiler and Pressure Vessel Code, as of 2001.

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) has not adopted the newest editions of these references. So that our rules are consistent with the PHMSA, we will retain the current editions.

6. American Petroleum Institute (API) standard 1104 19th edition.

The 19th edition of API Standard 1104—Welding of Pipelines and Related Facilities, includes new Appendix that pertains to in-service welding. Due to technological advances in in-service welding, industry needed an update to standards and recommended practices. Appendix B, In-Service Welding, is intended to eventually replace API Recommended Practice 1107—Pipeline Maintenance Welding Practices.

7. 18 C.F.R. Parts 101, 141, 201, and 260 Federal Energy Regulatory Commission (FERC).

The FERC has amended portions of 18 C.F.R. Parts 101, 141, 201, and 260 to update the accounting and financial reporting requirements under its Uniform System of Accounts for jurisdictional public utilities and licensees, natural gas companies and oil pipeline companies. The language added to WAC 480-90-999(1) and WAC 480-100-999(1) codifies UTC policy with respect to rate-making authority over FERC prescribed accounting.

8. The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as of March 22, 1984 and reaffirmed September 16, 1992.

This standard covers the general parameters and characteristics associated with telephone loops from the subscriber signaling and analog voice frequency interface to the local Class 5 switch interface. It includes only those business and residential lines in the North American public switched network where no special performance requirements are involved. This standard provides common denominators for subscriber line performance, independent of facility types, construction processes or equipment, and circuit provisioning methods. IEEE 820-1984 is the latest version for loop performance. There have not been any updates to the "loop standards."

9. 47 C.F.R., except Sections 64.2003 through 64.2009, as of October 1, 1998.

At this time, staff will continue using the 1998 FCC Part 32 because it contains the required level of detail that fills our needs. Updated versions of Part 32 do not include some accounts and have combined other accounts. Also, the FCC has opened a rule making regarding accounting rules. Staff would prefer to maintain the current accounting requirements until the FCC's accounting rule changes are solidified, and until the potential effect of changes to intercarrier compensation on accounting needs can be determined, before making changes to the UTC's accounting rules. If the FCC decides to change the accounting rules in a significant way, then the UTC would be able to carefully analyze how its needs can be met through maintaining the federally-required uniform system of accounts, whatever it might turn out to be, and then

can decide what additional accounting requirements it may have.

^a Substantive changes highlighted at the end of this chart are those federal rules and national standards that staff identified as having a substantive impact on industries regulated by the commission. Changes to the adopted material that have gone into effect that staff determined would have a minor impact on the regulated industries and are listed with notation of no significant change. For informational purposes we include other referenced documents in the chart with a notation of no change to current rule, if dates have not changed or if dates have changed but staff chooses to keep current reference.

^b Commercial Vehicle Safety Alliance's North American Standard Out-of-Service Criteria (CVSA).

^c Manual on Uniform Traffic Control Devices (MUTCD).

^d Washington State Department of Transportation (WSDOT).

^e American National Standards Institute (ANSI).

^f National Association of Regulatory Utility Commissioners (NARUC).

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 Executive Secretary, Docket No. A-050271, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY September 19, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version of adopted material and make other minor administrative changes in Title 480 WAC.

Reasons Supporting Proposal: The commission adopts by reference several parts in Title 18, Title 40, Title 47 and Title 49 of the Code of Federal Regulations and other state rules and national standards. Commission rules need to reflect the most current versions of the adopted material.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

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: Sharyn Bate, Regulatory Analyst, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1295; **Implementation and Enforcement:** Carole J. Washburn, Executive Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

July 20, 2005

Debra Wilhelmi
for Carole J. Washburn
Executive Secretary

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-14-999 Adoption of reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American ((Uniform)) Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2003)) 2005.

(b) This publication is referenced in WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), and WAC 480-14-390 (Hazardous materials regulations).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ((Bethesda, Maryland)) Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2002)) 2004.

(b) This publication is referenced in WAC 480-14-040 (Definitions), WAC 480-14-070 (Federal regulations, 49 CFR, Part 390—General applicability and definitions), WAC 480-14-250 (Insurance requirements; cause for suspension or cancellation), WAC 480-14-360 (Equipment—Inspection—Ordered out-of-service for repairs), WAC 480-14-370 (Equipment—Drivers—Safety), WAC 480-14-380 (Hours of service—On duty—Federal safety regulations), WAC 480-14-390 (Hazardous materials regulations), and WAC 480-14-400 (Transportation of radioactive materials—Driving and parking rules).

(c) Copies of Title 49 Code of Federal Regulations are available from the ((Seattle office of the Government Printing Office)) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American ((Uniform)) Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2003)) 2005.

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(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ((Bethesda, Maryland)) Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2002)) 2004.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the ((Seattle office of the Government Printing Office)) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American ((Uniform)) Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2003)) 2005.

(b) This publication is referenced in WAC 480-30-097 (Equipment—Inspection—Ordered for repairs) and WAC 480-30-100 (Operation of motor vehicles).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ((Bethesda, Maryland)) Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2002)) 2004.

(b) This publication is referenced in WAC 480-30-095 (Equipment—Safety) and WAC 480-30-100 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the ((Seattle office of the Government Printing Office)) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington

state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American ((Uniform)) Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2003)) 2005.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ((Bethesda, Maryland)) Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2002)) 2004.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), WAC 480-31-130 (Operation of motor vehicles) and WAC 480-31-140 (Safety inspections).

(c) Copies of Title 49 Code of Federal Regulations are available from the ((Seattle office of the Government Printing Office)) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-40-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American ((Uniform)) Standard Out-of-Service Criteria (OOSC)** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ((2003)) 2005.

(b) This publication is referenced in WAC 480-40-065 (Equipment—Inspection—Ordered for repairs) and WAC 480-40-100 (Out-of-service criteria).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ((Bethesda, Maryland)) Washington, D.C.

(2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ((2002)) 2004.

(b) This publication is referenced in WAC 480-40-070 (Operation of motor vehicles) and WAC 480-40-075 (Equipment—Safety) and WAC 480-40-110 (Registered carriers).

(c) Copies of Title 49 Code of Federal Regulations are available from the ((Seattle office of the Government Print-

ing Office)) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2002))~~ 2004.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the ~~((Seattle Office of the Government Printing Office))~~ U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect ~~((on January 29, 2003))~~ in November 2004.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices), WAC 480-62-235 (Flaggers), and WAC 480-62-245 (Passenger carrying vehicles—Operation).

(c) Copies of the MUTCD are available from the ~~((Seattle Office of the Government Printing Office))~~ U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Washington state department of transportation rules**, cited as chapter 468-95 WAC, are published by the statute law committee.

(a) The commission adopts the version in effect on ~~((February 28, 2003))~~ March 25, 2004.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices).

(c) Copies of the Washington state department of transportation rules are available from the department of transportation or on the internet web site for the office of the code reviser (slc.leg.wa.gov).

(4) **ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on April 29, 2003.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2003 American National Standard for Minimum Requirements for Workplace First Aid Kits are available from ~~((the American National Standards Institute, 11 West 42nd Street, New York, New York, 10036))~~ Global Engineering Documents in Englewood, Colorado.

(5) **ANSI/ISEA ~~((107-1999))~~ 107-2004 - American National Standard for High-Visibility Safety Apparel** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on ~~((January 29, 2004))~~ September 15, 2004.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 107-1999 - American National Standard for High-Visibility Safety Apparel are available from ~~((the American National Standards Institute, 11 West 42nd Street, New York, New York, 10036))~~ Global Engineering Documents in Englewood, Colorado.

(6) **Title 49 United States Code**, cited as 49 U.S.C., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on January 2, 2002.

(b) This publication is referenced in WAC 480-62-200 (Roadway worker safety and operating rules and statutes).

(c) Copies of Title 49 United States Code are available from the ~~((Seattle office of the Government Printing Office))~~ U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American ~~((Uniform))~~ Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2003))~~ 2005.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in ~~((Bethesda, Maryland))~~ Washington D.C.

(2) **Title 40 Code of Federal Regulations**, cited as 40 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on July 1, ~~((2003))~~ 2005.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

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(c) Copies of Title 40 Code of Federal Regulations are available from the (~~Government Printing Office~~) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2002~~) 2004.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the (~~Government Printing Office~~) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-73-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, is published by the United States Government Printing Office.

(2) The commission adopts the version in effect on April 1, (~~2003~~) 2005.

(3) This publication is referenced in WAC 480-73-130 (Accounting system requirements), WAC 480-73-150 (Retaining and preserving records and reports), and WAC 480-73-160 (Annual reports).

(4) Copies of (~~18 CFR~~) Title 18 Code of Federal Regulations are available from the U.S. Government (~~Printing Office in Pittsburgh, Pennsylvania~~) Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending General Order No. R-511, Docket No. A-030852, filed 12/22/03, effective 1/22/04)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~June 1, 2002~~) October 1, 2004.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Operations safety plan requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the (~~Seattle office of the Government Printing Office~~) U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The American Society of Mechanical Engineers (ASME) B31.4, 1998 edition.**

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of **Section IX of the ASME Boiler and Pressure Vessel Code.**

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (~~(18th)~~) 19th edition.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (~~(18th)~~) 19th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts **API RP standard 1117 Second Edition, August 1996.**

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Second Edition are available from (~~the Office of API Publishing Services in Washington DC~~) Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-90-252 Federal Energy Regulatory Commission (FERC) Form No. 2. (1) Each gas utility must use the annual report form (FERC Form No. 2) promulgated by the Federal Energy Regulatory Commission in Title 18 of the Code of Federal Regulations, Part (~~(141)~~) 260, for purposes of this report to the commission. Data required by RCW 80.04.080 (Annual reports), but not included in the FERC Form No. 2, must also be submitted with the annual report. The utility must submit the annual report for the preceding calendar year, along with the regulatory fee, by May 1st of each year. If not presented in the prescribed FERC Form No. 2, the annual report must include the following data per customer class for the calendar year: Revenues, average cus-

tomers count, and total unit sales. Information about the FERC Form No. 2 regarding the version adopted and where to obtain it is set out in WAC 480-90-999 (Adoption by reference).

(2) Each utility must also submit to this commission, in essentially the same format and content as the FERC Form No. 2, a report that documents the costs incurred and the property necessary to furnish utility service to its customers and the revenues obtained in the state of Washington. The report must include the following data per customer class for the calendar year: Revenues, average customer count, and total unit sales.

(3) Combination and multistate utilities must submit with the annual report their cost allocation methods necessary to develop results of operations for the state of Washington. Approval of cost allocation methods for rate-making purposes is accomplished only by commission order.

(4) The total utility results of operations reported by each utility in its annual report to the commission must agree with the results of operations shown on the utility's books and records.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2003))~~ 2005.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

~~((e))~~ (d) Copies of ~~((18 CFR))~~ Title 18 Code of Federal Regulations are available from the U.S. Government ~~((Printing Office in Pittsburgh, Pennsylvania))~~ Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 1985.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) *The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C.

AMENDATORY SECTION (Amending Docket No. A-021178 and TO-030288, General Order No. R-518, filed 2/28/05, effective 3/31/05)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 CFR, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2003))~~ 2005.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

~~((e))~~ (d) Copies of ~~((18 CFR))~~ Title 18 Code of Federal Regulations are available from the U.S. Government ~~((Printing Office in Pittsburgh, Pennsylvania))~~ Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

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(3) **The National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the version published in 2002.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA in Quincy, Massachusetts.

(4) **The American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

EXPEDITED

(a) The commission adopts the version published in 2001.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. Copies are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket No. UT 040015, General Order No. R-516, filed 1/10/05, effective 2/10/05)

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications"** (ANSI T1.510-1999) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services - Specifications*" is a copyrighted document. Copies are available from ~~((the publisher))~~ ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics** (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ~~((the publishers))~~ ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the version in effect on January 1, 2002.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from ~~((the publishers))~~ IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 CFR, is published by the United States Government Printing Office, except sections 64.2003 through 64.2009.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports).

(c) Copies of Title 47 Code of Federal Regulations are available from the ~~((Government Printing Office))~~ U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(5) Sections 64.2003 through 64.2009 of **Title 47 of the Code of Federal Regulations**, cited as 47 CFR §§ 64.2003 through 64.2009, are published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, ~~((2002))~~ 2004.

(b) This publication is referenced in WAC 480-120-202 (Customer Proprietary Network Information).

(c) Copies of Sections 64.2003 through 64.2009 of Title 47 of the Code of Federal Regulations are available from the ~~((Government Printing Office))~~ U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from third-party vendors.

WSR 05-14-090
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:21 p.m., effective July 31, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule explains the application of business and occupation (B&O), retail sales, and use taxes to persons operating hospitals as defined in RCW 70.41.020, nursing homes as defined in RCW 18.51.010, boarding homes as defined in RCW 18.20.020, adult family homes as defined in RCW 70.128.010, and similar health care facilities. The department is revising this rule to reflect legislative changes and to provide updated and more comprehensive information.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-168 Hospitals, ~~((medical care facilities))~~ nursing homes, boarding homes, adult family homes, and similar health care facilities.

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

Adopted under notice filed as WSR 05-06-019 on February 22, 2005.

Changes Other than Editing from Proposed to Adopted Version: The following are the changes to the proposed rule WAC 458-20-168.

- The term "directly" is added into subsection (3)(e) of the proposed rule, so that it reads, "A B&O tax deduction is provided... for amounts received directly from the United States, any instrumentality of the United States, the state of Washington, or any municipal corporation or political subdivision of the state of Washington...."
- The term "sales of drugs for human use pursuant to a prescription" replaces the term "sales of prescription drugs as defined in RCW 82.08.0281" in subsection (3)(d) of the proposed rule.
- Subsection (3)(f) of the proposed rule is revised to incorporate SB 5857, chapter 86, Laws of 2005, which is effective August 1, 2005. This legislation provides a B&O tax deduction to nonprofit community health center or a network of nonprofit community health centers.
- The sentence "Refer to subsection (3)(h) of the rule for B&O tax deductions and exemptions available to boarding homes" is added in subsection (2)(c) of the proposed rule.
- Subsection (3)(h) is added to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005. This legislation provides that effective July 1, 2005, amounts received by a nonprofit boarding home licensed for providing room and domiciliary care to residents of the boarding home are exempt from B&O tax.
- Subsection (6) is revised to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005, which provide that quality maintenance fees on nursing homes not exempt from the fee under RCW 74.46.091 expire after July 1, 2011.
- Subsection (4)(c) is added to incorporate provisions of ESHB 2314, chapter 514, Laws of 2005, which provide that effective July 1, 2006, sales of medical supplies,

chemicals, or materials to a comprehensive cancer center are exempt from retail sales and use tax.

- We have added an explanation in subsection (3)(d) that nursing homes operated by church organizations or by nonprofit corporations that assist alcoholics in recovery and rehabilitation qualify for the B&O tax deduction. Language has also been added to explain that nursing homes and homes for unwed mothers operated by governmental entities, including public hospital districts, do not qualify for the deduction.
- Language has been added to subsection (4)(b) to explain that the sales and use tax exemptions for prepared meals provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW apply to sales of prepared meals to such not-for-profit organizations.
- Subsection (3)(f) is revised to clarify that this B&O tax deduction applies to amounts received directly or through a third party from Medicare, Washington Basic Health plan, and programs under chapter 70.49 RCW.
- Subsection (3)(b) is revised to explain that B&O tax does not apply to donations received by a public hospital, as long as the donees do not receive any goods, services, or business benefits in return. Language has also been added to explain that a public hospital is not allowed to take a B&O tax deduction on amounts received from a state university for work-study programs or training seminars for doctors, because the university receives business benefits in return, as students receive education and training while enrolling the university's degree programs.

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; **Recently Enacted State Statutes:** New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 0, Amended 1, Repealed 0.

Date Adopted: June 30, 2005.

Janis P. Bianchi, Manager
 Interpretations and
 Technical Advice Unit

AMENDATORY SECTION (Amending WSR 94-11-097, filed 5/17/94, effective 6/17/94)

WAC 458-20-168 Hospitals, ~~((medical care facilities, and))~~ nursing homes, boarding homes, adult family homes and similar health care facilities. (1) Introduction. ~~((This section provides tax reporting information to persons~~

operating hospitals, medical care facilities, and adult family homes. It includes tax reporting changes resulting from the passage of chapter 25, Laws of 1993 sp.s. which affected nonprofit hospitals and hospitals operated by political subdivisions of the state.

(2) Definitions.

(a) The term "hospital" means only institutions defined as hospitals in chapter 70.41 RCW. The term includes privately owned and operated hospitals, hospitals operated as nonprofit corporations, hospitals operated by political subdivisions of the state, and hospitals operated by the state but not owned by the state.

(b) The term "nursing home" means only institutions defined as nursing homes in chapter 18.51 RCW.

(c) The term "adult family home" means private homes licensed by the department of social and health services as adult family homes (see WAC 388-76-030(2)), and those which are specifically exempt from licensing under the rules of the department of social and health services. (See WAC 388-76-140.)

(3) Business and occupation (B&O) tax. The sale of tangible personal property which is not part of the medical service being provided to a patient is taxable under the retailing B&O tax classification. There are two B&O tax classifications which can apply to persons providing medical services through the operation of a hospital, with the tax classification dependent on the organizational structure of the hospital. The B&O tax classifications are:

(a) Public or nonprofit hospitals. This B&O tax classification applies to gross income derived from personal and professional services to patients by hospitals that are operated as nonprofit corporations, operated by political subdivisions of the state, or operated but not owned by the state. These hospitals became taxable for hospital services under this B&O tax classification on July 1, 1993. These hospitals were required to report under the service B&O tax classification prior to July 1, 1993, but were entitled to a deduction for services rendered to patients.

(b) Service. The gross income derived from personal and professional services of hospitals (other than hospitals operated as nonprofit corporations or by political subdivisions of the state), nursing homes, convalescent homes, clinics, rest homes, health resorts, and similar health care institutions is subject to business and occupation tax under the service and other activities classification. This classification also applies to nonprofit hospitals for personal or professional services which are performed for persons other than patients and not otherwise tax classified.

(c) Retailing. The retailing business and occupation tax applies to sales by such persons of tangible personal property sold and billed separately from services rendered. However, this does not include charges to patients for tangible personal property which is used in providing medical services to a patient, even if separately billed. Tangible personal property which is used in providing medical services is not considered to have been sold separately from the medical services simply because those items are separately invoiced. These charges, even if separately itemized, are for providing medical services and are taxable under either the "public or nonprofit hospital" classification or the "service and other busi-

ness activities" classification, depending on the type of organization making the sale. However, making copies of medical records is considered to be a separate activity from that of providing medical services and any income from this activity is subject to the retailing tax and the retail sales tax.

(d) Research and development. There is a separate tax classification which applies to nonprofit corporations and nonprofit associations for income received in performing research and development. See RCW 82.04.260(6).

(4) Exemptions and deductions. The following exemptions and deductions apply:

(a) Adult family homes. The gross income derived from personal and professional services of adult family homes which are licensed as such, or which are specifically exempt from licensing under the rules of the department of social and health services, is exempt from the business and occupation tax effective June 9, 1987.

(b) State-owned hospitals. The gross income from a hospital owned by the state of Washington is not subject to B&O tax. (Refer to WAC 458-20-189.) This exemption does not include hospital districts or hospitals which are operated by or for political subdivisions of the state, such as a county government.

(c) Kidney dialysis facilities, certain nursing homes, certain homes for unwed mothers. Nonprofit organizations operating kidney dialysis facilities, homes for unwed mothers where the operating organization is also a religious or charitable organization, and nonprofit nursing homes are exempt from B&O tax on the services they provide to patients or from the sales of prescription drugs. (See WAC 458-20-18801.) However, the exemption applies only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to deduction hereunder. The deduction for income from the operation of kidney dialysis facilities is available to nonprofit hospitals if the hospital accurately identifies and accounts for the income from this activity.

(d) Contributions, donations and endowment funds. Amounts received as contributions, donations and endowment funds may be excluded from gross income, provided that no specific service is performed as a condition for receiving the funds. Amounts received as grants are taxable if specific services are performed as a condition for receiving the grant. (See WAC 458-20-114.)

(e) Health and social welfare services. Refer to WAC 458-20-169 for health and welfare services which may be deductible.

(5) Adjustments to revenues. Many hospitals will perform charity care where medical care is given without charge or some portion of a charge will be cancelled. In other cases, medical care is billed to patients at "standard" rates, but later adjusted to reduce the charges to the rates established by contract with Medicare, Medicaid, or with private insurers. In these situations the hospital must initially include the total charges as billed to the patient as gross income unless the hospital's records clearly indicate the amount of income to which it will be entitled under its contracts with insurance carriers. Where tax returns are initially filed based on gross charges, an adjustment may be taken at the time of filing future tax returns after the hospital has adjusted its records to

reflect the actual amounts collected. In no event may the hospital reduce its current revenue by amounts which were not previously included in the taxable base. If the tax rate changes from the time the B&O tax was first paid on the gross charges and the time of the adjustment, the hospital must file amended tax returns to report the B&O tax on the transaction as finally completed at the rate in effect at the time the service was performed.

(6) Retail sales tax. Retail sales which are subject to retail business tax, as provided earlier, are also subject to retail sales tax. These businesses are required to pay retail sales tax on purchases of medical supplies, durable equipment, and consumables. (For tax liability of hospitals on sales of meals, see WAC 458-20-119 and 458-20-244.)

(7) Retail sales and use tax exemptions. The following exemptions from the retail sales and use tax apply:

(a) Effective on May 6, 1993, all items which are reasonably necessary for the operation of free hospitals may be purchased without payment of retail sales or use tax. This includes all supplies and equipment. It also includes any items which are used in providing health care. "Free hospitals" means a hospital that does not charge patients for health care provided by the hospital. (Refer to chapter 205, Laws of 1993.)

(b) Sales of drugs, medicines, prescription lenses, orthotic devices, medical oxygen, or other substances, prescribed by medical practitioners are exempt of retail sales tax where the written prescription bearing the signature of the issuing medical practitioner and the name of the patient for whom prescribed is retained. Sales of prosthetic devices, hearing aids as defined in RCW 18.35.010(3), and ostomic items whether or not prescribed are also exempt of sales tax. See WAC 458-20-18801-.) This rule explains the application of business and occupation (B&O), retail sales, and use taxes to persons operating hospitals as defined in RCW 70.41.020, nursing homes as defined in RCW 18.51.010, boarding homes as defined in RCW 18.20.020, adult family homes as defined in RCW 70.128.010, and similar health care facilities.

The department of revenue (department) has adopted other rules dealing with the taxability of various activities relating to the provision of health care. Readers may want to refer to the following rules for additional information:

(a) WAC 458-20-150 (Optometrists, ophthalmologists, and opticians);

(b) WAC 458-20-151 (Dentists and other health care providers, dental laboratories, and dental technicians);

(c) WAC 458-20-18801 (Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen); and

(d) WAC 458-20-233 (Tax liability of medical and hospital service bureaus and associations and similar health care organizations).

(2) Personal and professional services of hospitals, nursing homes, boarding homes, and similar health care facilities. This subsection provides information about the application of B&O tax to the personal and professional services of hospitals, nursing homes, boarding homes, and similar health care facilities. For information regarding B&O tax

deductions and exemptions for persons operating health care facilities, readers should refer to subsection (3) of this rule.

(a) Public or nonprofit hospitals. The gross income of public or nonprofit hospitals derived from providing personal or professional services to inpatients, is subject to B&O tax under the public or nonprofit hospitals classification. RCW 82.04.260. For the purpose of this rule, "public or nonprofit hospitals" are hospitals, as defined in RCW 70.41.020, operated as nonprofit corporations, operated by political subdivisions of the state (e.g., a hospital district operated by a county government), or operated by but not owned by the state.

Gross income of public or nonprofit hospitals derived from providing personal or professional services for persons other than inpatients is generally subject to B&O tax under the service and other activities classification. RCW 82.04.290. Thus, for example, amounts received for services provided to outpatients, income received for providing nonmedical services, interest received on patient accounts receivable, and amounts received for providing transcribing services to physicians are subject to service and other activities B&O tax.

(i) Clinics and departments operated by public or nonprofit hospitals. Gross income derived from medical clinics and departments providing services to both inpatients and outpatients and operated by a public or nonprofit hospital is subject to B&O tax under the public or nonprofit hospitals classification where the clinic or department is an integral, interrelated, and essential part of the hospital. Otherwise, the gross income derived from medical clinics and departments providing services to both inpatients and outpatients and operated by a public or nonprofit hospital is subject to B&O tax under the service and other activities classification.

Relevant factors for determining whether a medical clinic or department operated by a public or nonprofit hospital is an integral, interrelated, and essential part of the hospital include whether the clinic or department is located at the hospital facility and whether the clinic or department furnishes the type of services normally provided by hospitals, such as 24-hour intake and emergency services.

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

(A) Acme Hospital is a nonprofit hospital. Acme has a medical clinic that is separate but physically located within the hospital. However, the clinic is open only during regular business hours and provides no domiciliary care or overnight facilities to its patients. The clinic is staffed, equipped, administered, and provides the type of medical services that one would expect to receive in the average physician's office. Acme's medical clinic is not an integral, interrelated, and essential part of Acme Hospital. Gross receipts by the medical clinic are subject to service and other activities B&O tax.

(B) Acme Hospital is a nonprofit hospital. Acme has a cancer treatment facility that is physically located within the hospital. The cancer treatment facility provides the type of services normally provided by hospitals to cancer patients. Acme's cancer treatment facility is an integral, interrelated, and essential part of Acme Hospital. Gross receipts by the

cancer treatment facility are subject to public or nonprofit hospitals B&O tax.

(ii) Educational programs and services. Amounts received by public or nonprofit hospitals for providing educational programs and services to the general public are subject to B&O tax under the public or nonprofit hospitals classification if they are an integral, interrelated, and essential part of the hospital. Otherwise, such amounts are subject to B&O tax under the service and other activities classification. Educational services are considered an integral, interrelated, and essential part of the hospital only if they are unique and incidental to the provision of hospitalization services (i.e., services that will be, have been, or are currently being provided to the participants). Only those educational programs and services offered by a hospital that would be very difficult or impossible to duplicate by a person other than a hospital because of the specialized body of knowledge, facilities, and equipment required are unique and incidental to the provision of hospitalization services. Amounts derived from educational programs and services are subject to service and other activities B&O tax when the educational programs or services could be provided by any physician, clinic, or trained lay person.

(b) Other hospitals, nursing homes, and similar health care facilities. The gross income derived from personal and professional services of hospitals, clinics, nursing homes, and similar health care facilities, other than public or nonprofit hospitals described above in subsection (2)(a) and hospitals owned by the state, is subject to service and other activities B&O tax. The gross income received by the state of Washington from operating a hospital or other health care facility, whether or not the hospital or other facility is owned by the state, is not subject to B&O tax. Nursing homes should refer to subsection (6) of this rule for information regarding the quality maintenance fee imposed under chapter 82.71 RCW.

The following definitions apply for purposes of this rule:

(i) "Hospital" has the same meaning as in RCW 70.41.020; and

(ii) "Nursing home" has the same meaning as in RCW 18.51.010.

(c) Boarding homes. Effective July 1, 2004, persons operating boarding homes licensed under chapter 18.20 RCW are entitled to a preferential B&O tax rate. See RCW 82.04.2908. Persons operating licensed boarding homes should report their gross income derived from providing room and domiciliary care to residents under the licensed boarding homes B&O tax classification. For the purpose of this rule, "boarding home" and "domiciliary care" have the same meaning as in RCW 18.20.020. Refer to subsection (3)(h) of the rule for B&O tax deductions and exemptions available to boarding homes.

(d) Nonprofit corporations and associations performing research and development. There is a separate B&O tax rate that applies to nonprofit corporations and nonprofit associations for income received in performing research and development within this state, including medical research. See RCW 82.04.260.

(e) Can a nursing home or boarding home claim a B&O tax exemption for the rental of real estate? The pri-

mary purpose of a nursing home is to provide medical care to its residents. The primary purpose of boarding homes is to assume general responsibility for the safety and well-being of its residents and to provide other services to residents such as housekeeping, meals, laundry, and activities. Boarding homes may also provide residents with assistance with activities of daily living, health support services, and intermittent nursing services. Because the primary purpose of nursing homes and boarding homes is to provide services and not to lease or rent real property, no part of the gross income of a nursing home or boarding home may be exempted from B&O tax as the rental of real estate.

(f) Adjustments to revenues. Many hospitals will provide medical care without charge or where some portion of the charge will be canceled. In other cases, medical care is billed to patients at "standard" rates but is later adjusted to reduce the charges to the rates established by contract with Medicare, Medicaid, or private insurers. In these situations the hospital must initially include the total charges as billed to the patient as gross income unless the hospital's records clearly indicate the amount of income to which it will be entitled under its contracts with insurance carriers. Where tax returns are initially filed based on gross charges, an adjustment may be taken on future tax returns after the hospital has adjusted its records to reflect the actual amounts collected. In no event may the hospital reduce the amount of its current gross income by amounts that were not previously reported on its excise tax return. If the tax rate changes from the time the B&O tax was first paid on the gross charges and the time of the adjustment, the hospital must file amended tax returns to report the B&O tax on the transaction as finally completed at the rate in effect when the service was performed.

(g) What are the tax consequences when a hospital contracts with an independent contractor to provide medical services at the hospital? When a hospital contracts with an independent contractor (service provider) to provide medical services such as managing and staffing the hospital's emergency department, the hospital may not deduct the amount paid to the service provider from its gross income. If, however, the patients are alone liable for paying the service provider, and the hospital has no personal liability, either primarily or secondarily, for paying the service provider, other than as agent for the patients, then the hospital may deduct from its gross income amounts paid to the service provider.

In addition, the service provider is subject to service and other activities B&O tax on the amount received from the hospital for providing these services for the hospital. If the service provider subcontracts with third parties, such as physicians or nurses, to help provide medical services as independent contractors, the service provider may not deduct from its gross income amounts paid to the subcontractors where the service provider is personally liable, either primarily or secondarily, for paying the subcontractors. If, however, the hospital is alone liable for paying the subcontractors, and the service provider has no personal liability, either primarily or secondarily, other than as agent for the hospital, then the service provider may deduct from its gross income amounts paid to the subcontractors. For additional information regarding deductible advances and reimbursements, refer to WAC 458-20-111 (Advances and reimbursements).

(3) B&O tax deductions and exemptions. This subsection provides information about several B&O tax deductions and exemptions available to persons operating medical or other health care facilities.

(a) Organ procurement organizations. Amounts received by a qualified organ procurement organization under 42 U.S.C. Sec. 273(b) in effect as of January 1, 2001, to the extent that the amounts are exempt from federal income tax, are exempt from B&O tax. RCW 82.04.326. This exemption is effective March 22, 2002.

(b) Contributions, donations, and endowment funds. A B&O tax deduction is provided by RCW 82.04.4282 for amounts received as contributions, donations, and endowment funds, including grants, which are not in exchange for goods, services, or business benefits. For example, B&O tax deduction is allowed for donations received by a public hospital, as long as the donors do not receive any goods, services, or any business benefits in return. On the other hand, a public hospital is not allowed to take a B&O tax deduction on amounts received from a state university for work-study programs or training seminars for doctors, because the university receives business benefits in return, as students receive education and training while enrolling the university's degree programs.

The deductible amounts should be included in the gross income reported on the excise tax return and then deducted on the return to determine the amount of taxable income. Deductions taken must be identified on the appropriate deduction detail page of the excise tax return.

(c) Adult family homes. The gross income derived from personal and professional services of adult family homes licensed by the department of social and health services (DSHS), or which are specifically exempt from licensing under the rules of DSHS, is exempt from B&O tax under RCW 82.04.327. The exemption under RCW 82.04.327 does not apply to persons who provide home care services to clients in the clients' own residences.

For the purpose of this rule, "adult family home" has the same meaning as in RCW 70.128.010.

(d) Nonprofit kidney dialysis facilities, hospice agencies, and certain nursing homes and homes for unwed mothers. B&O tax does not apply to amounts received as compensation for services rendered to patients or from sales of drugs for human use pursuant to a prescription furnished as an integral part of services rendered to patients by kidney dialysis facilities operated as a nonprofit corporation, nonprofit hospice agencies licensed under chapter 70.127 RCW, and nursing homes and homes for unwed mothers operated as religious or charitable organizations. RCW 82.04.4289. This exemption applies only if no part of the net earnings received by such an institution inures, directly or indirectly, to any person other than the institution entitled to this exemption. This exemption is available to nonprofit hospitals for income from the operation of kidney dialysis facilities if the hospital accurately identifies and accounts for the income from this activity.

Examples of nursing homes and homes for unwed mothers operated as religious or charitable organizations include nursing homes operated by church organizations or by nonprofit corporations designed to assist alcoholics in recovery

and rehabilitation. Nursing homes and homes for unwed mothers operated by governmental entities, including public hospital districts, do not qualify for the B&O tax exemption provided in RCW 82.04.4289.

(e) Government payments made to health or social welfare organizations. A B&O tax deduction is provided by RCW 82.04.4297 to a health or social welfare organization, as defined in RCW 82.04.431, for amounts received directly from the United States, any instrumentality of the United States, the state of Washington, or any municipal corporation or political subdivision of the state of Washington as compensation for health or social welfare services. A deduction is not allowed, however, for amounts that are received under an employee benefit plan. The deductible amounts should be included in the gross income reported on the excise tax return and then deducted on the tax return to determine the amount of taxable income. Deductions taken must be identified on the appropriate deduction detail page of the excise tax return. Readers should refer to WAC 458-20-169 (Nonprofit organizations) for additional information regarding this deduction.

For purposes of the deduction provided by RCW 82.04.4297, "employee benefit plan" includes any plan, trust, commingled employee benefit trust, or custodial arrangement that is subject to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501 (c)(9) and (17) through (23) of the Internal Revenue Code of 1986, as amended, or a similar plan maintained by a state or local government, or a plan, trust, or custodial arrangement established to self-insure benefits required by federal, state, or local law.

(f) Amounts received under a health service program subsidized by federal or state government. A public hospital that is owned by a municipal corporation or political subdivision, or a nonprofit hospital, or a nonprofit community health center, or a network of nonprofit community health centers, that qualifies as a health and social welfare organization as defined in RCW 82.04.431, may deduct from the measure of B&O tax amounts received as compensation for health care services covered under the federal Medicare program authorized under Title XVIII of the federal Social Security Act; medical assistance, children's health, or other program under chapter 74.09 RCW; or for the state of Washington basic health plan under chapter 70.47 RCW. RCW 82.04.4311. This deduction applies to amounts received directly or through a third party from the qualified programs or plans. However, this deduction does not apply to amounts received from patient copayments or patient deductibles. The deductible amounts should be included in the gross income reported on the excise tax return and then deducted on the return to determine the amount of taxable income. Deductions taken must be identified on the appropriate deduction detail page of the excise tax return.

For purposes of the deduction provided by RCW 82.04.4311, "community health center" means a federally qualified health center as defined in 42 U.S.C. Sec. 1396d as existed on August 1, 2005.

(i) Effective date of deduction. The deduction for a public hospital owned by a municipal corporation or political subdivision and for a nonprofit hospital is effective April 2,

2002. Taxpayers who have paid B&O taxes between January 1, 1998, and April 2, 2002, on amounts that would qualify for this deduction are entitled to a refund. In addition, tax liability for accrued but unpaid taxes that would be deductible under this subsection (3)(f) are waived. For information regarding refunds, refer to WAC 458-20-229 (Refunds).

The deduction for a nonprofit community health center or a network of nonprofit community health centers is effective August 1, 2005.

(ii) **Example.** Acme Hospital is a nonprofit hospital that qualifies as a health and social welfare organization as defined in RCW 82.04.431. Acme receives \$1,000 for providing health care services to Jane, who qualifies for the federal Medicare program authorized under Title XVIII of the federal Social Security Act. Jane is covered in a health care plan that is a combination of Medicare, which is B&O tax deductible by Acme, and a Medicare plus plan, which is paid for by Jane and is not B&O tax deductible by Acme. Jane pays \$20 to Acme as patient copayments. Medicare pays \$600 to Acme for the health care services, and the Medicare plus plan pays \$380. Acme may only deduct the \$600 received from Medicare.

(g) **Blood and tissue banks.** Amounts received by a qualifying blood bank, a qualifying tissue bank, or a qualifying blood and tissue bank are exempt from B&O tax to the extent the amounts are exempt from federal income tax. RCW 82.04.324. For the purposes of this exemption, the following definitions apply:

(i) **Qualifying blood bank.** "Qualifying blood bank" means a blood bank that qualifies as an exempt organization under 26 U.S.C. 501 (c)(3) as existing on June 10, 2004, is registered under 21 C.F.R., part 607 as existing on June 10, 2004, and whose primary business purpose is the collection, preparation, and processing of blood. "Qualifying blood bank" does not include a comprehensive cancer center that is recognized as such by the National Cancer Institute.

(ii) **Qualifying tissue bank.** "Qualifying tissue bank" means a tissue bank that qualifies as an exempt organization under 26 U.S.C. 501 (c)(3) as existing on June 10, 2004, is registered under 21 C.F.R., part 1271 as existing on June 10, 2004, and whose primary business purpose is the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, heart valve tissue, or human eye tissue. "Qualifying tissue bank" does not include a comprehensive cancer center that is recognized as such by the National Cancer Institute.

(iii) **Qualifying blood and tissue bank.** "Qualifying blood and tissue bank" is a bank that qualifies as an exempt organization under 26 U.S.C. 501 (c)(3) as existing on June 10, 2004, is registered under 21 C.F.R., Part 607 and Part 1271 as existing on June 10, 2004, and whose primary business purpose is the collection, preparation, and processing of blood, and the recovery, processing, storage, labeling, packaging, or distribution of human bone tissue, ligament tissue and similar musculoskeletal tissues, skin tissue, and heart valve tissue. "Qualifying blood and tissue bank" does not include a comprehensive cancer center that is recognized as such by the National Cancer Institute.

(h) **Boarding homes.** Effective July 1, 2004, licensed boarding home operators are entitled to a B&O tax deduction for amounts received as compensation for providing adult residential care, enhanced adult residential care, or assisted living services under contract with the department of social and health services authorized by chapter 74.39A RCW to residents who are Medicaid recipients. RCW 82.04.4337. For the purpose of this rule, "adult residential care," "enhanced adult residential care," and "assisted living services" have the same meaning as in RCW 74.39A.009.

Effective July 1, 2005, B&O tax does not apply to the amounts received by a nonprofit boarding home licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the boarding home. Chapter 514, Laws of 2005. For purposes of this rule, "nonprofit boarding home" means a boarding home that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501 (c)(3), is incorporated under chapter 24.03 RCW, is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

(i) **Comprehensive cancer centers.** Effective July 1, 2006, B&O tax does not apply to the amounts received by a comprehensive cancer center to the extent the amounts are exempt from federal income tax. Chapter 514, Laws of 2005. For purposes of this rule, "comprehensive cancer center" means a cancer center that has written confirmation that it is recognized by the National Cancer Institute as a comprehensive cancer center and that qualifies as an exempt organization under 26 U.S.C. Sec. 501 (c)(3) as existing on July 1, 2006.

(4) **Sales of tangible personal property.** Retailing B&O tax applies to sales of tangible personal property sold and billed separately from the performance of personal or professional services by hospitals, nursing homes, boarding homes, adult family homes, and similar health care facilities. This includes charges for making copies of medical records. In addition, retail sales tax must be collected from the buyer and remitted to the department unless the sale is specifically exempt by law.

(a) **Tangible personal property used in providing medical services to patients.** Retailing B&O and retail sales taxes do not apply to charges to a patient for tangible personal property used in providing medical services to the patient, even if separately billed. Tangible personal property used in providing medical services is not considered to have been sold separately from the medical services simply because those items are separately invoiced. These charges, even if separately itemized, are for providing medical services and are subject to B&O tax under either the public or nonprofit hospital B&O tax classification or the service and other activities classification depending on the person making the charge. For example, charges for drugs physically administered by the seller are subject to B&O tax under either the public or nonprofit hospital classification or the service and other activities classification depending on the person making the charge. On the other hand, charges for drugs sold to patients or their caregivers, either for patient self-administration or administration by a caregiver other than the seller, are subject to retailing B&O tax and retail sales tax unless specifically exempt by law. Readers should refer to WAC 458-20-

18801 for detailed information regarding retail sales tax exemptions that apply to sales of prescription drugs and other medical items.

(b) Sales of meals. Although the sale of meals is generally considered to be a retail sale, hospitals, nursing homes, boarding homes, and similar health care facilities that furnish meals to patients or residents as a part of the services provided to those patients or residents are not considered to be making retail sales of meals. Thus amounts received by hospitals, nursing homes, boarding homes, and similar health care facilities for furnishing meals to patients or residents as part of the services provided to those patients or residents are subject to B&O tax under the service and other activities, public or nonprofit hospital, or licensed boarding homes classifications, depending upon the person furnishing the meals.

Prepared meals sold to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW are exempt from retail sales and use taxes. RCW 82.08.0293 and 82.12.0293. The exemptions apply to sales of prepared meals to not-for-profit organizations organized under chapter 24.03 or 24.12 RCW, that provide the meals to senior citizens, disabled persons, or low-income persons as a part of the patient services they render.

Hospitals, nursing homes, boarding homes, and similar health care facilities may have restaurants, cafeterias, or other dining facilities where meals are sold for cash or credit to doctors, nurses, other employees, and visitors. Some of these facilities may provide meals to their employees at no charge. Under these circumstances, all sales of meals to such persons are subject to retailing B&O and retail sales taxes, including the value of meals provided at no charge to employees. For additional information regarding the sale of meals, including meals furnished to employees, refer to WAC 458-20-119 (Sales of meals). Hospitals, nursing homes, boarding homes, and similar health care facilities that provide free meals to persons other than employees, such as visitors, should refer to WAC 458-20-124 (Restaurants, cocktail bars, taverns and similar businesses) for information about the taxability of meals given away free of charge.

(c) Sales of medical supplies, chemicals, or materials to a comprehensive cancer center. Effective July 1, 2006, sales of medical supplies, chemicals, or materials to a comprehensive cancer center are exempt from retail sales and use tax. Chapter 514, Laws of 2005. This exemption, however, does not apply to the sales of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(i) Medical supplies. For purposes of this exemption, "medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a comprehensive cancer center for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(A) Provide preparatory treatment of blood, bone, or tissue;

(B) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and

(C) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(ii) Chemicals. For purposes of this exemption, "chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(iii) Materials. For purposes of this exemption, "materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(iv) Research. For purposes of this exemption, "research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(5) Equipment and supplies used by health care providers. Hospitals, nursing homes, adult family homes, boarding homes, and similar health care providers are required to pay retail sales tax on purchases of equipment and supplies unless specifically exempt by law. Readers should refer to WAC 458-20-18801 for detailed information regarding exemptions that are available to these health care providers, as well as persons performing medical research and organ procurement organizations.

(a) Purchases for resale. Purchases of tangible personal property for resale without intervening use are not subject to retail sales tax. Persons purchasing tangible personal property for resale must furnish a properly completed resale certificate to the seller to document the wholesale nature of the sale. Resale certificates may be obtained from the department's website at <http://dor.wa.gov>, or by calling the department's taxpayer information center at 1-800-647-7706. For additional information regarding resale certificates, refer to WAC 458-20-102 (Resale certificates).

(b) Buyer's responsibility to remit deferred sales or use tax. If the seller does not collect retail sales tax on a retail sale, the buyer must remit the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department unless specifically exempt by law. For detailed information regarding the use tax, refer to WAC 458-20-178 (Use tax).

(i) How do I report deferred sales or use tax. Persons registered with the department and required to file tax returns should report deferred sales or use tax on their excise tax return. The excise tax return does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's excise tax return. If a deferred sales tax or use tax liability is incurred by a person who is not required to obtain a tax registration endorsement from the department, the person must report the tax on a "Consumer Use Tax Return" and remit the appropriate tax to the department.

(ii) Where can I obtain a Consumer Use Tax Return? The Consumer Use Tax Return may be obtained from the department's website at: <http://dor.wa.gov>, or by calling the

department's telephone information center at 1-800-647-7706.

(6) Quality maintenance fee imposed on nursing homes. Beginning July 1, 2003, RCW 82.71.020 imposes a quality maintenance fee on every nursing home in this state not exempt from the fee under RCW 74.46.091. Quality maintenance fee, however, is not imposed after July 1, 2011. The amount of the quality maintenance fee is in addition to any other tax imposed upon nursing homes. Nursing homes must report the number of patient days and remit the fee to the department on a monthly basis. Persons with questions about how the quality maintenance fee may affect individual nursing home operators or about the exemption provided by RCW 74.46.091 should contact the department of social and health services.

For purposes of this rule, "patient day" means a calendar day of care provided to a nursing home resident, excluding a Medicare patient day. Patient days include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. "Medicare patient day" means a patient day for Medicare beneficiaries on a Medicare Part A stay and a patient day for persons who have opted for managed care coverage using their Medicare benefit.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-15-017

PERMANENT RULES

ENVIRONMENTAL HEARINGS OFFICE

[Filed July 7, 2005, 8:41 a.m., effective August 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The 2004 legislature passed SSB 5590, amending chapter 43.21B RCW, (chapter 204, Laws of 2004), modifying the basis for calculating the time period for appeals to the Pollution Control Hearings Board (PCHB). Emergency rules are currently effective so that the PCHB's rules are consistent with the 2004 legislation. This rule making makes permanent those changes in the PCHB's procedural rules, chapter 371-08 WAC. As part of this rule making, the EHO sought and received stakeholder input on a number of other changes to the PCHB's procedural rules, and the permanent rule includes changes based on that stakeholder process.

Citation of Existing Rules Affected by this Order: Amending WAC 371-08-305, 371-08-335, 371-08-345, 371-08-445, and 371-08-450.

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).

Adopted under notice filed as WSR 05-08-022 on March 30, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 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 14, 2005.

Bill Clarke
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) "Department" refers to and means the department of ecology.

~~((5))~~ (6) "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. Electronic filing of documents may be authorized by the presiding officer after consultation with the parties regarding format and authentication.

~~((6))~~ (7) "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))~~ (8) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

~~((8))~~ (9) "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))~~ (10) "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 rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated. The "date of receipt" of an order or decision 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.

(3) An appeal may be filed with the board by personal delivery, commercial delivery, facsimile, or first-class, registered or certified mail. 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.

AMENDATORY SECTION (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

WAC 371-08-345 Service of the notice of appeal on the agency and other interested parties. (1) Within thirty days of the date ~~((that a copy))~~ of receipt of the agency's order

or decision ~~((is mailed to the appellant))~~, the appellant shall also serve a copy of the notice of appeal on the agency whose order or decision is being appealed. Proof of service may be made by certificate or affidavit filed with the board.

(2) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal. There is no time limit on when such service must be made.

AMENDATORY SECTION (Amending WSR 96-15-003, filed 7/3/96, effective 8/3/96)

WAC 371-08-445 Use of telephone conferences, motion hearings and hearings. Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone call to promote the fair, speedy and economical processing of a matter. ~~((If the presiding officer grants a party's request for a telephone conference, the requesting party shall initiate and pay for the call.))~~

AMENDATORY SECTION (Amending WSR 02-06-012, filed 2/22/02, effective 3/25/02)

WAC 371-08-450 Motions. (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. ~~((Each written motion shall have appended to it the order which the motion seeks.))~~ A proposed order shall be submitted with a motion only at the request of the presiding officer.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. The presiding officer will decide whether or not a motion hearing will be held and notify the parties accordingly. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. ~~((If a motion hearing is set by the presiding officer and is to be held by phone, the moving party shall originate the telephonic hearing conference call.))~~

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion dispositive of all or part of an appeal shall be filed and served ~~((ten))~~ fourteen days from the ~~((date the motion is received))~~ receipt of the motion by the nonmoving party. The moving party shall then have ~~((seven))~~ ten days from receipt of the response to file and serve a reply.

(b) ~~((In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.))~~ All responses to any nondispositive motion shall be filed and served five days from receipt of the motion by the nonmoving

party. The moving party shall then have three days from receipt of the response to file and serve a reply.

(c) All dispositive motions shall be filed and served not later than ~~((forty-five))~~ sixty days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

**WSR 05-15-018
PERMANENT RULES
SECRETARY OF STATE**

[Filed July 7, 2005, 10:15 a.m., effective August 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: During the process of amending the current permanent rule an extension of the emergency rule-making order was previously sought. The previous emergency rule order granted expired June 16. The bid process for the contract to manufacture the state flag is continuing and the adoption of an emergency rule was necessary for the process to continue. Bidding by flag manufacturers has concluded and permanent rules are now ready to take effect. The old WACs were out-of-date and did not list the valid color numbers.

Citation of Existing Rules Affected by this Order: Amending WAC 434-04-017.

Statutory Authority for Adoption: RCW 43.04.040.

Other Authority: RCW 34.05.350.

Adopted under notice filed as WSR 05-10-033 on April 28, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 7, 2005.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 89-20-031, filed 9/29/89, effective 10/30/89)

WAC 434-04-017 Description of seal for use on state flags. (1) Each flag shall have official identical seals, one on

each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

((Flag Size:	Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"))

Flag	Size Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3; and the ratio of the flag height to flag width shall be 1:1.6;

(3) The following color references for textiles are by cable number ~~((are those colors))~~ in the Standard Color ~~((Card))~~ Reference of America, ((Ninth)) Tenth Edition ~~((second issue))~~ of The ((Textile)) Color ((Card)) Association of the United States, Inc., New York, New York((:

- (a) ~~Flag background—Irish green, cable #70, 168;~~
 - (b) ~~State seal background—Oriental blue, cable #70, 209;~~
 - (c) ~~State seal (portrait, lettering, outer and inner rings)—black;~~
 - (d) ~~Gold used in state seal and fringe (if any)—nugget gold, cable #70, 215;~~
 - (e) ~~Face of George Washington—PMS—169 (flesh tint).~~
- (4) All colors shall be of colorfast washable dyes.)

Flag Color	Cable Color (Textile)	Pantone Color (Process CMYK Printing)
<u>Flag Background</u>	<u>Irish Green 80210</u>	<u>PMS DS-268-1</u>
<u>State Seal Back-ground</u>	<u>Oriental Blue 80176</u>	<u>PMS DS-226-3</u>
<u>State Seal (por-trait, lettering, outer and inner rings)</u>	<u>Black</u>	<u>PMS Process Black</u>
<u>State Seal Gold</u>	<u>Spanish Yellow 80068</u>	<u>PMS DS-5-4</u>
<u>Fringe (if any) Gold</u>	<u>Spanish Yellow 80068</u>	<u>PMS DS-5-4</u>
<u>George Washing-ton's Face</u>	<u>Eggshell 80004</u>	<u>PMS DS-5-9</u>

(4) All textile colors shall be of colorfast washable dyes;

(5) The flag may be flown or displayed in its entirety as described herein; the state seal shall not be expropriated from the flag for any other use and such expropriation is regulated by the statutes (chapter 43.04 RCW) and administrative rules (chapter 434-04 WAC) governing the use of the Washington state seal.

PERMANENT

WSR 05-15-022

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 7, 2005, 2:20 p.m., effective August 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The changes provide a revision in the field experience requirement from 600 hours overall, with a minimum of 300 in a school setting, to a minimum of 300 hours in a school setting.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-319 Program approval requirements.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 05-08-038 on March 30, 2005.

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 17, 2005.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 04-21-038, filed 10/15/04, effective 11/15/04)

WAC 180-78A-319 Program approval requirement—Field experience for school social workers. Approved school social worker preparation programs shall require all ~~((students))~~ candidates to complete a supervised, advanced level internship that ~~((includes 600 hours;))~~ is in compliance with the most current accreditation standards of the Council of Social Work Education, with a minimum of 300 ~~((of which must be))~~ hours in ~~((the))~~ a school ~~((s))~~ setting, ~~((ef))~~ providing on-the-job professional service ~~((and one hour per week of individual))~~. Supervision shall be provided by a site supervisor ~~((Site))~~ or faculty field supervisor ~~((s must be fully certified))~~ who holds current Washington state certification as a school social worker ~~((s))~~ and ~~((have))~~ has a minimum of three years of professional experience in ~~((the))~~ this role ~~((of school social worker-Faculty))~~. Supervision ~~((including)),~~ which may include on-site visits, will be provided ~~((on an ongoing 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))~~ for a minimum of one hour per week until the internship is completed.

WSR 05-15-023

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 7, 2005, 2:22 p.m., effective August 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The changes extend the time for earning the initial professional certificate by starting the clock when the teacher attains continuing contract status.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-145 Levels of certificates.

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

Adopted under notice filed as WSR 05-08-041 on March 30, 2005.

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 17, 2005.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 04-21-040, filed 10/15/04, effective 11/15/04)

WAC 180-79A-145 Levels of certificates, initial/residency and continuing/professional. Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, ((for teachers;)) administrators with program completion dates through August 31, 2004, ((for administrators;)) and educational staff associates with program completion dates through August 31, 2005, ((for educational staff associates;)) will be issued the following levels of certificates ~~((will be issued))~~: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing ~~((teachers' certificates;))~~ principal and program administrator certificates after August 31, 2004, ~~((initial and continuing principal and program administrator certificates;))~~ and initial and continuing educational staff associate certificates 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(1) and 180-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has lapsed or they do not meet the requirements for a continuing certificate.

(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))~~ Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to ~~((teachers;))~~ principal/program administrators beginning September 1, 2004, ~~((to principal/program administrators;))~~ and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005, ~~((to educational staff associate school counselors, school psychologists, and school social workers;))~~.

(b) The residency certificate for principals, program administrators, and educational staff associates is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-250 (2)(b) and (c).

~~((b))~~ (c) The first issue of a residency certificate for teachers employed in a school district or state agency that provides educational services for students shall be valid until the holder is no longer on provisional status. When the teacher for the first time in their career completes provisional status, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the teacher must earn a professional certificate or meet residency renewal requirements under WAC 180-79A-250 (2)(a).

(d) The first issue of a residency certificate for teachers employed in a state approved private school shall be valid until the holder has completed two years of successful teaching. When the teacher for the first time in their career completes two years of successful teaching, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the teacher must earn a professional certificate or meet residency renewal requirements under WAC 180-79A-250 (2)(a).

(e) The first issue of a residency certificate for principals, program administrators, and educational staff associates shall be valid until the holder has completed two successful years of service in the role. When the principal, program administrator, or educational staff associate for the first time in their career completes two years of successful service in a school district, state approved private school, or state agency, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 180-79A-250 (2)(b) and (c).

(f) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to

~~((teachers;))~~ principals/program administrators beginning September 1, 2006, ~~((to principal/program administrators;))~~ and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007, ~~((to educational staff associate 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.

WSR 05-15-024

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 7, 2005, 2:23 p.m., effective August 7, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The changes distinguish fees for issuance of a residency certificate without an expiration date and a residency certificate with an expiration date.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-130 Fee for certification.

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

Adopted under notice filed as WSR 05-08-035 on March 30, 2005.

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 17, 2005.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-79A-130 Fee for certification. (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The first issue of the residency certificate, thirty-five dollars;

(b) The continuing certificate, seventy dollars;

((b)) (c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change, fifteen dollars; and

((e)) (d) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

((d)) (e) Provided, That the fee for all career and technical education certificates shall be one dollar;

(f) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC 180-79A-123(7) for those whose initial certificate had already expired shall be one hundred dollars.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to statewide pre-certification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

(d) Use of certification fees described in this section shall be reported annually to the state board of education pursuant to WAC 180-79A-131(5).

WSR 05-15-045
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 11, 2005, 3:54 p.m., effective August 11, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 415-501-110 Definitions, amending the definition of "eligible employee."

Citation of Existing Rules Affected by this Order: Amending WAC 415-501-110.

Statutory Authority for Adoption: RCW 41.50.050(5), 41.50.780(10).

Other Authority: RCW 41.50.770.

Adopted under notice filed as WSR 05-11-019 on May 10, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 30, 2005.

Sandra J. Matheson
Director

AMENDATORY SECTION (Amending WSR 04-22-053, filed 10/29/04, effective 11/29/04)

WAC 415-501-110 Definitions. (1) **Accumulated deferrals.** Compensation deferred under the plan, adjusted by income received, increases or decreases in investment value, fees, and any prior distributions made.

(2) **Beneficiary.** A beneficiary of a participant, a participant's estate, or any other person whose interest in the plan is derived from the participant.

(3) **Compensation.** All payments made to a public employee by the employer as remuneration for services rendered.

(4) **Deferred compensation.** The amount of the participant's compensation that is deferred under a participation agreement. See WAC 415-501-410.

(5) **Deferred compensation plan or plan.** A plan that allows employees of the state of Washington and approved political subdivisions of the state of Washington to defer a portion of their compensation according to the provisions of Section 457(b) of the Internal Revenue Code.

(6) **Department.** The department of retirement systems created by RCW 41.50.020 or its designee.

WSR 05-15-050

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:02 a.m., effective August 12, 2005]

(7) **Eligible employee.** Any person who is employed by and receives any type of compensation from ~~((an))~~ a participating employer for whom services are provided, and who is:

(a) A full-time, ~~((permanent))~~ part-time ~~((working half-time, or more)),~~ or career seasonal employee of ~~((the employer))~~ Washington state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service;

(b) An elected or appointed official of the executive branch of the government, including ~~((any))~~ a full-time member of a board, commission, or committee;

(c) A justice of the supreme court, or a judge of the court of appeals or of a superior or district court; or

(d) A member of the state legislature or of the legislative authority of a county, city, or town.

(8) **Eligible rollover distribution.** A distribution to a participant of any or all funds from an eligible retirement plan unless it is:

(a) One in a series of substantially equal annuity payments;

(b) One in a series of substantially equal installment payments payable over ten years or more;

(c) Required to meet minimum distribution requirements of the plan; or

(d) Distributed for hardship or unforeseeable emergency from a 457 plan.

(9) **Employee retirement benefits board.** The board created by RCW 41.50.086.

(10) **Employer.**

(a) The state of Washington; and

(b) Approved political subdivisions of the state of Washington.

(11) **Normal retirement age.** An age designated by the participant for purposes of the three-year catch-up provision described in WAC 415-501-430(2). The participant may choose a normal retirement age between:

(a) The earliest age at which an eligible participant has the right to receive retirement benefits without actuarial adjustment from his/her retirement plan with the same employer; and

(b) Age seventy and one-half.

(12) **Participant.** An eligible employee:

(a) Who has submitted a participation agreement that is approved by the department; and

(b) Who either:

(i) Is currently deferring compensation under the plan; or

(ii) Has previously deferred compensation and has not received a distribution of his/her entire benefit under the plan.

(13) **Participation agreement.** The agreement executed by an eligible employee pursuant to WAC 415-501-410, in which the eligible employee chooses to become a plan participant.

(14) **You,** as used in this chapter, means a participant as defined in subsection (12) of this section.

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the amendment to this rule is to allow individuals whose initial certificate expired after August 31, 2000, but who met requirements for renewal or the continuing certificate, but did not apply prior to the expiration date, to apply once for a renewal of the initial certificate or the continuing certificate by paying a \$100 late fee in addition to the certification fee.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-123.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 05-08-042 on March 30, 2005.

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 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 17, 2005.

July 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 00-09-048, filed 4/14/00, effective 5/15/00)

WAC 180-79A-123 Certificates—Previous standards. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 180-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative for the appropriate role and such certificates

shall be subject to the continuing education requirements of chapter 180-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsection (7) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the state board of education may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for initial renewal or continuing certificate under the provisions of WAC 180-79A-250(1) prior to their expiration date, but whose initial certificate expired after August 31, 2000, because they applied for certification too late, may apply once for such renewal or continuing certificate and will be issued such certificate.

WSR 05-15-051

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:05 a.m., effective August 12, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendments to this rule will eliminate the reference to "performance indicators" which are no longer required for the professional certificate and replace them with "descriptions of practice." They will also include some technical editing.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-535.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 05-08-040 on March 30, 2005.

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 1, 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 17, 2005.

July 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-21-038, filed 10/15/04, effective 11/15/04)

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))~~ descriptions of practice related to the criteria for the professional certificate, 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)).

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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.

(i) 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).

(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 "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~~") professional contributions 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~~) descriptions of practice related to the criteria for the professional certificate 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~~) enrollment in 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~~) enrollment in 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.

WSR 05-15-052

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:14 a.m., effective August 12, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed amendments to this rule clarify the type of certificate which will be issued to applicants when they complete their programs.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-100.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 05-08-037 on March 30, 2005.

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 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 17, 2005.

July 8, 2005
Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 05-04-056, filed 1/28/05, effective 2/28/05)

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 teacher 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))~~ a residency certificate 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))~~ a residency certificate 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) Individuals who completed a principal/program administrator program on or before August 31, 2004, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2004. Individuals who complete an educational staff associate program on or before August 31, 2005, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2005.

(5) 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

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a visit with less than a year's notice, the state board of education shall consider that request.

((5)) (6) 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 and allow NCATE accredited colleges/universities to follow the NCATE schedule for their state site visit. Non-NCATE accredited colleges/universities shall have a state approval site visit every five years. The state board of education may require more frequent site visits at their discretion pursuant to WAC 180-78A-110(2).

((6)) (7) 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.

((7)) (8) 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.

((8)) (9) 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.

WSR 05-15-053

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:17 a.m., effective August 12, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The amendment to this rule allows an individual to obtain a two-year renewal of the residency certificate if the individual is enrolled in a professional certificate program.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-250.

Statutory Authority for Adoption: RCW 28A.410.010

Adopted under notice filed as WSR 05-08-036 on March 30, 2005.

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 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 17, 2005.

July 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 04-21-040, filed 10/15/04, effective 11/15/04)

WAC 180-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 180-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-123 will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for ~~((admission to))~~ **enrollment in** 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))~~ **enrollment in** 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.

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(iii) An individual who completes a national board certification assessment but does not earn national board certification, may use that completed assessment to renew the residency certificate for two years.

(iv) Individuals who complete the requirements in their school district professional growth plan may use that completed plan to maintain the continuing certificate or renew the professional certificate.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for ~~((admission to))~~ enrollment in 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))~~ that the candidate is enrolled ~~((, that the candidate 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))~~ enrollment in 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))~~ enrollment in 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))~~ that the candidate is enrolled ~~((, that the candidate is making satisfactory progress))~~ in a state approved professional certificate program.

(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))~~ Professional contributions.

(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 05-15-054

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 9:19 a.m., effective August 12, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed technical amendments to these WACs align them with other WACs recently adopted by the State Board of Education.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78A-505 and 180-79A-011.

Statutory Authority for Adoption: RCW 28 410.010 [28A.410.010].

Adopted under notice filed as WSR 05-08-039 and 05-08-043 on March 30, 2005.

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 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 17, 2005.

July 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 03-23-037, filed 11/12/03, effective 12/13/03)

WAC 180-78A-505 Overview—Teacher professional certificate program. (1) By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards.

(2) To obtain a professional certificate, the residency teacher will need to complete a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

(3)(a) Prior to full admission to a professional certificate program, excluding the preassessment seminar, the candidate shall complete provisional status with a school district under RCW 28A.405.220, or the equivalent with a state board-approved private school or state agency providing educational services for students.

(b) The candidate may be fully admitted to the professional certificate program, prior to completion of provisional status, if the candidate provides to the program a letter from the candidate's employing school district, 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.

(4) The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and ((~~leadership~~)) professional contributions) and ((+7)) 12 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

(5)(a) The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

(b) The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's

ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

(c) The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

(6) The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

(7) As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

AMENDATORY SECTION (Amending WSR 99-01-174, filed 12/23/98, effective 1/23/99)

WAC 180-79A-011 Knowledge and skill requirements of the performance-based certification system—Teachers. Each of the knowledge and skills required for the preparation and certification of teachers shall relate to one or more of the following three standards that all teachers will be required to demonstrate: Effective teaching, professional development, and ((~~leadership~~)) professional contributions. The emphasis in the preservice preparation programs shall be on effective teaching; the emphasis in the program for the professional certificate shall be divided among each of the three categories; during the remainder of the teacher's career, the emphasis should be on professional development and ((~~leadership~~)) professional contributions.

WSR 05-15-064

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 12, 2005, 1:51 p.m., effective August 12, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Requires that an application for a driver's license submitted by a person under the age of eighteen must include declarations by the person and the person's parent, guardian, or employer that they have read and understand the intermediate license restrictions.

Citation of Existing Rules Affected by this Order: Amending WAC 308-104-014.

Statutory Authority for Adoption: RCW 46.20.091 (1)(g) and 46.01.110.

Adopted under notice filed as WSR 05-12-117 on May 31, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

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Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 11, 2005.

Liz Luce
Director

AMENDATORY SECTION (Amending WSR 00-18-070, filed 9/1/00)

WAC 308-104-014 Application for driver's license or identification card. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

(1) The person's full name, current mailing and residential address, and telephone number;

(2) The person's physical description, including sex, height, weight, and eye color;

(3) The person's date and place of birth;

(4) The person's social security number, if the social security number is required by state or federal law. If the person's social security number is not required by state or federal law, the person may voluntarily provide his or her social security number in order to assist the department in verifying identity;

(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;

(6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;

(7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;

(8) If the application is for a driver's license or instruction permit, whether the person has had a loss of consciousness or control within the last six months that could impair his or her ability to operate a motor vehicle;

(9) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a declaration by the person that he or she has read and understands the intermediate license restrictions;

(10) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and

~~((10))~~ (11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

WSR 05-15-080
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)

[Filed July 14, 2005, 4:24 p.m., effective August 14, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This WAC revision is necessary to make technical corrections to add language to clarify that an unborn child is counted as a household member when determining program eligibility for medical programs for a family, child, and for a pregnant woman.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0065.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Adopted under notice filed as WSR 05-11-075 on May 17, 2005.

Changes Other than Editing from Proposed to Adopted Version: DSHS removed the program indicators from (3)(a), (b), and (c). This change is slightly more inclusive and meets the intent of the department. The use of the CN and MN program designators precluded SCHIP and the children's health program from this 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 8, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-056, filed 8/30/01, effective 9/30/01)

WAC 388-478-0065 (~~Categorically needy~~) **Income** (~~level (CNIL)~~) **and resource standards for** (~~families~~) **family medical programs.** (1) The categorically needy income level (CNIL) standard for family medical is the same as the grant payment standards for the TANF cash program as stated in WAC 388-478-0020.

(2) The countable resource standards for family medical are the same as those of the TANF/SFA cash program as stated in WAC 388-470-0005.

(3) ~~((For all medical programs an))~~ Each unborn child is counted as a household member when determining household size for:

- (a) Family medical;
- (b) Pregnancy medical; and
- (c) Children's medical.

WSR 05-15-098

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 15, 2005, 1:41 p.m., effective August 15, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amendments to sections within the Washington Hop Commission Marketing Order, chapter 16-532 WAC, update the definitions, decrease the board membership by two positions, decrease the annual assessment rate on all varieties of hops by \$.70 per affected unit, and repeal WAC 16-532-065. These changes achieve consistency with the Commodity Commission enabling statute, chapter 15.65 RCW, and implement the petition received from the Washington Hop Commission.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-532-065; and amending WAC 16-532-010, 16-532-020, and 16-532-040.

Statutory Authority for Adoption: RCW 15.65.047 and chapter 34.05 RCW.

Adopted under notice filed as WSR 05-08-103 on April 4, 2005.

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 3, Repealed 1.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 1.

Date Adopted: July 15, 2005.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 98-13-122, filed 6/17/98, effective 7/18/98)

WAC 16-532-010 Definitions. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

~~((16) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.~~

~~(17) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.)~~

AMENDATORY SECTION (Amending WSR 99-10-095, filed 5/5/99, effective 6/5/99)

WAC 16-532-020 Hop board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ~~((ten))~~ eight members. ~~((Nine))~~ Seven members shall be affected producers elected

as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((nine))~~ seven and the member appointed by the director position ~~((ten))~~ eight.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(e) The term of office for the remaining producer board members serving at the time of the effective date of the 2005 amended marketing order shall be as follows:

Positions four, five, and six - until December 31, 2005

Positions one and two - until December 31, 2006

Positions three and seven - until December 31, 2007

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than

five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: Provided, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days

prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending WSR 97-17-096, filed 8/20/97, effective 9/20/97)

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be ~~((two))~~ one dollar~~((s))~~ and ~~((fifty))~~ eighty cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the

board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-532-065 Rules for implementation of promotional hosting by the Washington hop commission.

**WSR 05-15-119
PERMANENT RULES
STATE BOARD OF HEALTH**

[Filed July 18, 2005, 12:22 p.m., effective - See below]

Effective Date of Rule:

Effective Dates For chapter 246-272A WAC	
September 15, 2005	July 1, 2007
-0001 Purpose, objective and authority	-0170 Product development permits
-0005 Administration	-0200 Permits
-0010 Definitions	-0210 Location
-0015 Local management and regulation	-0220 Site and soil evaluation
-0020 Applicability	-0230 Design requirements—General
-0025 Connection to public sewer	-0232 Design requirements—Septic tank size
-0100 Sewage technologies	-0234 Design requirements—Soil dispersal
-0110 Proprietary treatment—Certification	-0238 Design requirements—Facilitate operation, monitoring and maintenance
-0120 Proprietary treatment—Registration	-0240 Holding tank sewage systems
-0125 Transition of proprietary treatment	-0250 Installation
-0130 Bacterial reduction	-0260 Inspection
-0135 Transition for bacterial reduction	-0265 Record drawings
-0140 Proprietary distribution—Certification	-0270 Operation monitoring and maintenance—Owner responsibilities
-0145 Proprietary distribution—Registration process	-0275 Operation, monitoring and maintenance—Food service establishments
-0150 Transition for proprietary distribution	-0280 Repair of failures
-0175 Transition for experimental systems	-0290 Expansions
-0400 Technical advisory committee	-0300 Abandonment
-0410 Policy advisory committee	-0310 Septage management

September 15, 2005	July 1, 2007
-0420 Waiver of state regulations	-0320 Developments, subdivision, and minimum land area requirements
-0425 Rule review	-0340 Certification of installers, pumpers, and maintenance service providers
-0430 Enforcement	
-0440 Notice of decision	
-0450 Severability	
Effective Repeal Dates For chapter 246-272 WAC	
September 15, 2005	July 1, 2007
-02001 Local regulations	-00101 Purpose
-03001 Applicability	-00501 Administration
-04001 Alternative systems and proprietary devices	-01001 Definitions
-05001 Experimental systems	-09001 Permits for on-site sewage systems under 3500 gallons per day
-07001 Connection to public sewer	-09501 Location
-08001 LOSS	-11001 Soil and site evaluation
-21501 Areas of special concern	-11501 Design
-23501 Technical review committee	-12501 Holding tank sewage system
-24001 State advisory committee	-13501 Installation
-25001 Waiver of state regulations	-14501 Inspection
-26001 Enforcement	-15501 Operation and maintenance
-27001 Notice of decision	-16501 Repair of failures
-28001 Severability	-17501 Expansions
	-18501 Abandonment
	-19501 Septage management
	-20501 Developments, subdivisions and minimum land area requirements
	-22501 Certification of designers, installers, inspectors and maintenance personnel

WAC 246-272-00990 Fees will be recodified as WAC 246-272A-990.

Purpose: To update rules for the siting, design, installation, operation and maintenance of on-site sewage systems. This rule adoption repeals chapter 246-272 WAC and establishes new chapter 246-272A WAC.

On September 15, 2005 there will be two chapters:

Chapter 246-272 WAC, Implemented by local health jurisdictions until the new rules are effective	Chapter 246-272A WAC, Implemented by DOH to register all new products and transition current products
-00101 Purpose	-0001 Purpose, objective and authority
-00501 Administration	-0005 Administration
-01001 Definitions	-0010 Definitions
-09001 Permits for on-site sewage systems under 3500 gallons per day	-0015 Local management and regulation
-09501 Location	-0020 Applicability
-11001 Soil and site evaluation	-0025 Connection to public sewer
-11501 Design	-0100 Sewage technologies
-12501 Holding tank sewage system	-0110 Proprietary treatment—Certification

PERMANENT

Chapter 246-272 WAC, Implemented by local health jurisdictions until the new rules are effective	Chapter 246-272A WAC, Implemented by DOH to register all new products and transition current products
-13501 Installation	-0120 Proprietary treatment—Registration
-14501 Inspection	-0125 Transition of proprietary treatment
-15501 Operation and maintenance	-0130 Bacterial reduction
-16501 Repair of failures	-0135 Transition for bacterial reduction
-17501 Expansions	-0140 Proprietary distribution—Certification
-18501 Abandonment	-0145 Proprietary distribution—Registration process
-19501 Septage management	-0150 Transition for proprietary distribution
-20501 Developments, subdivisions and minimum land area requirements	-0175 Transition for experimental systems
-22501 Certification of designers, installers, inspectors and maintenance personnel	-0400 Technical advisory committee
	-0410 Policy advisory committee
	-0420 Waiver of state regulations
	-0425 Rule review
	-0430 Enforcement
	-0440 Notice of decision
	-0450 Severability
	-0990 Fees

On July 1, 2007, the remaining portions of chapter 246-272A WAC become effective and the remaining parts of chapter 246-272 WAC are repealed.

Chapter 246-272A WAC, On-site sewage systems
-0001 Purpose, objective and authority
-0005 Administration
-0010 Definitions
-0015 Local management and regulation
-0020 Applicability
-0025 Connection to public sewer
-0100 Sewage technologies
-0110 Proprietary treatment—Certification
-0120 Proprietary treatment—Registration
-0125 Transition of proprietary treatment
-0130 Bacterial reduction
-0135 Transition for bacterial reduction
-0140 Proprietary distribution—Certification
-0145 Proprietary distribution—Registration process
-0150 Transition for proprietary distribution
-0170 Product development permits
-0175 Transition for experimental systems
-0200 Permits
-0210 Location
-0220 Site and soil evaluation
-0230 Design requirements—General
-0232 Design requirements—Septic tank size
-0234 Design requirements—Soil dispersal
-0238 Design requirements—Facilitate operation, monitoring and maintenance

-0240 Holding tank sewage systems
-0250 Installation
-0260 Inspection
-0265 Record drawings
-0270 Operation monitoring and maintenance—Owner responsibilities
-0275 Operation, monitoring and maintenance—Food service establishments
-0280 Repair of failures
-0290 Expansions
-0300 Abandonment
-0310 Septage management
-0320 Developments, subdivision, and minimum land area requirements
-0340 Certification of installers, pumpers, and maintenance service providers
-0400 Technical advisory committee
-0410 Policy advisory committee
-0420 Waiver of state regulations
-0425 Rule review
-0430 Enforcement
-0440 Notice of decision
-0450 Severability
-0990 Fees

Citation of Existing Rules Affected by this Order: Repealing WAC 246-272-00101, 246-272-00501, 246-272-01001, 246-272-02001, 246-272-03001, 246-272-04001, 246-272-05001, 246-272-07001, 246-272-08001, 246-272-09001, 246-272-09501, 246-272-11001, 246-272-11501, 246-272-12501, 246-272-13501, 246-272-14501, 246-272-15501, 246-272-16501, 246-272-17501, 246-272-18501, 246-272-19501, 246-272-20501, 246-272-21501, 246-272-22501, 246-272-23501, 246-272-24001, 246-272-25001, 246-272-26001, 246-272-27001, and 246-272-28001.

Statutory Authority for Adoption: RCW 43.20.050.

Adopted under notice filed as WSR 05-02-082 on January 5, 2005, and WSR 05-11-109 on May 18, 2005.

Changes Other than Editing from Proposed to Adopted Version: For clarity of implementation, in WAC 246-272A-0125, 246-272A-0135, 246-272A-0150, and 246-272A-0175, the term "effective date of this chapter" has been replaced with "September 15, 2005," and the term "eighteen months from the effective date of the chapter" has been replaced with "March 15, 2007."

In WAC 246-272A-0425 the phrase "a date four years after the effective date of the rules" is replaced with "September 2009."

WAC 246-272-11501 was added to the list of sections being repealed for consistency with WSR 05-02-082 (original CR-102 notice).

A final cost-benefit analysis is available by contacting Kelly Cooper, P.O. Box 47820, Olympia, WA 98504, phone (360) 236-3012, e-mail kelly.cooper@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

PERMANENT

Number of Sections Adopted on the Agency's Own Initiative: New 43, Amended 0, Repealed 30.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 43, Amended 0, Repealed 30.

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 43, Amended 0, Repealed 30.

Date Adopted: July 13, 2005.

Craig McLaughlin
Executive Director

Chapter 246-272A WAC

ON-SITE SEWAGE SYSTEMS

PURPOSE AND ADMINISTRATION

NEW SECTION

WAC 246-272A-0001 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from on-site sewage systems; and

(b) Adverse effects to public health that discharges from on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of on-site sewage systems to:

(a) Achieve effective long-term sewage treatment and effluent dispersal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) The state board of health is authorized under RCW 43.20.050 to establish minimum requirements for the department of health and local boards of health, and consistent with RCW 43.70.310 integrating the preservation of public health with protection of the environment in order to endorse policies in common.

(4) This chapter is intended to coordinate with other applicable statutes and rules for the design of on-site sewage systems under chapter 18.210 RCW and chapter 196-33 WAC.

(5) This chapter is intended to coordinate with other applicable statutes for land use planning under chapters 36.70 and 36.70A RCW, and the statutes for subdivision of land under chapter 58.17 RCW.

NEW SECTION

WAC 246-272A-0005 Administration. The local health officers and the department shall administer this chapter under the authority and requirements of chapters 70.05, 70.08, 70.118, 70.46, and 43.70 RCW. RCW 70.05.060(7) authorizes local health officers to charge fees for the administration of this chapter.

NEW SECTION

WAC 246-272A-0010 Definitions. (1) Acronyms used in this chapter:

"ANSI" means American National Standards Institute.

"BOD" means biochemical oxygen demand, typically expressed in mg/L.

"CBOD₅" means carbonaceous biochemical oxygen demand, typically expressed in mg/L.

"FC" means fecal coliform, typically expressed in number colonies/100 ml.

"LOSS" means a large on-site sewage system (see chapter 246-272B WAC).

"NSF" means National Sanitation Foundation International.

"O&G" (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions). Typically expressed in mg/L.

"OSS" means on-site sewage system.

"RS&G" means recommended standards and guidance.

"SSAS" means a subsurface soil absorption system.

"TAC" means the technical advisory committee established in WAC 247-272A-0400.

"TN" means total nitrogen, typically expressed in mg/L.

"TSS" means total suspended solids, a measure of all suspended solids in a liquid, typically expressed in mg/L.

"USEPA" means United States Environmental Protection Agency.

(2) Definitions used in this chapter:

"Additive" means a commercial product added to an on-site sewage system intended to affect the performance or aesthetics of an on-site sewage system.

"Approved" means a written statement of acceptability issued by the local health officer or the department.

"Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet.

"Building sewer" means that part of the horizontal piping of a drainage system extending from the building drain, which collects sewage from all the drainage pipes inside a building, to an on-site sewage system. It begins two feet outside the building wall and conveys sewage from the building drain to the remaining portions of the on-site sewage system.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

(a) In full compliance with new construction requirements under this chapter; or

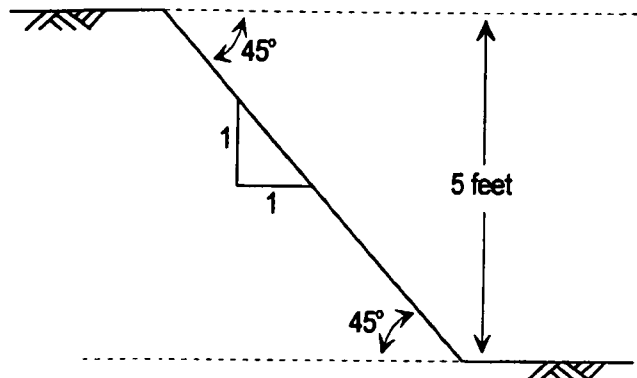
(b) Approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Permitted by the waiver process under WAC 246-272A-0420 that assures public health protection by higher treatment performance or other methods.

"Cover material" means soil placed over a soil dispersal component composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.

PERMANENT

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:



"Department" means the Washington state department of health.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under chapter 18.210 RCW and professional engineers licensed under chapter 18.43 RCW.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Development" means the creation of a residence, structure, facility, subdivision, site, area, or similar activity resulting in the production of sewage.

"Disinfection" means the process of destroying pathogenic microorganisms in sewage through the application of ultraviolet light, chlorination, or ozonation.

"Distribution technology" means any arrangement of equipment and/or materials that distributes sewage within an on-site sewage system.

"Drain field" see subsurface soil absorption system (SSAS) and soil dispersal component.

"Drainrock" means clean washed gravel or crushed rock ranging in size from three-quarters inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

"Effluent" means liquid discharged from a septic tank or other on-site sewage system component.

"Expanding clay" means a clay soil with the mineralogy of clay particles, such as those found in the Montmorillonite/Smectite Group, which causes the clay particles to expand when they absorb water, closing the soil pores, and contract when they dry out.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when

a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a sewage tank or collection system;
- (d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
- (e) Inadequately treated effluent contaminating ground water or surface water; or
- (f) Noncompliance with standards stipulated on the permit.

"Fecal coliform" means bacteria common to the digestive systems of warm-blooded animals that are cultured in standard tests. Counts of these organisms are typically used to indicate potential contamination from sewage or to describe a level of needed disinfection. Generally expressed as colonies per 100 ml.

"Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.

"Ground water" means subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation or monitoring ports.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, caused by reduction and oxidation of iron. These color patterns are redoximorphic features, commonly referred to as mottling. Redoximorphic features often indicate the intermittent presence of ground water and may indicate poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means an on-site sewage system which incorporates a sewage tank without a discharge outlet, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Hydraulic loading rate" means the amount of effluent applied to a given treatment step, in this chapter expressed as gallons per square foot per day (gal/sq.ft./day).

"Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry

houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Infiltrative surface" means the surface within a treatment component or soil dispersal component to which effluent is applied and through which effluent moves into original, undisturbed soil or other porous treatment media.

"Installer" means a person approved by the local health officer to install on-site sewage systems or components.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"Maintenance" means the actions necessary to keep the on-site sewage system components functioning as designed.

"Massive structure" means the condition of a soil layer in which the layer appears as a coherent or solid mass not separated into peds of any kind.

"Moderate structure" means well-formed distinct peds evident in undisturbed soil. When disturbed, soil material parts into a mixture of whole peds, broken peds, and material that is not in peds.

"Monitoring" means periodic or continuous checking of an on-site sewage system, which is performed by observations and measurements, to determine if the system is functioning as intended and if system maintenance is needed. Monitoring also includes maintaining accurate records that document monitoring activities.

"On-site sewage system" (OSS) means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Ordinary high-water mark" means the mark on lakes, streams, springs, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Ped" means a unit of soil structure such as blocks, column, granule, plate or prism formed by natural processes.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company,

or any governmental agency, or the authorized agents of these entities.

"Planned unit development" means a subdivision characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Platy structure" means soil that contains flat peds that lie horizontally and often overlap. This type of structure will impede the vertical movement of water.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a SSAS, as described in the department's *"Recommended Standards and Guidance for Pressure Distribution Systems,"* 2001. A subsurface drip system may be used wherever the chapter requires pressure distribution.

"Professional engineer" means a person who is currently licensed as an engineer under the provisions of chapter 18.43 RCW.

"Proprietary product" means a sewage treatment and distribution technology, method, or material subject to a patent or trademark.

"Public domain technology" means a sewage treatment and distribution technology, method, or material not subject to a patent or trademark.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport sewage or septage from on-site sewage systems.

"Record drawing" means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

"Repair" means the relocation, replacement or reconstruction of a failed on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Rock fragment" means rock or mineral fragments having a diameter of two millimeters or more; for example, gravel, cobbles, stones, and boulders.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other OSS components.

"Septic tank" means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Septic system" see on-site sewage system or OSS.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places.

"Sewage quality" means contents in sewage that include:

(a) CBOD₅, TSS, and O&G;

(b) Other parameters that can adversely affect treatment. Examples include pH, temperature, and dissolved oxygen;

(c) Other constituents that create concerns due to specific site sensitivity. Examples include fecal coliform and nitrogen.

"Sewage tank" means a prefabricated or cast-in-place septic tank, pump tank/dosing chamber, holding tank, grease interceptor, recirculating filter tank or any other tanks as they relate to on-site sewage systems including tanks for use with proprietary products.

"Soil dispersal component" means a technology that releases effluent from a treatment component into the soil for dispersal, final treatment and recycling.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and dispersal medium for sewage.

"Soil scientist" means a person certified by the American Society of Agronomy as a Certified Professional Soil Scientist.

"Soil type" means one of seven numerical classifications of fine earth particles and rock fragments as described in WAC 246-272A-0220 (2)(e).

"Standard methods" means the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

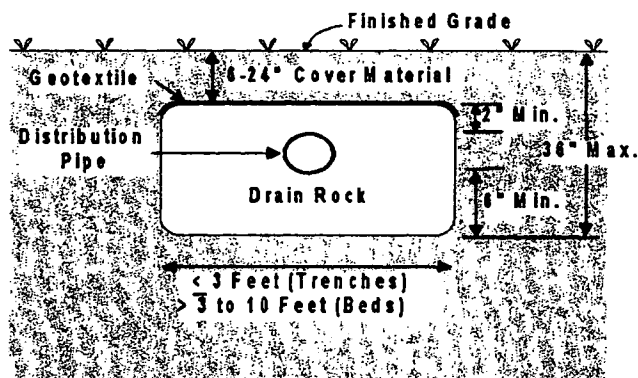
"Strong structure" means peds are distinct in undisturbed soil. They separate cleanly when soil is disturbed, and the soil material separates mainly into whole peds when removed.

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, including both long and short subdivisions, planned unit developments, and mobile home parks.

"Subsurface drip system" means an efficient pressurized wastewater distribution system that can deliver small, precise doses of effluent to soil surrounding the drip distribution piping (called dripline) as described in the department's *Recommended Standards and Guidance for Subsurface Drip Systems*.

"Subsurface soil absorption system" (SSAS) means a soil dispersal component of trenches or beds containing

either a distribution pipe within a layer of drainrock covered with a geotextile, or an approved gravelless distribution technology, designed and installed in original, undisturbed, unsaturated soil providing at least minimal vertical separation as established in this chapter, with either gravity or pressure distribution of the treatment component effluent.



"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, irrigation canals and tidal waters.

"Timed dosing" means delivery of discrete volumes of sewage at prescribed time intervals.

"Treatment component" means a technology that treats sewage in preparation for further treatment and/or dispersal into the soil environment. Some treatment components, such as mound systems, incorporate a soil dispersal component in lieu of separate treatment and soil dispersal components.

"Treatment level" means one of six levels (A, B, C, D, E, & N) used in these rules to:

(a) Identify treatment component performance demonstrated through requirements specified in WAC 246-272A-0110; and

(b) Match site conditions of vertical separation and soil type with treatment components. Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

"Treatment sequence" means any series of treatment components that discharges treated sewage to the soil dispersal component.

"Trench" means a soil dispersal component consisting of an excavation with a width of three feet or less.

"Unit volume of sewage" means:

(a) Flow from a single-family residence;

(b) Flow from a mobile home site in a mobile home park;

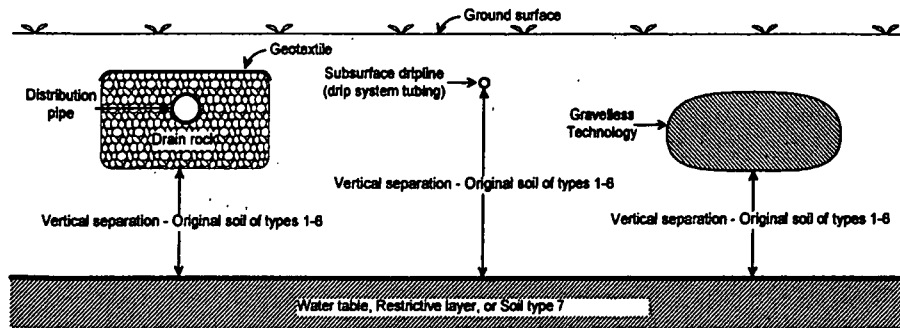
or

(c) Four hundred fifty gallons of sewage per day where the proposed development is not single-family residences or a mobile home park.

PERMANENT

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1-6 between the bottom infiltrative surface of a soil dispersal component and the

highest seasonal water table, a restrictive layer, or soil type 7 as illustrated below by the profile drawing of subsurface soil absorption systems:



"Very gravelly" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use. Excluded are:

- (a) A temporary observation or monitoring well used to determine the depth to a water table for locating an OSS;
- (b) An observation or monitoring well used to measure the effect of an OSS on a water table; and
- (c) An interceptor or curtain drain constructed to lower a water table.

NEW SECTION

WAC 246-272A-0015 Local management and regulation. (1) By July 1, 2007, the local health officers of health jurisdictions in the twelve counties bordering Puget Sound shall develop a written plan that will provide guidance to the local health jurisdiction regarding development and management activities for all OSS within the jurisdiction. The plan must specify how the local health jurisdiction will:

- (a) Progressively develop and maintain an inventory of all known OSS in operation within the jurisdiction;
- (b) Identify any areas where OSS could pose an increased public health risk. The following areas shall be given priority in this activity:
 - (i) Shellfish protection districts or shellfish growing areas;
 - (ii) Sole source aquifers designated by the USEPA;
 - (iii) Areas in which aquifers used for potable water as designated under the Washington State Growth Management Act, chapter 36.70A RCW are critically impacted by recharge;
 - (iv) Designated wellhead protection areas for Group A public water systems;

(v) Up-gradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(vi) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(vii) Wetland areas under production of crops for human consumption;

(viii) Frequently flooded areas including areas delineated by the Federal Emergency Management Agency and or as designated under the Washington State Growth Management Act, chapter 36.70A RCW;

(ix) Areas where nitrogen has been identified as a contaminant of concern; and

(x) Other areas designated by the local health officer.

(c) Identify operation, maintenance and monitoring requirements commensurate with risks posed by OSS within the geographic areas identified in (b) of this subsection;

(d) Facilitate education of homeowners regarding their responsibilities under this chapter and provide operation and maintenance information for all types of systems in use within the jurisdiction;

(e) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270;

(f) Maintain records required under this chapter, including of all operation and maintenance activities as identified; and

(g) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements defined in WAC 246-272A-0200(1), 246-272A-0270, 246-272A-0275, and 246-272A-0280 (1) and (2);

(h) Describe the capacity of the local health jurisdiction to adequately fund the local OSS plan, including the ability to find failing and unknown systems; and

(i) Assure that it was developed to coordinate with the comprehensive land use plan of the entities governing development in the health officer's jurisdiction.

(2) After being approved by the local board of health following a public hearing, the local health officers required to

develop a written plan under subsection (1) of this section shall:

- (a) Supply a copy of the plan to the department;
- (b) Supply a copy of the plan to the entities responsible for land use planning and development regulations in the health officer's jurisdiction; and

(c) Implement the plan described in subsection (1) of this section.

(3) The plans of local health jurisdictions required to develop a written plan under subsection (1) of this section shall be submitted to the department by July 1, 2007, and shall be reviewed to ensure the elements described in subsection (1) of this section have been addressed. The department shall provide in writing to the local board of health its review of the completeness of the plan.

(4) For purposes of this chapter, the local health jurisdictions in marine counties are Clallam, Island, Kitsap, Jefferson, Mason, San Juan, Seattle-King, Skagit, Snohomish, Tacoma-Pierce, Thurston and Whatcom.

(5) The local health officers for all other jurisdictions not required to develop a written plan under subsection (1) of this section shall develop a written plan that will provide guidance to the local jurisdiction regarding development and management activities for all OSS within the jurisdiction. At a minimum the plan shall include:

(a) A description of the capacity of the local health jurisdiction to provide education and operation and maintenance information for all types of systems in use within the jurisdiction;

(b) A description of how the local health officer will remind and encourage homeowners to complete the operation and maintenance inspection required by WAC 246-272A-0270; and

(c) A description of the capacity of the local health jurisdiction to adequately fund the local OSS plan.

(6) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer shall require the owner of the OSS to:

(a) Comply with additional requirements identified in the plan for the location, design, or performance; and

(b) Comply with the conditions of the operational permit if one is required.

(7) In order to implement the plan described in subsections (1) and (5) of this section, the local health officer may require the owner of the OSS to:

(a) Ensure additional maintenance and monitoring of the OSS;

(b) Provide dedicated easements for inspections, maintenance, and potential future expansion of the OSS;

(c) Place a notice to title identifying any additional requirements for OSS operation, maintenance and monitoring; and

(d) Have an inspection of the OSS at the time of property transfer including the preparation of a "record drawing" if necessary.

(8) No later than July 1, 2006, the department shall develop guidance on local management programs to assist marine local health jurisdictions in plan development.

(9) Until such time as the local board of health decides to adopt its own rules, the local health officer shall enforce this

chapter. Local boards of health may adopt and enforce local rules and regulations governing on-site sewage systems when the local regulations are:

(a) Consistent with, and at least as stringent as, this chapter; and

(b) Approved by the department prior to the effective date of local regulations.

(10) A local board of health shall apply for departmental approval of local regulations by initiating the following procedure:

(a) The local board shall submit the proposed local regulations to the department.

(b) Within ninety days of receipt, the department shall:

(i) Approve the regulation in writing; or

(ii) Signify automatic tacit approval with the local regulations and permitting local implementation by failing to act; or

(iii) Deny approval of the regulations. If the department determines local regulations are not consistent with this chapter, the department shall provide specific reasons for denial.

(11) Upon receipt of departmental approval or after ninety days without notification, whichever comes first, the local board may implement adopted regulations. The local board shall provide a copy of the adopted local regulations to the department.

(12) If the department denies approval of local regulations, the local board of health may:

(a) Resubmit revised regulations for departmental consideration; or

(b) Submit a written request for a review of the departmental denial within one hundred twenty days from the date the local board of health receives the written reasons for the denial.

(13) Upon receipt of written request for review of the departmental denial, the department shall:

(a) Acknowledge the receipt of the request in writing; and

(b) Form a mutually acceptable advisory panel consisting of:

(i) One departmental employee;

(ii) One employee from a local health jurisdiction other than that which requested the review; and

(iii) One member of the technical advisory committee.

(14) If good faith efforts to reach agreement are unsuccessful, the local board of health may appeal the denial to the Washington state board of health for resolution.

(15) Nothing in this chapter shall prohibit the adoption and enforcement of more stringent regulations by local health departments.

(16) In the plan required in subsection (1) of this section and in local regulations, the local health officer may address water conservation and include options for the nonpotable reuse of gray water. Any treatment and dispersal of gray water outside the residence or structure must comply with this chapter.

PERMANENT

GENERAL REQUIREMENTS**NEW SECTION**

WAC 246-272A-0020 Applicability. (1) The local health officer:

(a) Shall apply this chapter to OSS treating sewage and dispersing effluent from residential sources with design flows up to three thousand five hundred gallons per day;

(b) May apply this chapter to OSS for nonresidential sources of sewage if treatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent dispersal equal to that required of residential sources.

(c) May not apply this chapter to industrial wastewater.

(2) The department shall apply this chapter for the registration of proprietary treatment and distribution products.

(3) A valid sewage system design approval, or installation permit issued prior to the effective date of these regulations:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of five years from the date of issuance or remain valid for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) This chapter does not apply to facilities regulated as reclaimed water use under chapter 90.46 RCW.

NEW SECTION

WAC 246-272A-0025 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer, upon the failure of an existing on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272A-0300 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) The owner of a residence or other facility served by a system meeting the requirements of Table IX of this chapter shall abandon the OSS according to the requirements specified in WAC 246-272A-0300, and connect the residence or other facility to a public sewer system when:

(a) Connection is deemed necessary to protect public health by the local health officer;

(b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and

(c) The sewer utility allows the sewer connection.

(4) Local boards of health may require a new development to connect to a public sewer system to protect public health.

(5) Local boards of health shall require new development or a development with a failing system to connect to a public sewer system if it is required by the comprehensive land use plan or development regulations.

SEWAGE PRODUCTS AND TECHNOLOGIES**NEW SECTION**

WAC 246-272A-0100 Sewage technologies. (1) The department may develop recommended standards and guidance to assist local health officers in permitting different types of sewage treatment and distribution technologies including the following four broad categories:

(a) Public domain treatment technologies (e.g., sand filters);

(b) Proprietary treatment products (e.g., aerobic treatment systems and packed bed filters);

(c) Public domain distribution technologies (e.g., gravel or generic gravel substitutes, gravity and pressure distribution methods and materials);

(d) Proprietary distribution products (e.g., subsurface dripline products or gravelless distribution products).

(2) All types of sewage technologies must have either standards for use described in this chapter or departmental recommended standards and guidance before the local health officer may permit them. Recommended standards and guidance may include information and detail such as:

(a) Application;

(b) Design;

(c) Installation;

(d) Operation, monitoring and maintenance;

(e) Performance expectations; and

(f) Sources of information.

NEW SECTION

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All thirty-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

TABLE I

Testing Requirements for Proprietary Treatment Products	
Treatment Component/ Sequence Category	Required Testing Protocol
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p> <p>Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.</p> <p>(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)</p>	<p>ANSI/NSF 40—Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)</p> <p>EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies / EPA Environmental Technology Verification (April 2001)</p>
<p>Category 3 Black water component of residential sewage (such as composting and incinerating toilets).</p>	<p>NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999)</p> <p>NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)</p>
<p>Total Nitrogen Reduction in Categories 1 & 2 (Above)</p>	<p>Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)</p>

PERMANENT

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products									
Treatment Component/ Sequence Category	Testing Results Reported								
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p>	<p>Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD₅, and TSS:</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Average</td> <td><input type="checkbox"/> Standard Deviation</td> </tr> <tr> <td><input type="checkbox"/> Minimum</td> <td><input type="checkbox"/> Maximum</td> </tr> <tr> <td><input type="checkbox"/> Median</td> <td><input type="checkbox"/> Interquartile Range</td> </tr> <tr> <td><input type="checkbox"/> 30-day Average (for each month)</td> <td></td> </tr> </table>	<input type="checkbox"/> Average	<input type="checkbox"/> Standard Deviation	<input type="checkbox"/> Minimum	<input type="checkbox"/> Maximum	<input type="checkbox"/> Median	<input type="checkbox"/> Interquartile Range	<input type="checkbox"/> 30-day Average (for each month)	
<input type="checkbox"/> Average	<input type="checkbox"/> Standard Deviation								
<input type="checkbox"/> Minimum	<input type="checkbox"/> Maximum								
<input type="checkbox"/> Median	<input type="checkbox"/> Interquartile Range								
<input type="checkbox"/> 30-day Average (for each month)									

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
	For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within thirty-day or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130. Test report must also include the individual results of all samples drawn throughout the test period.
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD ₅ , TSS and O&G Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.

TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Treatment System Performance Testing Levels					
	Level	Parameters				
		CBOD₅	TSS	O&G	FC	TN
	A	10 mg/L	10 mg/L	—	200/100 ml	—
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—
	D	25 mg/L	30 mg/L	—	—	—
	E	125 mg/L	80 mg/L	20 mg/L	—	—
N	—	—	—	—	20 mg/L	
	Values for Levels A - D are 30-day values (averages for CBOD ₅ , TSS, and geometric mean for FC.) All 30-day averages throughout the test period must meet these values in order to be registered at these levels. Values for Levels E and N are derived from full test averages.					
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	All of the following requirements must be met: (1) All full test averages must meet Level E; and (2) Establish the treatment capacity of the product tested in pounds per day for CBOD ₅ .					
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	Test results must meet the performance requirements established in the NSF test protocol.					
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.					

PERMANENT

NEW SECTION

WAC 246-272A-0120 Proprietary treatment product registration—Process and requirements. (1) Manufacturers shall register their proprietary treatment product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to represent the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary treatment product;

(d) A description of the function of the proprietary treatment product along with any known limitation on the use of the product;

(e) Product description and technical information, including process flow drawings and schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) For treatment systems in Category 2, daily capacity of the model or models in pounds per day of CBOD₅;

(g) Siting and installation requirements;

(h) Detailed description, procedure and schedule of routine service and system maintenance events;

(i) Estimated operational costs for the first five years of the treatment component's life. This shall include both estimated annual electricity costs, and routine maintenance costs, including replacement of parts;

(j) Identification of information subject to protection from disclosure of trade secrets;

(k) Copies of product brochures & manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions*;

(l) The most recently available product test protocol and results report;

(m) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for registration. I attest, under penalty of law, that this document and all attachments are true, accurate, and complete. I understand and accept that the product testing results reported with this application for registration are the parameters and values to be used for determining conformance with Treatment System Performance Testing Levels established in chapter 246-272A WAC";

(n) A signed and dated certification from the testing entity including the statement, "I certify that I represent (INSERT TESTING ENTITY NAME), that I am authorized to report the testing results for this proprietary treatment product. I attest, under penalty of law, that the report about the test protocol and results is true, accurate, and complete"; and

(o) The fee described in WAC 246-272A-990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application, consistent with the provisions of their test protocol for the certification of other

products within a product series. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary treatment products.

(4) All registrations are valid for up to one year, expiring on December 31 of each year. Fees are not prorated.

(5) In order to renew technology registration, a manufacturer shall:

(a) Apply for renewal of product registration using the form or in the format provided by the department.

(b) Submit the results of retesting, if the product has completed retesting according to the protocol required for registration and a report from the testing entity has been issued since initial registration or previous renewal. Renewal shall be based on the most recent test results.

(c) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements for initial registration.

(d) Submit the fee established in WAC 246-272A-990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary treatment products meeting the registration requirements established in this chapter. The product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0125 Transition from the list of approved systems and products to the registered list—Treatment products. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Treatment products not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, must be registered with the department according to the requirements of this chapter before being permitted by the local health officer.

(3) Between September 15, 2005, and March 15, 2007, the local health officer may permit treatment products that are on the department's list of approved systems and products or registered with the department under the requirements of this chapter.

(4) After March 15, 2007, local health officers may only permit those treatment products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with treatment product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration before March 15, 2007, using the following information:

(a) For treatment products approved for use with sewage typical of a residential source:

(i) If product approval was based on performance test results obtained from testing conducted according to a ANSI/NSF Standard 40 protocol dated prior to July 1996, the manufacturer may apply for registration as established by these rules using the performance test results obtained by a qualified testing facility from testing conducted according to a ANSI/NSF Standard 40 test protocol dated prior to July 1996;

(ii) In order to be registered, manufacturers must identify on their application for product registration if the reported product testing results use an excursion allowance. If an excursion allowance is used, only the excursion allowance provided in 1996 and later NSF protocols may be used;

(iii) Thirty-day averaging of sample results must meet the requirements established in 1996 and later NSF protocols;

(iv) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(b) For products approved for use with high-strength residential or commercial sewage:

(i) Manufacturers may apply for product registration using the performance test results and other information previously provided to the department in support of product approval application.

(ii) If product approval was based upon the performance information obtained through the department's former experimental systems program, manufacturers may apply for registration under this chapter using the performance test results obtained from their experimental system program. This provision is valid for only those models on the list of approved systems and products;

(c) Test results for BOD₅ may be submitted in lieu of test results for CBOD₅. In these cases the numerical values for CBOD₅ will be determined using the following formula: (BOD₅ value x .83 = CBOD₅ value);

(d) In order to be registered for treatment levels A, B or C, a manufacturer shall provide data demonstrating that each of the parameters (CBOD₅, TSS and fecal coliform) is met;

(e) Fecal coliform reduction performance must be demonstrated according to the provisions and requirements established in WAC 246-272A-0130 Bacteriological reduction; and

(f) Manufacturers and treatment products must meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0130 Bacteriological reduction. This section establishes the requirements for registering bacteriological reduction processes.

(1) Manufacturers shall, for the purpose of product registration as described in WAC 246-272A-0110 and 246-272A-0120 for meeting treatment levels A, B, or C, verify bacteriological reduction performance by sampling for fecal coliform.

(a) For products not yet tested according to ANSI/NSF Standard 40 testing protocol dated July 1996 or later, the requirements of both ANSI/NSF Standard 40 and the protocol specified in subsection (2) of this section for verifying bacteriological reduction must be met.

(b) For products that have been tested according to ANSI/NSF Standard 40 dated July 1996 or later but have not yet been tested for bacteriological reduction, treatment performance of the treatment product or sequence may be established based on test results for CBOD₅ and TSS obtained from the previous ANSI/NSF Standard 40 testing and bacteriological reduction performance based on testing according to the protocol in subsection (2) of this section. Provided that the testing entity must verify the influent wastewater stream throughout the bacteriological testing period meets the influent threshold levels for CBOD₅ and TSS required by ANSI/NSF Standard 40 testing protocol.

(2) All test data submitted for product registration shall be produced by an ANSI accredited, third-party testing and certification organization whose accreditation is specific to on-site wastewater treatment products. Bacteriological reduction performance must be determined while the treatment product or sequence is tested according to the ANSI/

NSF Standard 40 testing protocol. During this testing the following requirements apply:

(a) Collect samples from both the influent and effluent streams, identifying the treatment performance achieved by the full treatment process (component or sequence);

(b) Obtain influent characteristics falling within a range of 10^6 - 10^8 fecal coliform/100 mL calculated as thirty-day geometric means during the test.

(c) Test the influent to any disinfection unit and report the following at each occasion of sampling performed in (d) of this subsection:

(i) Flow rate;

(ii) pH;

(iii) Temperature;

(iv) Turbidity; and

(v) Color.

(d) Obtain samples for fecal coliform analysis throughout the testing period, including both design loading and stress loading recovery periods, as follows:

(i) Both an influent and an effluent grab sample must be taken during each of the three daily design loading periods on three separate days of each week; and

(ii) The three influent samples collected each day must be combined and analyzed as a single sample for that day. The effluent samples for each day must also be combined and analyzed as a single sample for that day.

(e) Conduct analyses according to standard methods;

(f) Report the geometric mean of fecal coliform test results from all samples taken within thirty-day or monthly calendar periods;

(g) Report the individual results of all samples taken throughout the test period design and stress loading; and

(h) Report all maintenance and servicing conducted during the testing period, including for example, instances of cleaning a UV lamp, or replenishment of chlorine chemicals.

(3) Manufacturers may register products in treatment levels A and B using disinfection.

(4) Manufacturers may not register products for treatment level C using disinfection.

NEW SECTION

WAC 246-272A-0135 Transition from the list of approved systems and products to the registered list—Bacteriological reduction. This section on how bacteriological reduction products on the list of approved systems and products can become registered.

(1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made if approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Systems on the department's list of approved systems and products meeting the BOD₅ (or CBOD₅) and TSS requirements for treatment standards 1 and 2 may continue to be combined with disinfection equipment and methods specified by the on-site sewage system designer to meet or exceed

the fecal coliform reduction performance required by treatment standards 1 and 2, until March 15, 2007.

(3) After March 15, 2007, the local health officer may permit only those treatment products registered as meeting bacteriological reduction portions of treatment level A, B, or C under the requirements of this chapter.

(4) Products that have been tested for bacteriological reduction and have met all the requirements of WAC 246-272A-0130, except the bacteriological influent and/or sampling frequency requirements, may be registered under this chapter to allow continued use of the product after March 15, 2007. In order to register their product, the manufacturer shall:

(a) Assure their product is on the department's list of approved systems and products that have been approved as meeting a bacteriological reduction standard on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section;

(b) Apply for product registration before March 15, 2007; and

(c) Have their product tested for two additional months of testing using the testing protocol specified in WAC 246-272A-0130(2) to verify the bacteriological reduction performance.

NEW SECTION

WAC 246-272A-0140 Proprietary distribution products—Certification and registration. (1) Manufacturers shall register proprietary distribution products, including gravelless distribution products and subsurface dripline products, with the department before the local health officer may permit their use.

(2) Manufacturers desiring to sell proprietary distribution products shall certify that the product(s) meets the standards established in this chapter and register their product(s) with the department using the process described in WAC 246-272A-0145.

(3) Proprietary gravelless distribution products shall:

(a) Be constructed or manufactured from materials that are nondecaying and nondeteriorating and do not leach chemicals when exposed to sewage and the subsurface soil environment;

(b) Provide liquid storage volume at least equal to the storage volume provided within the thirty percent void space in a twelve-inch layer of drainrock in a drainrock-filled distribution system. This storage volume must be established by the gravelless distribution products, system design and installation and must be maintained for the life of the system. This requirement may be met on a lineal-foot, or on an overall system design basis;

(c) Provide suitable effluent distribution to the infiltrative surface at the soil interface; and

(d) Maintain the integrity of the trench or bed. The material used, by its nature and its manufacturer-prescribed installation procedure, must withstand the physical forces of the soil sidewalls, soil backfill and the weight of equipment used in the backfilling.

(4) Proprietary subsurface dripline products shall:

(a) Be warranted by the manufacturer for use with sewage and for resistance to root intrusion.

(b) Incorporate emitters with a maximum nominal rated discharge of 1.3 gallons per hour. Emitter discharge rate may be controlled either by use of pressure-compensating emitters or with a pressure regulator.

(c) Be color-coded purple to identify that the pipe contains nonpotable water from a sewage source.

NEW SECTION

WAC 246-272A-0145 Proprietary distribution product registration—Process and requirements. (1) Manufacturers shall register their proprietary distribution product(s) with the department by submitting a complete application in the format provided by the department, including:

(a) Manufacturer's name, mailing address, street address, and phone number;

(b) Contact individual's name, mailing address, street address, and phone number. The contact individual must be vested with the authority to act as the agent of the manufacturer in this capacity;

(c) Name, including specific brand and model, of the proprietary distribution product;

(d) A description of the function of the proprietary distribution product along with any known limitations on its use;

(e) Product description and technical information, including schematics; materials and characteristics; component design specifications; design capacity, volumes and flow assumptions and calculations; components; dimensioned drawings and photos;

(f) Siting and installation requirements;

(g) Detailed description, procedure and schedule of routine service and system maintenance events;

(h) Identification of information subject to protection from disclosure of trade secrets;

(i) Copies of product brochures and manuals: *Sales & Promotional; Design; Installation; Operation & Maintenance; and Homeowner Instructions;*

(j) For gravelless chamber systems a quantitative description of the actual exposed trench-bottom infiltrative surface area for each model seeking registration;

(k) A statement from a professional engineer that certifies the technology meets the standards established in WAC 246-272A-0140;

(l) A signed and dated certification by the manufacturer's agent specifically including the following statement, "I certify that I represent (INSERT MANUFACTURING COMPANY NAME) and I am authorized to prepare or direct the preparation of this application for product registration. I attest, under penalty of law, that this document and all attachments, are true, accurate, and complete."

(m) A signed and dated certification from the licensed professional engineer including the statement, "I certify that I represent (INSERT PROFESSIONAL ENGINEERING FIRM NAME), that I am authorized to certify the performance characteristics for the proprietary distribution product presented in this application. I attest, under penalty of law, that the technology report is true, accurate, and complete."

(n) The fee established in WAC 246-272A-0990.

(2) Products within a single series or model line (sharing distinct similarities in design, materials, and capacities) may be registered under a single application. Products outside of the series or model line must be registered under separate applications.

(3) Upon receipt of an application the department shall:

(a) Verify that the application is complete;

(b) If complete, place the product on the list of proprietary distribution products.

(4) All registrations are valid for up to one year, expiring on December 31st of each year. Required fees are not prorated.

(5) In order to renew a proprietary distribution product registration, a manufacturer must:

(a) Apply for renewal of product registration using the form or in the format provided by the department;

(b) Provide an affidavit to the department verifying whether or not the product has changed over the previous year. If the product has changed, the affidavit must also include a full description of the changes. If the product has changed in a way that affects performance, the product may not be renewed and shall meet the requirements of initial registration; and

(c) Submit the fee established in WAC 246-272A-0990.

(6) As part of product registration renewal, the department shall:

(a) Request field assessment comments from local health officers no later than October 31st of each year. These comments may include concerns about a variety of field assessment issues, including product function, product reliability, and problems arising with operation and maintenance;

(b) Discuss with the TAC any field assessment information that may impact product registration renewal;

(c) Notify the manufacturer of any product to be discussed with the TAC, prior to discussion with the TAC, regarding the nature of comments received; and

(d) Renew the product registration unless:

(i) The manufacturer of a product does not apply for renewal; or

(ii) The department, after deliberation with the TAC, concludes product registration renewal should not be given or should be delayed until the manufacturer submits information that satisfactorily answers concerns and issues.

(7) The department shall maintain a list of proprietary distribution products meeting the registration requirements established in this chapter. Product registration is a condition of approval for use.

(8) Manufacturers shall have readily accessible information for designers, homeowners, regulators, system owners and other interested parties about their product including:

(a) Product manuals;

(b) Design instructions;

(c) Installation instructions;

(d) Operation and maintenance;

(e) Homeowner instructions; and

(f) A list of representatives and manufacturer certified service providers, if any.

NEW SECTION

WAC 246-272A-0150 Transition from the list of approved systems and products to the registered list—Distribution products. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Distribution products not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, must be registered with the department under this chapter before being permitted by the local health officer.

(3) Between September 15, 2005, and March 15, 2007, the local health officer may permit distribution products that are on the department's list of approved systems and products or registered by the department under the requirements of this chapter.

(4) After March 15, 2007, local health officers may only permit those distribution products registered under the requirements of this chapter.

(5) In order to be registered, manufacturers with distribution product models specified on the department's list of approved systems and products (excluding products being evaluated under the experimental systems program) on September 15, 2005, or subsequently added to the list as provided in subsection (1)(a) of this section, shall apply for product registration before March 15, 2007, using the following information:

(a) Manufacturers may apply for registration using the information previously provided to the department in support of product approval application, without further professional engineer certification.

(b) If product approval was based upon the performance information obtained through the department's former experimental systems program, the manufacturer may apply for registration as established by these rules using the performance test results obtained from their experimental system program, without further professional engineer certification. This provision is valid for only those models on the approved list of systems and products.

(c) Manufacturers and distribution products shall meet all other requirements established in these rules for product registration.

NEW SECTION

WAC 246-272A-0170 Product development permits.

(1) A local health officer may issue a product development permit (PDP) for any proprietary treatment component or sequence. In order to protect public health during the development period, a complete system meeting the requirements of this chapter and the site must be installed. The product under development may then be added to the treatment system allowing the product developer to gather data about the product's performance in the field. The PDP allows product

developers to explore and develop new technologies prior to product testing and registration under WAC 246-272A-0110 and 246-272A-0120. The PDP is not an alternative to testing and registration.

(2) An application for a PDP shall include all of the following:

(a) Proof of an existing conforming system in compliance with all local requirements, or a permit for a conforming system. The conforming system must be installed in its entirety before the PDP becomes valid;

(b) A description of the product under development including performance goals and a description of how the system will be used to treat sewage;

(c) Documentation of financial assurance that will cover the correction of any potential public health threats or environmental damage resulting from the use of the product under development. Instruments of financial assurance include:

(i) An irrevocable letter of credit in the amount required by the local health officer issued by an entity authorized to issue letters of credit in Washington state;

(ii) Cash or security deposit payable to the local health jurisdiction in the amount required by the local health officer; or

(iii) Any other financial assurance that satisfies the local health officer.

(d) Documentation signed by the owner of the proposed product development site allowing access to the local health officer for inspection of the site; and

(e) Any other information required by the local health officer.

(3) The local health officer may stipulate additional requirements for a PDP necessary to assure the performance of the conforming system, including providing performance data to the local health officer.

(4) A PDP is a site-specific permit. Product development at multiple sites requires a PDP for each site.

(5) During the term of the PDP, product development, testing and sampling are under the full control of the product developer and all data collected is considered proprietary information.

(6) A PDP is valid for one year and may be renewed by the local health officer.

(7) The product development period is over when the original PDP or any subsequently renewed permits have expired. At this time the product developer:

(a) Shall, at the direction of the local health officer, remove the product under development from the site, reestablishing all appropriate plumbing and power connections for the conforming system.

(b) May subject the product to performance testing described in WAC 246-272A-0110 in order to allow the product to be eligible for registration with the department.

(8) The local health officer may revoke or amend a PDP:

(a) If the continued operation or presence of the product under development:

(i) Presents a risk to the public health or the environment;

(ii) Causes adverse effects on the proper function of the conforming system on the site; or

(iii) Leaks or discharges sewage on the surface of the ground.

(b) If the developer fails to comply with any requirements stipulated on the permit by the local health officer.

(9) The local health officer may charge fees adequate to administer the PDP program.

NEW SECTION

WAC 246-272A-0175 Transition from the experimental system program to application for product registration. (1) The department's list of approved systems and products shall:

(a) Become static on September 15, 2005. Subsequent changes, additions or deletions to the list of approved systems and products will only be made when approved by the department based on completed applications received prior to September 15, 2005.

(b) Remain in effect until March 15, 2007.

(2) Persons representing experimental systems not on the department's list of approved systems and products on September 15, 2005, and not otherwise eligible for inclusion on the list by submittal of a completed application prior to September 15, 2005, may apply to a local health officer for a product development permit under WAC 246-272A-0170.

(3) Those persons representing experimental systems on the department's list of approved systems and products on September 15, 2005, may continue with the experimental testing according to the experimental testing protocol agreed to by the department until completed. Upon completion of the testing, the person may apply to the department for product registration under WAC 246-272A-0120 or 246-272A-0145. In considering the results of the experimental testing protocol, the department may seek a recommendation from the TAC. The department may determine:

(a) The product meets the requirements for registration and place it on the list of registered proprietary products; or

(b) The product does not meet the requirements for registration. Any further treatment product development and testing may continue under WAC 246-272A-0170, not under the department's previous experimental system program. The requirements of WAC 246-272A-0110, 246-272A-0130, or 246-272A-0140 apply to any further application for product registration.

SPECIFIC REQUIREMENTS

NEW SECTION

WAC 246-272A-0200 Permit requirements. (1) Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local health officer:

(a) General information including:

(i) Name and address of the property owner and the applicant at the head of each page of submission;

(ii) Parcel number and if available, the address of the site;

(iii) Source of drinking water supply;

(iv) Identification if the property is within the boundaries of a recognized sewer utility;

(v) Size of the parcel;

(vi) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;

(vii) Source of sewage, for example, residence, restaurant, or other type of business;

(viii) Location of utilities;

(ix) Name of the site evaluator;

(x) Name, signature and stamp of the designer;

(xi) Date of application; and

(xii) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.

(b) The soil and site evaluation as specified under WAC 246-272A-0220.

(c) A dimensioned site plan of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting design including:

(i) Designated areas for the proposed initial system and the reserve area;

(ii) The location of all soil logs and other soil tests for the OSS;

(iii) General topography and/or slope;

(iv) Drainage characteristics;

(v) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and

(vi) An arrow indicating north.

(d) A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

(i) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;

(ii) Vertical cross-section drawings showing:

(A) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and

(B) Other new OSS components constructed at the site.

(iii) Calculations and assumptions supporting the proposed design, including:

(A) System operating capacity and design flow;

(B) Soil type; and

(C) Hydraulic loading rate in the soil dispersal component; and

(e) Any additional information as deemed necessary by the local health officer.

(2) A permit is not required for replacement, addition, or modification of broken or malfunctioning building sewers, risers and lids, sewage tank lids, sewage tank baffles, sewage tank pumps, pump control floats, pipes connecting multiple sewage tanks, and OSS inspection boxes and ports where a sewage tank, treatment component, or soil dispersal component does not need to be replaced. The local health officer may require the owner to submit information regarding these activities for recordkeeping purposes.

(3) The local health officer may develop the information required in subsection (1) of this section if authorized by local regulations.

(4) The local health officer shall:

(a) Respond to an application within thirty days as required in RCW 70.05.074.

(b) Permit only public domain technologies that have departmental RS&G. Permit only proprietary products that are registered by the department. During the period of transition from the list of approved systems and products to the registered list, the local health officer may permit products on the list of approved systems and products.

(c) Issue a permit when the information submitted under subsection (1) of this section meets the requirements contained in this chapter and in local regulations;

(d) Identify the permit as a new installation, repair, expansion, modification, or operational permit;

(e) Specify the expiration date on the permit. The expiration date may not exceed five years from the date of permit issuance;

(f) Include a reminder on the permit application of the applicant's right of appeal; and

(g) If requiring an operational permit, state the period of validity and the date and conditions of renewal.

(5) The local health officer may revoke or deny a permit for just cause. Examples include, but are not limited to:

(a) Construction or continued use of an OSS that threatens the public health;

(b) Misrepresentation or concealment of material fact in information submitted to the local health officer; or

(c) Failure to meet conditions of the permit, this chapter or any local regulations.

(6) Before the local health officer issues a permit for the installation of an OSS to serve more than one development, the applicant shall show:

(a) An approved public entity owning or managing the OSS in perpetuity; or

(b) A management arrangement acceptable to the local health officer, recorded in covenant, lasting until the on-site system is no longer needed, and containing, but not limited to:

(i) A recorded easement allowing access for construction, operation, monitoring maintenance, and repair of the OSS; and

(ii) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(7) The local health officer shall not delegate the authority to issue permits.

(8) The local health officer may stipulate additional requirements for a particular permit if necessary for public health protection.

NEW SECTION

WAC 246-272A-0210 Location. (1) Persons shall design and install OSS to meet the minimum horizontal separations shown in Table IV, Minimum Horizontal Separations:

**Table IV
Minimum Horizontal Separations**

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring measured from the ordinary high-water mark	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source measured from the ordinary high-water mark ¹	100 ft.	50 ft.	50 ft.
Pressurized water supply line	10 ft.	10 ft.	10 ft.
Decommissioned well (decommissioned in accordance with chapter 173-160 WAC)	10 ft.	N/A	N/A
Surface water measured from the ordinary high-water mark	100 ft.	50 ft.	10 ft.
Building foundation/in-ground swimming pool	10 ft.	5 ft.	2 ft.
Property or easement line	5 ft.	5 ft.	N/A

PERMANENT

Items Requiring Setback	From edge of soil dispersal component and reserve area	From sewage tank and distribution box	From building sewer, and nonperforated distribution pipe
Interceptor/curtain drains/foundation drains/drainage ditches			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Other site features that may allow effluent to surface			
Down-gradient ² :	30 ft.	5 ft.	N/A
Up-gradient ² :	10 ft.	N/A	N/A
Down-gradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Down-gradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A
Other adjacent soil dispersal components/subsurface storm water infiltration systems	10 ft.	N/A	N/A

¹If surface water is used as a public drinking water supply, the designer shall locate the OSS outside of the required source water protection area.

²The item is down-gradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is up-gradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) If any condition indicates a greater potential for contamination or pollution, the local health officer may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, in-ground swimming pool, or building foundation is up-gradient.

(4) The horizontal separation between an OSS dispersal component and an individual water well, individual spring, or surface water that is not a public water source can be reduced to a minimum of seventy-five feet, by the local health officer, and be described as a conforming system upon signed approval by the health officer if the applicant demonstrates:

(a) Adequate protective site-specific conditions, such as physical settings with low hydro-geologic susceptibility from contaminant infiltration. Examples of such conditions include evidence of confining layers and/or aquatards separating potable water from the OSS treatment zone, excessive depth to ground water, down-gradient contaminant source, or outside the zone of influence; or

(b) Design and proper operation of an OSS system assuring enhanced treatment performance beyond that accomplished by meeting the vertical separation and effluent distribution requirements described in WAC 246-272A-0230 Table VI; or

(c) Evidence of protective conditions involving both (a) and (b) of this subsection.

(5) Persons shall design and/or install a soil dispersal component only if:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the OSS.

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

(6) The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section C1-9 of the department of ecology's "Criteria For Sewage Works Design," December 1998.

NEW SECTION

WAC 246-272A-0220 Soil and site evaluation. (1)

Only professional engineers, designers, or local health officers may perform soil and site evaluations. Soil scientists may only perform soil evaluations.

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- (2) The person evaluating the soil and site shall:
- (a) Report:
 - (i) A sufficient number of soil logs to evaluate conditions within:
 - (A) The initial soil dispersal component; and
 - (B) The reserve area.
 - (ii) The ground water conditions, the date of the observation, and the probable maximum height;
 - (iii) The topography of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting the design;
 - (iv) The drainage characteristics of the proposed initial system, the reserve area and those areas immediately adjacent that contain characteristics impacting the design;
 - (v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;
 - (vi) The existence of designated flood plains and other areas identified in the local management plan required in WAC 246-272A-0015; and
 - (vii) The location of existing features affecting system placement, such as, but not limited to:
 - (A) Wells and suction lines;
 - (B) Water sources and supply lines;
 - (C) Surface water and stormwater infiltration areas;
 - (D) Abandoned wells;
 - (E) Outcrops of bedrock and restrictive layers;
 - (F) Buildings;
 - (G) Property lines and lines of easement;
 - (H) Interceptors such as footing drains, curtain drains, and drainage ditches;
 - (I) Cuts, banks, and fills;
 - (J) Driveways and parking areas;
 - (K) Existing OSS; and
 - (L) Underground utilities;
 - (b) Use the soil and site evaluation procedures and terminology in accordance with Chapter 5 of the *On-site Wastewater Treatment Systems Manual*, EPA 625/R-00/008, February 2002 except where modified by, or in conflict with, this chapter (available upon request to the department);
 - (c) Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system;
 - (d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and
 - (e) Classify the soil as in Table V, Soil Type Descriptions:

**TABLE V
Soil Type Descriptions**

Soil Type	Soil Textural Classifications
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding soil types 5 and 6, all soil types with greater than or equal to 90% rock fragments.
2	Coarse sands.

Soil Type	Soil Textural Classifications
3	Medium sands, loamy coarse sands, loamy medium sands.
4	Fine sands, loamy fine sands, sandy loams, loams.
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure).
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.
7 Unsuitable for treatment or dispersal	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.

- (3) The owner of the property or his agent shall:
 - (a) Prepare the soil log excavation to:
 - (i) Allow examination of the soil profile in its original position by:
 - (A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated infiltrative surface at the bottom of the soil dispersal component; or
 - (B) Stopping at a shallower depth if a water table or restrictive layer is encountered;
 - (ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and
 - (b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to prevent injury as required by chapter 296-155 WAC.
- (4) The local health officer:
 - (a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;
 - (b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;
 - (c) May require any other soil and site information affecting location, design, or installation; and
 - (d) May reduce the required number of soil logs for OSS serving a single-family residence if adequate soils information has previously been developed.

NEW SECTION

WAC 246-272A-0230 Design requirements—General. (1) On-site sewage systems may only be designed by professional engineers, licensed under chapter 18.43 RCW or on-site sewage treatment system designers, licensed under chapter 18.210 RCW, except:

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(a) If at the discretion of the local health officer, a resident owner of a single-family residence not adjacent to a marine shoreline is allowed to design a system for that residence; or

(b) If the local health officer performs the soil and site evaluation, the health officer is allowed to design a system.

(2) The designer shall use the following criteria when developing a design for an OSS:

(a) All sewage from the building served is directed to the OSS;

(b) Sewage tanks have been reviewed and approved by the department;

(c) Drainage from the surface, footing drains, roof drains, subsurface stormwater infiltration systems, and other nonsewage drains is prevented from entering the OSS, the area where the OSS is located, and the reserve area;

(d) The OSS is designed to treat and disperse the sewage volume as follows:

(i) For single-family residences:

(A) The operating capacity is based on 45 gpd per capita with two people per bedroom.

(B) The minimum design flow per bedroom per day is the operating capacity of ninety gallons multiplied by 1.33. This results in a minimum design flow of one hundred twenty gallons per bedroom per day.

(C) A factor greater than 0.33 to account for surge capacity may be required by the local health officer.

(D) The local health officer may require an increase of the design flow for dwellings with anticipated greater flows, such as larger dwellings.

(E) The minimum design flow is two hundred forty gallons per day.

(ii) For other facilities, the design flows noted in "On-site Wastewater Treatment Systems Manual," USEPA, EPA-625/R-00/008, February 2002 (available upon request to the department) shall be used. Sewage flows from other sources of information may be used in determining system design flows if they incorporate both an operating capacity and a surge capacity.

(e) The OSS is designed to address sewage quality as follows:

(i) For all systems, the designer shall consider:

(A) CBOD₅, TSS, and O&G;

(B) Other parameters that can adversely affect treatment anywhere along the treatment sequence. Examples include pH, temperature and dissolved oxygen;

(C) The sensitivity of the site where the OSS will be installed. Examples include areas where fecal coliform constituents can result in public health concerns, such as shellfish growing areas, designated swimming areas, and other areas identified by the local management plan required in WAC 246-272A-0015.

(D) Nitrogen contributions. Where nitrogen has been identified as a contaminant of concern by the local management plan required in WAC 246-272A-0015, it shall be addressed through lot size and/or treatment.

(ii) For OSS treating sewage from a nonresidential source, the designer shall provide the following information:

(A) Information to show the sewage is not industrial wastewater;

(B) Information regarding the sewage quality and identifying chemicals found in the sewage that are not found in sewage from a residential source; and

(C) A site-specific design providing the treatment level equal to that required of sewage from a residential source;

(f) The vertical separation to be used to establish the treatment levels and application rates. The selected vertical separation shall be used consistently throughout the design process.

(g) Treatment levels:

(i) Requirements for matching treatment component and method of distribution with soil conditions of the soil dispersal component are listed in Table VI. The treatment levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110. The method of distribution applies to the soil dispersal component.

(ii) Disinfection may not be used to achieve the fecal coliform requirements to meet:

(A) Treatment levels A or B in Type 1 soils; or

(B) Treatment level C.

TABLE VI

Treatment Component Performance Levels and Method of Distribution¹

Vertical Separation in inches	Soil Type		
	1	2	3-6
12 < 18	A - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥18 < 24	B - pressure with timed dosing	B - pressure with timed dosing	B - pressure with timed dosing
≥24 < 36	B - pressure with timed dosing	C - pressure	E - pressure
≥36 < 60	B - pressure with timed dosing	E - pressure	E - gravity
≥60	C - pressure	E - gravity	E - gravity

¹The treatment component performance levels correspond with those established for treatment components under the product testing requirements in WAC 246-272A-0110.

(3) The coarsest textured soil within the vertical separation selected by the designer shall determine the minimum treatment level and method of distribution.

(4) The local health officer shall not approve designs for:

(a) Cesspools; or

(b) Seepage pits.

(5) The local health officer may approve a design for the reserve area different from the design approved for the initial OSS, if both designs meet the requirements of this chapter for new construction.

PERMANENT

NEW SECTION

WAC 246-272A-0232 Design requirements—Septic tank sizing. Septic tanks shall:

(1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.

(2) Have the following minimum liquid volumes:

(a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

TABLE VII

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤3	900
4	1000
Each additional bedroom	250

(b) For OSS treating sewage from a residential source, other than one single-family residence, two hundred fifty gallons per bedroom with a minimum of one thousand gallons;

(c) For OSS treating sewage from a nonresidential source, three times the design flow.

NEW SECTION

WAC 246-272A-0234 Design requirements—Soil dispersal components. (1) All soil dispersal components, except one using a subsurface dripline product, shall be designed to meet the following requirements:

(a) Maximum hydraulic loading rates shall be based on the rates described in Table VIII;

TABLE VIII

Maximum Hydraulic Loading Rate

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
1	Gravelly and very gravelly coarse sands, all extremely gravelly soils excluding Soil types 5 & 6, all soil types with greater than or equal to 90% rock fragments.	1.0
2	Coarse sands.	1.0

Soil Type	Soil Textural Classification Description	Loading Rate for Residential Effluent Using Gravity or Pressure Distribution gal./sq. ft./day
3	Medium sands, loamy coarse sands, loamy medium sands.	0.8
4	Fine sands, loamy fine sands, sandy loams, loams.	0.6
5	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate structure or strong structure (excluding a platy structure).	0.4
6	Other silt loams, sandy clay loams, clay loams, silty clay loams.	0.2
7	Sandy clay, clay, silty clay and strongly cemented firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.	Not suitable

(b) Calculation of the absorption area is based on:

(i) The design flow in WAC 246-272A-0230(2); and

(ii) Loading rates equal to or less than those in Table VIII applied to the infiltrative surface of the soil dispersal component or the finest textured soil within the vertical separation selected by the designer, whichever has the finest texture.

(c) Requirements for the method of distribution shall correspond to those in Table VI.

(d) Soil dispersal components having daily design flow between one thousand and three thousand five hundred gallons of sewage per day shall:

(i) Only be located in soil types 1-5;

(ii) Only be located on slopes of less than thirty percent, or seventeen degrees; and

PERMANENT

(iii) Have pressure distribution including time dosing.

(2) All soil dispersal components using a subsurface dripline product must be designed to meet the following requirements:

(a) Calculation of the absorption area is based on:

(i) The design flow in WAC 246-272A-0230(2);

(ii) Loading rates that are dependent on the soil type, other soil and site characteristics, and the spacing of dripline and emitters;

(b) The dripline must be installed a minimum of six inches into original, undisturbed soil;

(c) Timed dosing; and

(d) Soil dispersal components having daily design flows greater than one thousand gallons of sewage per day may:

(i) Only be located in soil types 1-5;

(ii) Only be located on slopes of less than thirty percent, or seventeen degrees.

(3) All SSAS shall meet the following requirements:

(a) The infiltrative surface may not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

(b) A minimum of six inches of sidewall must be located in original undisturbed soil;

(c) Beds are only designed in soil types 1, 2, 3 or in fine sands with a width not exceeding ten feet;

(d) Individual laterals greater than one hundred feet in length must use pressure distribution;

(e) A layer of between six and twenty-four inches of cover material; and

(f) Other features shall conform with the "On-site Wastewater Treatment Systems Manual," United States Environmental Protection Agency EPA-625/R-00/008 February 2002 (available upon request to the department) except where modified by, or in conflict with this section or local regulations.

(4) For SSAS with drainrock and distribution pipe:

(a) A minimum of two inches of drainrock is required above the distribution pipe;

(b) The sidewall below the invert of the distribution pipe is located in original undisturbed soil.

(5) The local health officer may allow the infiltrative surface area in a SSAS to include six inches of the SSAS sidewall height when meeting the required absorption area where total recharge by annual precipitation and irrigation is less than twelve inches per year.

(6) The local health officer may permit systems consisting solely of a septic tank and a gravity SSAS in soil type 1 if all the following criteria are met:

(a) The system serves a single-family residence;

(b) The lot size is greater than two and one-half acres;

(c) Annual precipitation in the region is less than twenty-five inches per year as described by "Washington Climate" published jointly by the Cooperative Extension Service, College of Agriculture, and Washington State University (available for inspection at Washington state libraries);

(d) The system is located outside the twelve counties bordering Puget Sound; and

(e) The geologic conditions beneath the dispersal component must satisfy the minimum unsaturated depth require-

ments to ground water as determined by the local health officer. The method for determination is described by "Design Guideline for Gravity Systems in Soil Type 1" (available upon request to the department).

(7) The local health officer may increase the loading rate in Table VIII up to a factor of two for soil types 1-4 and up to a factor of 1.5 for soil types 5 and 6 if a product tested to meet treatment level D is used. This reduction may not be combined with any other SSAS size reductions.

(8)(a) The primary and reserve areas must be sized to at least one hundred percent of the loading rates listed in Table VIII.

(b) However, the local health officer may allow a legal lot of record created prior to the effective date of this chapter that cannot meet this primary and reserve area requirement to be developed if all the following conditions are met:

(i) The lot cannot meet the minimum primary and reserve area requirements due to the loading rates for medium sand, fine sand and very fine sand listed in Table VIII of this chapter;

(ii) The primary and reserve areas are sufficient to allow installation of a SSAS using maximum loading rates of 1.0 gallons/square foot per day for medium sand, 0.8 gallons/square foot/day for fine sand, and 0.6 gallons/square foot/day for very fine sand; and

(iii) A treatment product meeting at least Treatment Level D and pressure distribution with timed-dosing is used.

NEW SECTION

WAC 246-272A-0238 Design requirements—Facility operation, monitoring and maintenance. (1) The OSS must be designed to facilitate operation, monitoring and maintenance according to the following criteria:

(a) For gravity systems, septic tank access for maintenance and inspection at finished grade is required. If effluent filters are used, access to the filter at finished grade is required. The local health officer may allow access for maintenance and inspection of a system consisting of a septic tank and gravity flow SSAS to be a maximum of six inches below finished grade provided a marker showing the location of the tank access is installed at finished grade.

(b) For all other systems, service access and monitoring ports at finished grade are required for all system components. Specific component requirements include:

(i) Septic tanks must have service access manholes and monitoring ports for the inlet and outlet. If effluent filters are used, access to the filter at finished grade is required;

(ii) Surge, flow equalization or other sewage tanks must have service access manholes;

(iii) Other pretreatment units (such as aerobic treatment units and packed-bed filters) must have service access manholes and monitoring ports;

(iv) Pump chambers, tanks and vaults must have service access manholes;

(v) Disinfection units must have service access and be installed to facilitate complete maintenance and cleaning; and

(vi) Soil dispersal components shall have monitoring ports for both distribution devices and the infiltrative surface.

(c) For systems using pumps, clearly accessible controls and warning devices are required including:

(i) Process controls such as float and pressure activated pump on/off switches, pump-run timers and process flow controls;

(ii) Diagnostic tools including dose cycle counters and hour meters on the sewage stream, or flow meters on either the water supply or sewage stream; and

(iii) Audible and visual alarms designed to alert a resident of a malfunction. The alarm must be placed on a circuit independent of the pump circuit.

(2) All accesses must be designed to allow for monitoring and maintenance and shall be secured to minimize injury or unauthorized access in a manner approved by the local health officer.

NEW SECTION

WAC 246-272A-0240 Holding tank sewage systems.

(1) A person may not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except as set forth under subsection (2) of this section.

(2) The local health officer may approve installation of holding tank sewage systems only:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as recreational vehicle parks and trailer dump stations;

(b) For interim uses limited to handling of emergency situations; or

(c) For repairs as permitted under WAC 246-272A-0280 (1)(c)(i).

(3) A person proposing to use a holding tank sewage system shall:

(a) Follow design criteria established by the department;

(b) Submit a management program to the local health officer assuring ongoing operation, monitoring and maintenance before the local health officer issues the installation permit; and

(c) Use a holding tank reviewed and approved by the department.

NEW SECTION

WAC 246-272A-0250 Installation. (1) Only installers may construct OSS, except as noted under subsection (2) of this section.

(2) The local health officer may allow the resident owner of a single-family residence not adjacent to a marine shoreline to install the OSS for that single-family residence.

(3) The installer described by either subsection (1) or (2) of this section shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Make no changes to the approved design without the prior authorization of the designer and the local health officer;

(d) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(e) Be on the site at all times during the excavation and construction of the OSS;

(f) Install the OSS to be watertight, except for the soil dispersal component;

(g) Cover the installation only after the local health officer has given approval to cover; and

(h) Back fill with six to twenty-four inches of cover material and grade the site to prevent surface water from accumulating over any component of the OSS.

NEW SECTION

WAC 246-272A-0260 Inspection. (1) For all activities requiring a permit, the local health officer shall:

(a) Visit the OSS site during the site evaluation, construction, or final construction inspection;

(b) Either inspect the OSS before cover or allow the designer of the OSS to perform the inspection before cover if the designer is not also named as installer of the system.

(c) Keep the record drawings on file, with the approved design documents.

(2) The person responsible for the final construction inspection shall assure the OSS meets the approved design.

NEW SECTION

WAC 246-272A-0265 Record drawings. Upon completion of the new construction, alteration or repair of the OSS, a complete and detailed record drawing shall be submitted to both the health officer and the OSS owner that includes at a minimum the following:

(1) Measurements and directions accurate to +/- 1/2 foot, unless otherwise determined by the local health officer, to assure the following parts of the OSS can be easily located:

(a) All sewage tank openings requiring access;

(b) The ends, and all changes in direction, of installed and found buried pipes and electrical cables that are part of the OSS; and

(c) Any other OSS component which, in the judgment of the health officer or the designer, must be accessed for observation, maintenance, or operation;

(2) Location and dimensions of reserve area;

(3) Record that materials and equipment meet the specifications contained in the design;

(4) Initial settings of electrical or mechanical devices that must be known to operate the system in the manner intended by the designer or installer; and

(5) For proprietary products, manufacturer's standard product literature, including performance specifications and maintenance recommendations needed for operation, monitoring, maintenance or repair of the OSS.

NEW SECTION

WAC 246-272A-0270 Operation, monitoring, and maintenance—Owner responsibilities. (1) The OSS owner is responsible for operating, monitoring, and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose, shall:

(a) Obtain approval from the local health officer before repairing, altering or expanding an OSS;

(b) Secure and renew contracts for periodic maintenance where required by the local health jurisdiction;

(c) Obtain and renew operation permits if required by the local health jurisdiction;

(d) Assure a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:

(i) At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;

(ii) Annually for all other systems unless more frequent inspections are specified by the local health officer;

(e) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(f) Provide maintenance and needed repairs to promptly return the system to a proper operating condition;

(g) Protect the OSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage, and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(h) Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

(i) Operate and maintain systems as directed by the local health officer;

(j) Request assistance from the local health officer upon occurrence of a system failure or suspected system failure; and

(k) At the time of property transfer, provide to the buyer, maintenance records, if available, in addition to the completed seller disclosure statement in accordance with chapter 64.06 RCW for residential real property transfers.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use an OSS to dispose of waste components atypical of sewage from a residential source.

NEW SECTION

WAC 246-272A-0275 Operation, monitoring, and maintenance—Food service establishments. The local health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed.

NEW SECTION

WAC 246-272A-0280 Repair of failures. (1) When an OSS failure occurs, the OSS owner shall:

(a) Repair or replace the OSS with a conforming system or component, or a system meeting the requirements of Table IX either on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS;

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) and (b) of this subsection are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) An OSS is not feasible; and

(B) The only realistic method of final dispersal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to repairing the soil dispersal component, the OSS owner shall develop and submit information required under WAC 246-272A-0200(1).

(3) The local health officer shall permit a system that meets the requirements of Table IX only if the following are not feasible:

(a) Installation of a conforming system or component; and

(b) Connection to either an approved LOSS or a public sewer.

(4) The person responsible for the design shall locate and design repairs to:

(a) Meet the requirements of Table IX if the effluent treatment and soil dispersal component to be repaired or replaced is closer to any surface water, well, or spring than prescribed by the minimum separation required in Table IV of WAC 246-272A-0210(1). Pressure distribution with timed dosing in the soil dispersal component is required in all cases where a conforming system is not feasible.

TABLE IX
Treatment Component Performance Levels for Repair of OSS Not Meeting
Vertical and Horizontal Separations¹

Vertical Separation (in inches)	Horizontal Separation ²											
	< 25 feet			25 < 50 feet			50 < 100 feet ³			≥100 feet		
	Soil Type			Soil Type			Soil Type			Soil Type		
	1	2	3-6	1	2	3-6	1	2	3-6	1	2	3-6
< 12	A	A	A	A	A	A	A	A	B	B	B	B
≥ 12 < 18	A	A	A	A	B	B	A	B	B	Conforming Systems		
≥ 18 < 24	A	A	A	A	B	B	A	B	C			
≥ 24 < 36	A	B	B	B	C	C	B	C	C			
≥ 36	A	B	B	B	C	C	B	C	E			

¹The treatment component performance levels correspond with those established for treatment components under the product performance testing requirements in Table III of WAC 246-272A-0110.

²The horizontal separation indicated in Table IX is the distance between the soil dispersal component and the surface water, well, or spring. If the soil dispersal component is up-gradient of a surface water, well, or spring to be used as a potable water source, or beach where shellfish are harvested, the next higher treatment level shall apply unless treatment level A is already required.

³On a site where there is a horizontal setback of 75 - 100 feet between an OSS dispersal component and an individual water well, individual spring, non-marine surface water or surface water that is not a public water source and a vertical separation of greater than twelve inches, a conforming system that complies with WAC 246-272A-0210(4) shall be installed if feasible.

(b) Protect drinking water sources and shellfish harvesting areas;

(c) Minimize nitrogen discharge in areas where nitrogen has been identified as a contaminant of concern in the local plan under WAC 246-272A-0015;

(d) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(e) Meet the horizontal separations under WAC 246-272A-0210(1) to public drinking water sources;

(f) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(g) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water.

(5) Prior to designing the repair system, the designer shall consider the contributing factors of the failure to enable the repair to address identified causes.

(6) If the vertical separation is less than twelve inches, the local health officer may permit ASTM C-33 sand or coarser to be used as fill to prevent direct discharge of treated effluent to ground water, surface water, or upon the surface of the ground.

(7) For a repair using the requirements of Table IX, disinfection may not be used to achieve the fecal coliform requirements to meet:

(a) Treatment levels A or B where there is less than eighteen inches of vertical separation;

(b) Treatment levels A or B in type 1 soils; or

(c) Treatment level C.

(8) The local health officer shall identify repair permits meeting the requirements of Table IX for the purpose of tracking future performance.

(9) An OSS owner receiving a repair permit for a system meeting the requirements of Table IX from the local health officer shall:

(a) Immediately report any failure to the local health officer;

(b) Comply with all local and state requirements stipulated on the permit.

NEW SECTION

WAC 246-272A-0290 Expansions. (1) The local health officer shall require an OSS and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

(2) A local health officer may allow expansion of an existing on-site sewage system adjacent to a marine shoreline that does not meet the minimum horizontal separation between the soil dispersal component and the ordinary high-water mark required by WAC 246-272A-0210, Table IV, provided that:

(a) The system meets all requirements of WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238;

(b) The system complies with all other requirements of WAC 246-272A-0210 and this section;

(c) Horizontal separation between the soil dispersal component and the ordinary high-water mark is fifty feet or greater; and

(d) Vertical separation is two feet or greater.

NEW SECTION

WAC 246-272A-0300 Abandonment. Persons permanently abandoning a septic tank, seepage pit, cesspool, or other sewage container shall:

(1) Have the septage removed by an approved pumper;

(2) Remove or destroy the lid; and

(3) Fill the void with soil or gravel.

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NEW SECTION

WAC 246-272A-0310 Septage management. (1) The local health officer shall approve an individual before they may remove septage from an OSS.

(2) Persons removing septage from an OSS shall:

(a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;

(b) Record and report septage removal as required by the local health officer; and

(c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

NEW SECTION

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272A-0220, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the local health officer may require larger lot sizes where the local health officer has identified nitrogen as a concern either through planning activities described in WAC 246-272A-0015 or another process.

**TABLE X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage**

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ¹					

¹See WAC 246-272A-0234(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

(i) Justifies the proposal through a written analysis of the:

(A) Soil type and depth;

(B) Area drainage, and/or lot drainage;

(C) Public health impact on ground and surface water quality;

(D) Setbacks from property lines, water supplies, etc.;

(E) Source of domestic water;

(F) Topography, geology, and ground cover;

(G) Climatic conditions;

(H) Availability of public sewers;

(I) Activity or land use, present, and anticipated;

(J) Growth patterns;

(K) Reserve areas for additional subsurface treatment and dispersal;

(L) Anticipated sewage volume;

(M) Compliance with current planning and zoning requirements;

(N) Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;

(O) Existing encumbrances, such as those listed in WAC 246-272A-0200 (1)(c)(v) and 246-272A-0220 (2)(a)(vii); and

(P) Estimated nitrogen loading from OSS effluent to existing ground and surface water;

(Q) Any other information required by the local health officer.

(ii) Shows development with public water supplies having:

(A) At least twelve thousand five hundred square feet lot sizes per single-family residence;

(B) No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and

(iii) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(iv) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data,

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plans, and reports supporting a conclusion the land area provided is sufficient to:

- (i) Install conforming OSS;
- (ii) Assure preservation of reserve areas for proposed and existing OSS;
- (iii) Properly treat and dispose of the sewage; and
- (iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The department shall develop guidelines for the application of Method II by *(insert date one year from the effective date)*.

(4) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

- (a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
- (b) A planned unit development with:
 - (i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;

- (ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;

- (iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and

- (iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(5) The local health officer may:

- (a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:

- (i) The dedicated road or street right of ways are along the perimeter of the development;
- (ii) The road or street right of ways are dedicated as part of the proposed development; and
- (iii) Lots are at least twelve thousand five hundred square feet in size.

- (b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

- (c) Require larger land areas or lot sizes to achieve public health protection;

- (d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

- (e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

- (i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

- (ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

- (iii) The proposed system meets all requirements of these regulations other than minimum land area.

(6) The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized SSAS must meet the minimum land area requirements established in state and local codes.

NEW SECTION

WAC 246-272A-0340 Certification of installers, pumpers, and maintenance service providers. (1) OSS installers and pumpers must obtain approval from the local health officer prior to providing services within a local health jurisdiction.

(2) Local health officer may establish programs and requirements for approving maintenance service providers.

NEW SECTION

WAC 246-272A-0400 Technical advisory committee.

(1) The department shall:

- (a) Maintain a technical advisory committee to advise the department regarding:

- (i) OSS design and siting;
- (ii) Public domain technologies and recommended standards and guidance for their use; and
- (iii) Testing and design standards used for proprietary product registration and recommended standards and guidance for use of proprietary products.

- (b) Select members for the technical advisory committee with technical or scientific knowledge applicable to OSS from agencies, professions, and organizations including:

- (i) Local health departments;
- (ii) Engineering firms;
- (iii) The department of ecology;
- (iv) Land sales, development and building industries;
- (v) Public sewer utilities;
- (vi) On-site sewage system design and installation firms;
- (vii) Environmental organizations;
- (viii) University/college academic communities;
- (ix) On-site sewage system or related product manufacturers; and
- (x) Other interested organizations or groups.

- (c) Convene meetings as needed.

(2) The department may have a representative on the technical advisory committee.

NEW SECTION

WAC 246-272A-0410 Policy advisory committee. (1)

The department shall:

- (a) Maintain a policy advisory committee to:

- (i) Make recommendations concerning departmental policy and regulations;
- (ii) Review program services; and
- (iii) Provide input to the department regarding the on-site sewage program;

- (b) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and

- (c) Convene meetings as needed.

(2) The department may have a representative on the policy advisory committee.

NEW SECTION

WAC 246-272A-0420 Waiver of state regulations. (1)

The local health officer may grant a waiver from specific requirements of this chapter if:

(a) The waiver request is evaluated by the local health officer on an individual, site-by-site basis;

(b) The local health officer determines that the waiver is consistent with the standards in, and the intent of, these rules;

(c) The local health officer submits quarterly reports to the department regarding any waivers approved or denied; and

(d) Based on review of the quarterly reports, if the department finds that the waivers previously granted have not been consistent with the standards in, and the intent of these rules, the department shall provide technical assistance to the local health officer to correct the inconsistency, and may notify the local and state boards of health of the department's concerns. If upon further review of the quarterly reports, the department finds that the inconsistency between the waivers granted and the state board of health standards has not been corrected, the department may suspend the authority of the local health officer to grant waivers under this section until such inconsistencies have been corrected.

(2) The department shall develop guidance to assist local health officers in the application of waivers.

NEW SECTION

WAC 246-272A-0425 Required rule review. The department shall review this chapter to evaluate the effectiveness of the rules and determine areas where revisions may be necessary. The department will provide the results of their review along with their recommendations to the state board of health and all local health officers by September 2009 and every four years thereafter.

NEW SECTION

WAC 246-272A-0430 Enforcement. (1) The department or the local health officer:

(a) Shall enforce the rules of chapter 246-272A WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272A WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;

(d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and

(e) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272A WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification;

(ii) Referral to the office of the county prosecutor or attorney general; and/or

(iii) Other appropriate remedies.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272A-0440, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

- (vi) Agents; and
- (vii) Third persons acting with the knowledge of such persons.

NEW SECTION

WAC 246-272A-0440 Notice of decision—Adjudicative proceeding. (1) All local boards of health shall:

- (a) Maintain an administrative appeals process to consider procedural and technical conflicts arising from the administration of local regulations; and
- (b) Establish rules for conducting hearings requested to contest a local health officer's actions.

(2) The department shall provide notice of the department's denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(3) A person contesting a departmental decision regarding a permit, certificate, or approval may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(4) Department actions are governed under the Administrative Procedure Act chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

NEW SECTION

WAC 246-272A-0450 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION

WAC 246-272A-990 Fees. *Fees will be set by DOH in a separate rule making. We will ask to recodify this section so that it will be in the new chapter until the new fees can be established.*

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-272-00101	Purpose, objectives, and authority.
WAC 246-272-00501	Administration.
WAC 246-272-01001	Definitions.
WAC 246-272-02001	Local regulation.
WAC 246-272-03001	Applicability.
WAC 246-272-04001	Alternative systems and proprietary devices.
WAC 246-272-05001	Experimental systems.
WAC 246-272-07001	Connection to public sewer system.

WAC 246-272-08001	Large on-site sewage systems (LOSS).
WAC 246-272-09001	Permits for OSS under three thousand five hundred gallons per day.
WAC 246-272-09501	Location.
WAC 246-272-11001	Soil and site evaluation.
WAC 246-272-11501	Design.
WAC 246-272-12501	Holding tank sewage systems.
WAC 246-272-13501	Installation.
WAC 246-272-14501	Inspection.
WAC 246-272-15501	Operation and maintenance.
WAC 246-272-16501	Repair of failures.
WAC 246-272-17501	Expansions.
WAC 246-272-18501	Abandonment.
WAC 246-272-19501	Septage management.
WAC 246-272-20501	Developments, subdivisions, and minimum land area requirements.
WAC 246-272-21501	Areas of special concern.
WAC 246-272-22501	Certification of designers, installers, pumpers, inspectors, and maintenance personnel.
WAC 246-272-23501	Technical review committee.
WAC 246-272-24001	State advisory committee.
WAC 246-272-25001	Waiver of state regulations.
WAC 246-272-26001	Enforcement.
WAC 246-272-27001	Notice of decision—Adjudicative proceeding.
WAC 246-272-28001	Severability.

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**WSR 05-15-126
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 18, 2005, 4:35 p.m., effective August 18, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To correct a WAC reference from WAC 392-171-486 to WAC 392-172-218 in the definition of students eligible for home and/or hospital care. There is no impact to the definition of students eligible for home and/or hospital care and no change to existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-145.

Statutory Authority for Adoption: RCW 28A.150.290.
Adopted under notice filed as WSR 05-10-060 on May 2, 2005.

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: July 6, 2005.

Marty Daybell
for Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 96-03-002, filed 1/3/96, effective 2/3/96)

WAC 392-122-145 State special education program—Home and/or hospital care—Extended absences. Students eligible under WAC ((392-171-486)) 392-172-218 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

(1) Students not deemed eligible special education students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible special education students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

WSR 05-15-127
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 18, 2005, 4:36 p.m., effective August 18, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To correct a typographical error in an RCW reference, from RCW 13.40.030 to RCW 13.40.020 in the definition of "detention facility." There is no impact to the

definition of students eligible for institution education funding and no change to existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-205.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 05-10-061 on May 2, 2005.

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: July 6, 2005.

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 01-24-002, filed 11/21/01, effective 12/22/01)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities meeting the definition of a "detention facility" in RCW ((13-40-030)) 13.40.020.

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

WSR 05-15-152
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 19, 2005, 4:29 p.m., effective August 19, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department's Division of Employment and Assistance Programs must amend WAC 388-273-0035 What we reimburse the local telephone company to clarify payment limits for reimbursable services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-273-0035.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440.

Other Authority: RCW 80.36.410 through 80.36.470.

Adopted under notice filed as WSR 05-12-133 on June 1, 2005.

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, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-13-136, filed 6/22/04, effective 7/23/04)

WAC 388-273-0035 What we reimburse the local telephone company. (1) Within available funding limits, we reimburse local telephone companies for fully documented administrative and program expenses associated with WTAP. The reimbursable expenses are limited to:

(a) Program services provided to eligible households June 1, 2003 and beyond, and after eligibility for WTAP is verified;

(i) Monthly flat rate service.

We reimburse the local telephone company an amount equal to the monthly flat rate of the incumbent local exchange carrier providing service in the customer's exchange area, minus the WTAP assistance rate set by the commission, and minus the amount of federal lifeline program reimbursement available to an eligible telecommunications carrier. An "incumbent local exchange carrier" is a telephone company in the U.S. that was providing local service when the Telecommunications Act of 1996 was enacted, and is required to file tariffs with the commission. For all exchange areas, the

WTAP reimbursement shall be limited to not more than nineteen dollars for each eligible household.

(ii) Connection fee.

We reimburse the local telephone company an amount equal to one-half the connection fee rate or twenty-two dollars, whichever is less, for your first connection at a given address. If you move, we will reimburse the local telephone company for your first connection at the new address.

(iii) Waiver of local deposit.

We reimburse the local telephone company an amount up to two times the WTAP assistance rate.

(b) Correct, verifiable billing items;

(c) One monthly invoice and supporting documentation submitted and received by WTAP by the fifteenth day following the month the expense occurred;

(d) Items charged in error that have been corrected within thirty days from the date we return the report of invoicing error to the local phone company;

(e) Salaries and benefits for time required to implement and maintain WTAP, with the exception that time required for the correction of billing, case number and client identification errors is not an allowable expense;

(f) Travel expenses for attending hearings, meetings, or training pertaining to WTAP;

(g) Expenses for supplies and materials for implementing and maintaining WTAP;

(h) Postage and handling for delivery of WTAP material;

(i) Administrative charge for change of service orders specified by tariffs; and

(j) Preapproved documented indirect costs associated with implementing and maintaining WTAP.

WSR 05-15-157

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed July 20, 2005, 8:52 a.m., effective August 20, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 246-337 WAC, Residential treatment facility, outlines the minimum health and safety standards for the licensure and operations of community based residential treatment facilities for chemical dependency and mental illness.

Citation of Existing Rules Affected by this Order: Repealing chapters 246-323, 246-325, and 246-326 WAC.

Statutory Authority for Adoption: Chapter 71.12 RCW.

Adopted under notice filed as WSR 05-10-063 on May 2, 2005.

A final cost-benefit analysis is available by contacting Allen Spaulding, 310 Israel Road S.E., Tumwater, WA 98501, phone (360) 236-2929, fax (360) 236-2901, e-mail al.spaulding@doh.wa.gov.

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.

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Number of Sections Adopted on the Agency's Own Initiative: New 33, Amended 0, Repealed 39.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 33, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 33, Amended 0, Repealed 39.

Date Adopted: June 14, 2005.

M. C. Selecky
Secretary

Chapter 246-337 WAC

RESIDENTIAL TREATMENT FACILITY

NEW SECTION

WAC 246-337-001 Scope and purpose. (1) This chapter implements chapter 71.12 RCW and sets the minimum health and safety standards for licensure and operations of twenty-four hour private, county or municipal residential treatment facilities (RTF) providing health care services to persons with mental disorders or substance abuse.

(2) Additionally, these rules apply to residential treatment facilities licensed by the department of health under chapter 71.12 RCW and certified by the department of social and health services under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), and chapter 71.34 RCW (Mental health services for minors).

(3) These rules are intended to supplement other applicable federal, state and local laws, rules and ordinances. If any provision of this chapter is more restrictive than local codes and ordinances this chapter shall prevail over any less restrictive provision.

NEW SECTION

WAC 246-337-005 Definitions. For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **"Administrator"** means an individual person responsible for managing the day-to-day operations of the RTF.

(2) **"Adult"** means an individual age eighteen years or older.

(3) **"Approved"** means approved by the department, unless otherwise specified.

(4) **"Authorized"** means mandated or permitted, in writing, by the administrator to perform an act that is within a health care provider's lawful scope of practice, or that was lawfully delegated to the health care provider or to the unlicensed staff member.

(5) **"Bathroom"** means a room containing at least one bathtub or shower.

(6) **"Chemical dependency"** means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(7) **"Chemical dependency RTF"** means all or part of an RTF certified by DSHS under chapter 70.96A RCW, that provides twenty-four hour evaluation, stabilization and treatment services for persons with chemical dependency within one or more of the following service categories:

(a) **"Acute detoxification"** as defined in chapter 388-805 WAC;

(b) **"Subacute detoxification"** as defined in chapter 388-805 WAC;

(c) **"Intensive inpatient services"** as defined in chapter 388-805 WAC;

(d) **"Long-term treatment services"** as defined in chapter 388-805 WAC;

(e) **"Recovery house services"** as defined in chapter 388-805 WAC.

(8) **"Child"** or **"minor"** means an individual under the age of eighteen.

(9) **"Communicable disease"** means a disease caused by an infectious agent that can be transmitted from one person, animal, or object to another individual by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

(10) **"Confidential"** means information that may not be disclosed except under specific conditions permitted or mandated by law or legal agreement between the parties concerned.

(11) **"Construction"** means:

(a) The erection of a facility;

(b) An addition, modification, alteration or change of an approved use to an existing facility; or

(c) The conversion of an existing facility or portion of a facility for use as a RTF.

(12) **"DASA"** means division of alcohol and substance abuse, within DSHS.

(13) **"Department"** means the Washington state department of health.

(14) **"DSHS"** means the Washington state department of social and health services.

(15) **"Emergency health care"** means services provided consistent with the health care needs of the resident for an acute illness, injury, or unexpected clinical event as determined by an authorized health care provider.

(16) **"Facility"** means a building or portion of a building.

(17) **"First aid"** means care for a condition that requires immediate assistance from an individual trained and certified in first-aid procedures.

(18) **"Hand hygiene"** means handwashing, antiseptic hand wash, or antiseptic hand or surgical hand antiseptis.

(19) **"Health"** means a state of complete physical and mental well-being and not merely the absence of disease or infirmity.

(20) **"Health assessment"** means a systematic examination of the person's body conducted by an authorized health care provider.

(21) **"Health care"** means any care, service, or procedure provided by a health care provider to diagnose, treat, or maintain a resident's physical or mental condition, or that affects the structure or function of the human body.

(22) **"Health care provider"** means an individual who is licensed, registered or certified under Title 18 RCW to provide health care within a particular profession's statutorily authorized scope of practice.

(23) **"Health care screen"** means the process approved by an authorized health care provider to determine the health care needs of a resident.

(24) **"Licensee"** means the person, corporation, association, organization, county, municipality, public hospital district, or other legal entity, including any lawful successors thereto to whom the department issues a RTF license.

(25) **"Medication"** means a legend drug prescribed for a resident by an authorized health care provider, or nonprescription drugs, also called "over-the-counter medications," that can be purchased by the general public without a prescription.

(26) **"Medication administration"** means the direct application of a medication or device by ingestion, inhalation, injection, or any other means, whether self-administered by a resident, or administered by a parent or guardian (for a minor), or an authorized health care provider.

(27) **"Medication self-administration"** or **"self-medication administration"** means a process by which each resident obtains his/her container of medication from a supervised and secure storage area, removes the dose needed and ingests or applies the medication as directed on the label while being observed by staff.

(28) **"Medication error"** includes any failure to administer or receive a medication according to an authorized health care provider's order, or according to the manufacturer's directions for nonprescription drugs.

(29) **"Medication protocol"** means a specific group of orders to be used for specific symptoms for specific residents and authorized by a health care provider.

(30) **"Mental health RTF"** means all or part of a RTF providing twenty-four hour evaluation, stabilization and treatment services for persons with a mental disorder and certified by DSHS under chapters 71.05 or 71.34 RCW, within one or more of the following service categories:

(a) **"Adult residential treatment"** as defined in chapter 388-865 WAC;

(b) **"Inpatient evaluation and treatment"** as defined in chapter 388-865 WAC;

(c) **"Child inpatient evaluation and treatment"** as defined in chapter 388-865 WAC.

(d) **"Child long-term inpatient treatment"** as defined in chapter 388-865 WAC.

(31) **"Parent"** means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under joint custody agreement; or

(b) An individual or agency judicially appointed as legal guardian or custodian of the child.

(32) **"Resident"** means an individual (adult or child) admitted to the RTF licensed under this chapter.

(33) **"Residential treatment facility"** or **"RTF"** means facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

(34) **"Restraint"** means a continuum of methods used to prevent or limit free body movement.

(35) **"Room"** means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(36) **"Seclusion"** means the involuntary confinement of a resident alone in a room or area from which the resident is physically prevented from leaving.

(37) **"Sink"** means a properly trapped plumbing fixture, capable of holding water, with approved potable hot and cold running water under pressure.

(38) **"Survey"** means an inspection or investigation conducted by the department to evaluate and monitor a licensee's compliance with chapter 71.12 RCW and this chapter.

(39) **"Toilet room"** means a room containing a water closet (toilet).

(40) **"WISHA"** means the state of Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

NEW SECTION

WAC 246-337-010 Initial licensure and renewal process. (1) **Initial:** An applicant for an initial RTF license must submit to the department, sixty days or more before starting:

(a) A completed application on form(s) provided by the department, signed by the owner or legal designee, including:

(i) The identity of each officer and director, or their equivalent, of the licensee;

(ii) Disclosure statements and criminal history background checks obtained within three months of the application date for the administrator in accordance with chapter 43.43 RCW;

(iii) The license fee specified in WAC 246-337-990; and

(iv) A reduced floor plan on 8-1/2 x 11 size paper that shows each room within the facility in a manner that is easily seen and understood.

(b) Evidence of applicant's compliance with chapter 71.12 RCW and this chapter including:

(i) The department approved construction documents and functional program plan;

(ii) Documentation of application for certification by DSHS under chapter 71.05 RCW (Mental illness), chapter 70.96A RCW (Treatment for alcoholism, intoxication and drug addiction), or chapter 71.34 RCW (Mental health services for minors);

(iii) Approval of the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(iv) Compliance with all applicable federal, state and local laws, rules, and codes; and

(v) Completion of an initial on-site survey.

(c) Other information as required by the department.

(2) If the applicant has met all requirements for licensure set forth in subsection (1) of this section, the department shall issue a RTF license (listing the service categories). An RTF license is effective for one year from the date it is issued.

(3) **Renewal:** At least thirty days before the expiration date of the current license, the licensee must submit to the department:

(a) A completed application on form(s) provided by the department;

(b) Disclosure statements and criminal history background checks obtained within three months of the renewal date for the administrator in accordance with chapter 43.43 RCW;

(c) The fee specified in WAC 246-337-990;

(d) Documentation satisfactory to the department of licensee's compliance with chapter 71.12 RCW and this chapter, including the following:

(i) Compliance with rules adopted by the chief of the Washington state patrol, through the director of fire protection, as required by RCW 71.12.485 and chapter 212-12 WAC;

(ii) Compliance with all applicable federal, state and local laws, and rules; and

(e) Other information as required by the department.

(4) At least sixty days prior to changing any of the license service categories, number of resident beds, location or use of rooms as listed on the licensed room list, or the physical structure of the RTF, the licensee must:

(a) Notify the department in writing of the intended change;

(b) Request the department to determine the need for review by the department's construction review services; and

(c) If the change involves an approved increase in beds, the licensee must pay a fee under WAC 246-337-990;

(5) At least sixty days prior to selling, leasing, renting or otherwise transferring control of a license, that results in a change of the Uniform Business Identifier Number (UBI #), the licensee must submit to the department:

(a) The full name and address of the current licensee and prospective licensee;

(b) The name and address of the licensed RTF and the name under which the RTF will operate;

(c) Date of the proposed change;

(d) Plans for preserving resident records, consistent with WAC 246-337-095; and

(e) Other information required by the department.

(6) A prospective new RTF owner shall apply for licensure by complying with subsection (1) of this section.

(7) A RTF license is not transferable.

NEW SECTION

WAC 246-337-015 Service categories. A licensee may provide services under a single RTF license for one or more of the following service categories:

(1) Chemical dependency acute detoxification;

(2) Chemical dependency subacute detoxification;

(3) Chemical dependency intensive inpatient;

(4) Chemical dependency long-term treatment;

(5) Chemical dependency recovery house;

(6) Mental health adult residential treatment (includes crisis services for twenty-four hours or more);

(7) Mental health inpatient evaluation and treatment;

(8) Mental health child long-term inpatient treatment;

(9) Mental health child inpatient evaluation and treatment.

NEW SECTION

WAC 246-337-020 Responsibilities and rights of the licensee and department. (1) The licensee must:

(a) Comply with chapter 71.12 RCW and this chapter;

(b) Maintain and post in a conspicuous place on the premises:

(i) A current RTF license; and

(ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and description of ombudsman services;

(c) Provide services limited to each service category that appears on the RTF license;

(d) Maintain the occupancy level at or below the licensed resident bed capacity of the RTF;

(e) Cooperate with the department during on-site surveys;

(f) Respond to a statement of deficiencies by submitting to the department:

(i) Within ten working days of receipt, a written plan of correction for each deficiency cited that includes a target date and is subject to approval by the department; and

(ii) A written progress report attesting to the final completion of the correction of deficiencies identified in the plan of correction.

(2) The department shall:

(a) Issue or renew a license when the applicant or licensee meets the requirements in chapter 71.12 RCW and this chapter;

(b) List, in writing, the service category(ies) the RTF is licensed to provide under this chapter;

(c) Verify compliance with RCW 71.12.485 and chapter 212-12 WAC administered by the Washington state patrol fire marshal fire protection service;

(d) Verify compliance with applicable state and local codes;

(3) The department may issue a single RTF license to include two or more RTF (campus), if the applicant or licensee:

(a) Meets the licensure requirements of chapter 71.12 RCW and this chapter; and

(b) Operates the multiple RTF as a single integrated system with:

(i) Governance by a single authority or body over all buildings;

(ii) All services provided by an integrated staff; and

(4) Conduct on-site surveys. After completing a survey, the department may:

(a) Give the administrator a written statement of deficiencies identifying failure to meet specific requirements of chapter 71.12 RCW and this chapter observed during an on-site survey;

(b) Obtain, review, and approve written plan of correction with dates to be completed;

(c) Review the progress report attesting to correction of deficiencies;

(d) Conduct a follow up on-site assessment at the discretion of the department;

(e) Document, during an initial survey or as needed, a department-approved room list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved resident beds, and other information related to the licensed resident bed capacity. This list will be kept as part of the RTF licensure file.

NEW SECTION

WAC 246-337-025 Exemptions and alternative methods. (1) An applicant or licensee may request an exemption from any part of this chapter by submitting a written request to the department, including:

(a) The specific section, or sections, of rules for which the exemption is requested;

(b) An explanation of the circumstances involved;

(c) A proposed alternative that would ensure the safety and health of residents meeting the intent of the rule; and

(d) Any supporting research or other documentation.

(2) After review and consideration, the department may grant an exemption if the exemption does not:

(a) Negate the purpose and intent of these rules;

(b) Place the safety or health of the residents in the RTF in jeopardy;

(c) Reduce any fire and life safety or infection control laws or rules; or

(d) Adversely affect the structural integrity of a facility.

(3) The department will send a copy of the exemption decision to the licensee, and shall maintain the exemption as part of the current RTF file. The licensee shall maintain the documented exemption decision on file in the RTF.

NEW SECTION

WAC 246-337-030 Retroactivity. Any construction on or after the effective date of this chapter must comply with this chapter. RTFs that are licensed and operating on the effective date of this chapter may continue to operate without modifications to the facility, unless specifically required under this chapter, or as deemed necessary by either the local building official, the department, other licensing regulators, the state fire marshal, for the general safety and welfare of the occupants and public.

NEW SECTION

WAC 246-337-035 Procedures to deny, suspend, modify or revoke a license. (1) The department may deny, suspend, modify, or revoke a RTF facility license under chapters 71.12, 43.70, 34.05 RCW and 246-10 WAC, if the applicant or licensees have:

(a) Been denied a license to operate a health care, child care, group care or personal care facility in this state or elsewhere, had the license suspended or revoked, or been found civilly liable or criminally convicted of operating the facility without a license;

(b) Committed, aided or abetted an illegal act in connection with the operation of any RTF or the provision of health care or residential services;

(c) Abandoned, abused, neglected, assaulted, or demonstrated indifference to the welfare and well-being of a resident;

(d) Failed to take immediate corrective action in any instance of assault, abuse, neglect, or indifference to the welfare of a resident;

(e) Retaliated against a staff member, resident or other individual for reporting suspected abuse or other alleged improprieties;

(f) Failed to comply with any of the provisions of chapter 71.12 RCW or this chapter; or

(g) Failed to meet DSHS certification standards under chapters 71.05, 70.96A and 71.34 RCW.

(2) An applicant or licensee may contest a disciplinary decision or action of the department under RCW 43.70.115, chapters 34.05 RCW and 246-10 WAC.

(3) The department may summarily suspend a license pending a proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety, or welfare.

(4) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 71.12 RCW or this chapter by:

(a) Offering a plan of correction if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee and approved by the department, that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) Offering a directed plan of correction if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or investigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems;

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame; and/or

(d) Taking administrative action initiated under chapter 34.05 RCW:

(i) An administrative action may result in a hearing before a presiding officer and the issuance of formal findings and a directed order;

(ii) The administrative action and any resulting order constitute formal action under the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 246-337-040 Review of construction documents and functional program. (1) Prior to beginning any construction or remodeling, the applicant or licensee must submit an application and fee, if applicable, to the department and receive written authorization by the department to proceed.

(2) The licensee or applicant must submit a written functional program, in accordance with RCW 71.12.470, outlining the service categories and types of residents to be served and how the needs of the residents will be met including, but not limited to:

- (a) Program goals;
- (b) Staffing and health care to be provided;
- (c) Infection control;
- (d) Security and safety;
- (e) Seclusion and restraint;
- (f) Laundry;
- (g) Food and nutrition; and
- (h) Medication.

(3) The licensee or applicant must submit accurate, timely, and complete construction documents that comply with all governing rules.

(4) Construction documents must include:

(a) Drawings prepared, stamped, and signed by an architect licensed by the state of Washington under chapter 18.08 RCW. The services of a consulting engineer licensed by the state of Washington may be used for the various branches of the work, if appropriate; and

(b) Drawings with coordinated architectural, mechanical, and electrical work drawn to scale showing complete details for construction, including:

(i) Site plan(s) showing streets, driveways, parking, vehicle and pedestrian circulation, utility line locations, and location of existing and new buildings;

(ii) Dimensioned floor plan(s) with the function of each room and fixed/required equipment designated;

(iii) Elevations, sections, and construction details;

(iv) Schedule of floor, wall, and ceiling finishes;

(v) Schedules of doors and windows - sizes and type, and door finish hardware;

(vi) Mechanical systems - plumbing and heating/venting/air conditioning; and

(vii) Electrical systems, including lighting, power, and communication/notification systems;

(c) Specifications that describe with specificity the workmanship and finishes; and

(d) Shop drawings and related equipment specifications for:

(i) An automatic fire sprinkler system when required by other codes; and

(ii) An automatic fire alarm system when required by other codes.

(5) A license may not be issued for a new RTF, a new facility within an RTF, or changes in resident bed capacity or

licensed service category(ies) for a currently licensed RTF, without written approval from the department's construction review services unit and residential care services program.

(6) The applicant or licensee must:

(a) Comply with the standards as adopted by the Washington state building code council;

(b) Assure conformance to the approved plans during construction;

(c) Submit addenda, change orders, construction change directives or any other deviation from the approved plans prior to their installation;

(d) Provide a written construction project completion notice to the department indicating:

(i) The completion date; and

(ii) The actual construction cost;

(e) Make adequate provisions for the health, safety, and comfort of residents during construction projects.

NEW SECTION

WAC 246-337-045 Governance and administration. The licensee must establish a governing body with responsibility for operating and maintaining the RTF. The governing body must provide organizational guidance and oversight to ensure that resources support and staff provides safe and adequate resident care including, but not limited to:

(1) Adopting, periodically reviewing, and updating as necessary, policies that:

(a) Govern the organization and functions of the RTF including:

(i) A brief narrative explaining the scope of services provided;

(ii) An organization chart specifying the governing body, staff positions, and number of full- or part-time persons for each position; and

(iii) A policy addressing that sufficient resources such as personnel, facilities, equipment, and supplies are provided to meet the needs of the population served;

(b) Provide a process for communication and conflict resolution for both staff and residents; and

(c) Provide clear lines of authority for both management and operation of the RTF.

(2) Establishing procedures for selecting and periodically evaluating a qualified administrator to assure that he or she carries out the goals and policies of the governing body. The administrator must:

(a) Be qualified through appropriate knowledge, experience and capabilities to supervise and administer the services properly;

(b) Be available, or assure that a designated alternate who has similar qualifications is available, one hundred percent of the time, either in person, by telephone or electronic pager (or similar electronic means), to carry out the goals, objectives and standards of the governing body.

(3) Establishing written policies and procedures that implement all applicable rules, which are routinely reviewed by the administrator and the governing body to ensure they are kept current, made known to staff, made available at all times to all staff, and are complied with within the RTF.

(4) Establishing a personnel system that assures:

(a) Personnel records of all employees and volunteers contain written job descriptions consistent with staff responsibilities and standards for professional licensing;

(b) Staff are assigned, oriented, trained, supervised, monitored, and evaluated;

(c) Staff who provide direct resident care, direct treatment, or manage the safety of a resident are competent by training, experience and capability;

(d) Contractors have current contracts on file clearly stating the responsibilities of the contractor;

(e) Staff with unsupervised access to residents complies with WAC 246-337-055.

(5) Establishing a RTF-wide approach to a coordinated quality improvement program for resident care services under chapter 71.12 RCW addressing health and safety.

NEW SECTION

WAC 246-337-050 Management of human resources. The licensee must ensure residents receive health care by adequate numbers of staff authorized and competent to carry out assigned responsibilities, including:

(1) A sufficient number of personnel must be present on a twenty-four hour per day basis to meet the health care needs of the residents served; managing emergency situations; crisis intervention, implementation of health care plans; and required monitoring activities.

(2) Personnel trained, authorized and credentialed (where applicable) to carry out assigned job responsibilities consistent with scopes of practice, resident population characteristics and the resident's individual plan of care/treatment;

(3) The presence of at least one individual trained in basic first aid and age appropriate cardiopulmonary resuscitation twenty-four hours per day.

(4) Written documentation to verify credentials, training, and performance evaluations for each staff member including, but not limited to:

(a) Employment application/hire date;

(b) Verification of education, experience and training;

(c) Current job description;

(d) Criminal disclosure statement and results of a Washington state patrol background inquiry;

(e) HIV/AIDS training or verification;

(f) Current license/certification/registration (if applicable);

(g) Current basic first aid and age appropriate cardiopulmonary resuscitation training (if applicable);

(h) Current food and beverage service worker permit (if applicable);

(i) Current driver's license (if applicable);

(j) Tuberculosis screening (refer to WAC 246-337-060);

(k) Performance evaluation(s);

(l) Staff using restraint and seclusion procedures must receive initial and ongoing education and training in the proper and safe use of seclusion and/or restraints;

(m) Initial orientation and ongoing training to address the safety and health care needs of the population served.

(5) If independent contractors, consultants, students, volunteers and trainees are providing direct on-site residential

care, the licensee must ensure their compliance with this section.

NEW SECTION

WAC 246-337-055 Personnel criminal history, disclosure, and background inquiries. The licensee must ensure that all staff, independent contractors, consultants, students, volunteers and trainees with unsupervised access to residents are screened for criminal history disclosure and background requirements consistent with RCW 43.43.830 through 43.43.842.

NEW SECTION

WAC 246-337-060 Infection control. The licensee must ensure each resident's care is provided in an environment that prevents the transmission of infections and communicable disease among residents, staff, and visitors including:

(1) Implementing and maintaining an infection control program by assignment of responsibility for infection control and monitoring to a specified staff member.

(2) Maintaining an infection control program that includes adoption and implementation of written policies and procedures for:

(a) Meeting the standards as outlined in the most recent edition of the department's *Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Curriculum Manual*, including;

(i) Hand hygiene;

(ii) Disinfection;

(iii) Standard/universal precautions;

(b) Residents with poor hygiene;

(c) Control of bloodborne pathogens in accordance with WISHA, chapter 296-823 WAC;

(d) Control of tuberculosis consistent with WISHA, department guidelines, and chapter 246-170 WAC;

(e) Exclusion of staff from work who have a communicable disease in an infectious stage; and

(f) Environmental management and housekeeping functions.

(3) Ensuring that staff report notifiable conditions and cooperate with public health authorities to facilitate investigation of a case, suspected case, or outbreak of a notifiable condition, consistent with chapter 246-101 WAC.

(4) Providing the equipment necessary to implement the RTF infection control policies and procedures.

(5) Complying with chapter 246-100 WAC "Communicable and certain other diseases."

NEW SECTION

WAC 246-337-065 Health and safety. The licensee must protect resident health and safety by developing written policies and procedures that are consistent with the requirements of this chapter, and address:

(1) Coordination of interagency and intra-agency services, if any, to meet and provide for resident health care needs.

(2) The provision of health care services.

(3) The provision for transportation for residents in accordance with Washington state laws and rules governing transportation.

(4) Smoking policies and procedures in compliance with applicable Washington state laws and rules.

(5) Security to protect residents, visitors, staff and property including, but not limited to:

(a) Controlling access to and egress (elopement and evacuation) from the RTF; and

(b) Investigating, and recording all security incidents.

(6) Reporting to the department serious or undesirable resident outcomes including, but not limited to, death, suicide, or major disruption of services through internal or external emergency events.

NEW SECTION

WAC 246-337-070 Emergency disaster plan. (1) The licensee must ensure resident health and safety by establishing and implementing an emergency plan designed for response to internal and external emergency safety situations. The emergency plan must:

(a) Be specific to the RTF, and each building that comprises the RTF;

(b) Be communicated to the residents and staff;

(c) Be coordinated with local emergency plans;

(d) Address actions the licensee will take if residents cannot return to the facility;

(e) Be posted or readily available to all staff and residents; and

(f) Require emergency phone numbers to be adjacent to appropriate phones.

(2) The emergency plan must identify:

(a) Who is responsible for each aspect of the plan;

(b) Procedures for accounting for all residents and staff during and after the emergency;

(c) How the premises will be evacuated, if necessary, and the meeting location after evacuation;

(d) How to address care of residents with special needs during and after an emergency;

(e) Provisions for emergency medications, food, water, clothing, shelter, heat and power;

(f) How family members will be contacted; and

(g) Transportation arrangements if necessary.

(3) The licensee must evaluate the effectiveness of the emergency plan, including:

(a) Review at least annually and revise as needed;

(b) Conduct and document, at least annually, emergency drills for residents and staff; and

(c) Debrief and evaluate the plan after each emergency incident or drill.

(4) Supplies and first-aid equipment must be:

(a) In a designated location;

(b) Readily available to staff during all hours of operation including during transportation of residents;

(c) Sufficient in type and quantity according to staff and residents' needs; and

(d) Sufficient to maintain a three-day emergency supply of dry or canned food and water for all staff and residents.

NEW SECTION

WAC 246-337-075 Resident rights. The licensee must establish a process to ensure resident rights are protected in compliance with chapter 71.12 RCW, this chapter, and with chapters 70.96A, 71.05, and/or 71.34 RCW, as applicable, depending on the service categories that are part of the RTF license. This process must address, at a minimum, how the RTF will:

(1) Inform each resident in an understandable manner, his or her personal representative, designee or parent, of all rights, treatment methods, and rules applicable to the proposed health care of a particular resident.

(2) Document that each resident received a written copy of his or her rights on or before admission.

(3) Address use of emergency interventions such as use of youth behavior management guidelines, restraint and/or seclusion, the use of special treatment interventions, restriction of rights and parameters of confidentiality.

(4) Allow residents, their personal representatives, and parents, to review resident files in accordance with chapter 70.02 RCW.

(5) Ensure that each resident is treated in a manner that respects individual identity, human dignity and fosters constructive self-esteem by ensuring each resident has the right to:

(a) Be free of abuse, including being deprived of food, clothes or other basic necessities;

(b) Be free of restraint and/or seclusion, except as provided in WAC 246-337-110;

(c) Participate or abstain from social and religious activities;

(d) Participate in planning his or her own health care and treatment that considers their own medical and/or mental health advance directives;

(e) Refuse to perform services for the benefit of the RTF unless agreed to by the resident, as a part of the individual health care plan and in accordance with applicable law;

(f) Inform each resident of the cost of treatment;

(g) Inform each resident in writing of the department contact information, including telephone number and mailing address;

(h) Inform each resident that the resident may file a complaint with the department regarding the RTF's noncompliance with any part of this chapter, without interference, discrimination or reprisal. The resident may choose whether to notify the RTF of the complaint;

(i) Promote a healthy, safe, clean and comfortable environment;

(j) Protect each resident from invasion of privacy: Provided that reasonable means may be used to detect or prevent items that may be harmful or injurious to the resident or others, from being possessed or used on the premises.

(6) Protect the confidentiality of treatment and personal information when communicating with individuals not associated or listed in the resident individual's treatment plan or confidentiality disclosure form.

(7) Comply with reporting requirements of suspected incidents of child or adult abuse and neglect in accordance with chapters 26.44 and 74.34 RCW.

(8) Account for each resident's assets, including allowance, earnings from federal or state sources and expenditures.

(9) Assist each resident, upon request, in sending written communications of the fact of the resident's commitment in the RTF to friends, relatives, or other persons.

NEW SECTION

WAC 246-337-080 Resident care services. (1) Policies and procedures: The licensee must establish and implement policies and procedures that describe how residents are provided care and personal equipment to meet their health care needs including:

- (a) Admission, transfer, discharge and referral process.
- (b) Addressing how the licensee provides or makes provision for health care services.
- (c) Addressing the action of RTF personnel when medical emergencies or a threat to life arises when a physician or authorized health care provider is not present including:
 - (i) Having current policies and procedures signed by a physician or authorized health care provider, reviewed as needed and at least biennially;
 - (ii) How resident medical and related data shall be transmitted in the event of a transfer;
 - (iii) Need for the notification of legal guardian or next of kin, the department or other regulatory agencies in the event of a serious change in the resident's condition, transfer of a resident to another facility, elopement, death, or when unusual circumstances occur; and
 - (iv) When to consult with internal or external resource agencies or persons e.g., poison control, fire department and police.
- (d) Addressing how the RTF must provide for each resident's need for personal care items and durable medical equipment.
- (e) Addressing provisions for transfer and appropriate prenatal and postnatal care services for pregnant residents.
- (f) Addressing how a licensee providing twenty-four hours per day nursing service functions provides systems for supervision, assessment and delegation in accordance with applicable statute and rules including chapter 18.79 RCW, Nursing care.
- (g) Addressing how a licensee providing acute detoxification services must ensure resident health and safety including:
 - (i) A licensed nurse must be on-site when a resident is receiving acute detoxification services;
 - (ii) Registered nurse responsible for supervising resident care nursing services shall be on-site at least four hours per week and available on-call to the licensed practical nurse; and
 - (iii) Policies and procedures for acute detoxification services approved by an authorized health care provider.
- (h) Addressing how licensees providing subacute detoxification services must ensure resident health and safety, including:
 - (i) Implementing policies and procedures establishing agreements with authorized health care providers or hospitals that includes:
 - (A) Criteria for determining the degree of medical stability of a potential resident in a subacute detoxification facility;

- (B) Monitoring the resident after being admitted;
 - (C) Reporting abnormal symptoms according to established criteria;
 - (D) Criteria requiring immediate transfer to a hospital; and
 - (E) Resident discharge or transfer criteria;
 - (ii) Monitoring of residents by a staff including observing a resident for signs and symptoms of illness or trauma; and
 - (iii) Observing the resident to self-administer his or her own medication as prescribed by the resident's health care provider.
- (2) **Delivery of resident care services:** The licensee must ensure the provision of or for that resident care services to meet the health care needs of the resident including:
- (a) Admission is limited to residents for whom a facility is qualified by staff, services, equipment, building design and occupancy to give safe care.
 - (b) A health care screen of each resident that is to be conducted upon admission and updated as changes occur or when additional health care needs are identified.
 - (c) A completed comprehensive health assessment and medical history that is to be conducted by a health care provider following admission to an RTF, unless a current comprehensive health assessment or review was performed and is available upon admission to an RTF providing mental health or acute detoxification services.
 - (d) A health assessment by a health care provider, any time a resident exhibits signs and symptoms of an injury, illness or abnormality for which medical diagnosis and treatment are indicated.
 - (e) Access to and availability of authorized health care providers to develop and implement the resident plan of care.
 - (f) Sufficient numbers of trained personnel who are available to provide health care according to the resident's health care plan.
 - (g) Provision for or access by referral to health care for residents admitted to the RTF including, but not limited to:
 - (i) Assisting residents in following all prescribed treatments, modified diets, activities or activity limitations.
 - (ii) Assisting residents to keep health care appointments.
 - (iii) Medication administration or observing the resident self-administer his or her own medication as prescribed by the resident's authorized health care provider.
 - (iv) Incorporating resident's health care needs and behavioral needs into the resident's overall health care plan;
 - (v) Emergency health care.
 - (h) Provision for twenty-four hours per day nursing service functions to include availability by phone; when the RTF provides mental health inpatient evaluation and treatment, mental health adult residential treatment, mental health child long-term inpatient treatment, mental health child inpatient evaluation and treatment, and/or chemical dependency acute detoxification.
 - (i) Provision is made either on the premises, through a contract laboratory or through a health care provider for service(s) required by the resident.
 - (j) Storing and labeling each resident's personal care items separately preventing contamination and access by other residents.

(3) **Documentation:** The licensee must ensure documentation of health care received or provided in the resident's health care record.

NEW SECTION

WAC 246-337-085 Accepting a child with a parent in treatment. A chemical dependency facility that accepts a child with a parent in treatment must assure child care services are provided for the child and the services of a health care provider who is responsible for developing health care policies, provides consultation and monitors the child's health care. The facility shall:

(1) Operate or arrange for child care licensed by DSHS under chapter 388-295 WAC, Minimum licensing requirements for child day care centers, chapter 388-151 WAC, School-age child care center minimum licensing requirements, chapter 388-155 WAC, Minimum licensing requirements for family child day care homes which the children will attend during treatment hours of the parent;

(2) Allow an infant under one month of age to be cared for by the staff of the RTF to supplement care by the mother;

(3) Allow the parent to be responsible for the care of his/her own child during the hours the parent is not in treatment, with the following conditions:

(a) The parent's management of the child is subject to the policies and procedures of the RTF;

(b) A parent may designate another resident to care for a child, if the designation is in writing and includes:

(i) A specified time period;

(ii) Any special instructions; and

(iii) Is signed by the parent, designee and staff member who approves of the designation;

(4) Establish policies and procedures addressing the chronological and developmental needs of the children to be accepted;

(5) Obtain a health history for each child following admission;

(6) Develop with the parent a plan of care for each child that addresses the child's health care needs including medications.

NEW SECTION

WAC 246-337-090 Food and nutrition services. The licensee must ensure that nutritionally adequate and appetizing meals that meet resident needs are stored, prepared and served in accordance with chapter 246-215 WAC.

(1) The licensee shall provide:

(a) Food and dietary services managed by a person knowledgeable in food services, and, when needed, consultative services provided by a registered dietician;

(b) Food and water daily, supplying at least one hundred percent of the current nationally recommended dietary allowance for meals and snacks, adjusted for:

(i) Age, gender, development, activities and health conditions; and

(ii) Reasonable accommodations for cultural and religious preferences.

(2) The licensee shall provide at least three meals at regular intervals without more than fourteen hours between the last meal of the day and the first meal of the next day.

(3) If modified food plans are needed for residents receiving detoxification services or who have other nutritional needs, the licensee must:

(a) Provide modified diets, nutrient supplements and concentrates to residents as prescribed by an authorized health care provider;

(b) Limit modified meal content or frequency to no more than forty-eight hours without an authorized health care provider's orders; and

(c) Notify staff of any resident with food allergies or other medical conditions, symptoms of allergic reactions to watch for, and emergency measures to take if they occur.

(4) The licensee must allow sufficient time for residents to consume meals.

(5) The licensee must designate at least one individual having a current food and beverage service worker's permit to monitor and oversee food handling at the RTF; and require that all residents who do not have food and beverage worker permits, but have been medically screened and cleared to work in the kitchen, be oriented and supervised by staff with current food and beverage worker permits at all times when working in the kitchen.

(6) Menus must be dated, available and conspicuously posted one week or more in advance. The licensee must:

(a) Keep records of all food served, and substitutions;

(b) Retain menu records of food served for at least three months.

(7) All food must be prepared on-site unless the licensee has a signed contract or agreement with a food establishment.

(8) Each licensee must keep on file:

(a) A description of how food will be handled, prepared and stored; and

(b) A written plan of action should food be in an unacceptable condition.

(9) Staff must follow manufacturer's instructions in operating kitchen equipment.

(10) A licensed RTF with sixteen or fewer residents may use domestic or home-type kitchen appliances.

(11) An RTF with more than sixteen residents must use commercial appliances.

NEW SECTION

WAC 246-337-095 Resident health care records. The licensee must ensure the RTF meets the following requirements:

(1) Develop and implement procedures for maintaining current health care records as required by chapter 70.02 RCW and RCW 71.05.390 or by applicable laws.

(2) Make health care records accessible for review by appropriate direct care staff, the resident and the department in accordance with applicable law.

(3) Ensure health care records are legibly written or retrievable by electronic means.

(4) Document medical information on the licensee's standardized forms.

(5) Record health care information by the health care provider or direct care staff with resident contact to include typed or legible handwriting in blue or black ink, verified by signature or unique identifier, title, date and time.

(6) Maintain the confidentiality and security of health care records in accordance with applicable law.

(7) Maintain health care records in chronological order in their entirety or chronological by sections.

(8) Keep health care records current with all documents filed according to the licensee's written timeline policy.

(9) Inclusion of the following, at a minimum, in each record:

(a) Resident's name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, diagnosis, date of discharge, previous address and phone number, if any;

(b) Resident's receipt of notification of resident's rights and responsibilities, if applicable;

(c) Resident's consent for health care provided by the RTF;

(d) A copy of any authorizations, advance directives, powers of attorney, letters of guardianship, or other similar documentation provided by the resident;

(e) Original reports, where available or, if not available, durable, legible copies of original reports on all tests, procedures, and examinations performed on the resident;

(f) Health assessments;

(g) Health care plan, including the names, relationship to the resident and addresses of those individuals the resident states with whom the RTF may freely communicate regarding the health care of the resident without violating the resident's right to confidentiality or privacy of health care information;

(h) Dated and signed (or initialed) notes describing health care provided for each contact with the resident pertinent to the resident's health care plan including, but not limited to:

(i) Physical and psychosocial history;

(ii) Medication administration, medical/nursing services, and treatment provided, resident's response to treatment and any adverse reactions and resolution of medical issues;

(iii) Use of restraint or seclusion consistent with WAC 246-337-110;

(iv) Instructions or teaching provided to resident in connection with his or her health care; and

(v) Discharge summary, including:

(A) Concise review of resident's physical and mental history, as applicable;

(B) Condition upon discharge;

(C) Recommendations for services, follow-up or continuing care; and

(D) Date and time of discharge.

(10) Retaining the health care records at least six years beyond resident's discharge or death date, whichever occurs sooner, and at least six years beyond the age of eighteen.

(11) Destroying the health care records in accordance with applicable law and in a manner that preserves confidentiality.

NEW SECTION

WAC 246-337-100 Health care plan. The licensee must ensure that an individual health care plan is developed and implemented for each resident based on health assessment(s) on admission and updated as additional needs are identified during treatment that includes the following:

(1) The health care plan must be prepared by one or more staff involved in the resident's care with participation by the resident and by either his or her legal representative or parent when minors are involved;

(2) An initial or provisional health care plan addressing the health care needs of the resident on admission to a RTF;

(3) A discharge (aftercare) health care plan if the resident will require less than a fourteen-day treatment, if appropriate; and

(4) A comprehensive health care plan developed by participants providing health care to the resident addressing and including, but not limited to:

(a) Health care needs;

(b) Implementation, modification and review of health care needs documented in the health care plan and health care record;

(c) Needs of a mother and child during pregnancy and after delivery, if applicable;

(d) Work assignments given to residents as part of their health care plan, if applicable; and

(e) Discharge health care needs.

NEW SECTION

WAC 246-337-105 Medication management. The licensee is responsible for the control and use of all medications within the RTF, including:

(1) Ensuring policies and procedures and medication protocols are developed, approved, reviewed and implemented by licensed health care providers, administration and pharmacist (as needed). The policies and procedures must be consistent with the rules of the department and the department's board of Pharmacy and address all aspects of medication administration, including the following:

(a) Timely procurement;

(b) Medication administration;

(c) Prescribing;

(d) Proper storage conditions addressing security, safety, sanitation, temperature, light, moisture and ventilation;

(e) Use of nonprescription drugs:

(i) List of drugs available;

(ii) Parameters of use;

(f) Receipt;

(g) Proper labeling;

(h) Disposal;

(i) Medication brought into RTF by a resident;

(j) Accountability;

(k) Starter supply of psychotropic, detoxification and emergency drugs not for a specific resident;

(l) Emergency allergy response kit of prepackaged medications and supplies for the treatment of anaphylactic shock; and

(m) Medications for short term authorized absence (pass) from the RTF, where applicable.

(2) Establishing and maintaining of an organized system that ensures accuracy in receiving, transcribing and implementing policies and procedures for medication administration, including ensuring residents receive the correct medication, dosage, route, time, and reason.

(3) Documentation of all medications administered or self-administered, including the following data:

(a) Name and dosage of medication;

(b) Start/stop date;

(c) Time;

(d) Route;

(e) Staff or resident initials indicating medication was administered, self-administered or issued;

(f) Notation if medication was refused, held, wasted or not administered or self-administered;

(g) Allergies;

(h) Resident response to medication when given as necessary or as needed (PRN);

(i) Medical staff notification of errors, adverse effects, side effects; and

(j) Within established parameters for nonprescription drugs.

(4) Ensuring written orders are signed by an authorized health care provider with prescriptive authority for all legend drugs and vaccines. Verbal orders for legend drugs and vaccines must be signed by the prescriber as soon as possible, but no later than seven days after the verbal order.

(5) Ensuring use of nonprescription drugs that are self-administered are:

(a) Within parameters established for nonprescription drugs; and

(b) According to established list.

(6) Having a current established drug reference resource available for use by RTF staff.

NEW SECTION

WAC 246-337-110 Use of seclusion and restraint.

Any RTF that utilizes restraint or seclusion must ensure that restraint or seclusion is performed in compliance with chapters 70.96A, 71.05, 71.34 RCW, this chapter, and other applicable federal and state laws and rules. Restraint and seclusion must be performed in a manner that is safe, proportionate and appropriate to the severity of the behavior, the resident's chronological and developmental age, size, gender, physical, medical and psychiatric condition, and personal history.

(1) The licensee may use seclusion or restraint only in emergency situations needed to ensure the physical safety of the individual resident or other residents or staff of the facility, and when less restrictive measures have been found to be ineffective to protect the resident or others from harm.

(2) Seclusion and restraint procedures must be implemented in the least restrictive manner possible in accordance with a written modification to the resident's health care plan and discontinued when the behaviors that necessitated the restraint or seclusion are no longer in evidence.

(3) "Whenever needed" or "as needed" (PRN) orders for use of seclusion or restraint are prohibited.

(4) A physician or other authorized health care provider must authorize use of the restraint or seclusion within one hour of initiating the restraint or seclusion.

(5) Each order of restraint or seclusion is limited in length of time to:

(a) **Adults:** Four hours;

(b) **Children and adolescents ages nine to seventeen:** Two hours; and

(c) **Children under nine years of age:** One hour.

(6) A physician or an authorized health care provider, authorized by the licensee, may only renew the original order in accordance with these limits for up to a total of twenty-four hours.

(7) A physician or an authorized health care provider must examine the resident, before the restraint or seclusion exceeds more than twenty-four hours. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(8) Within one hour of initiation of restraint or seclusion, an authorized health care provider must conduct a face-to-face assessment of the physical and psychological well-being of the resident.

(9) The resident's clinical record must include the following documentation should restraint or seclusion be used:

(a) Order for the restraint or seclusion including name of the physician or authorized health care provider authorizing restraint or seclusion;

(b) Date/time order obtained;

(c) The specific intervention ordered including length of time and behavior that would terminate the intervention;

(d) Time restraint or seclusion began and ended;

(e) Time and results of one hour assessment;

(f) Resident behavior prior to initiation of restraint or seclusion;

(g) Any injuries sustained during the restraint or seclusion; and

(h) Post intervention debriefing with resident to discuss precipitating factors leading to the need for intervention.

(10) Safety health checks must be conducted and documented at a minimum of every fifteen minutes, to include:

(a) Behavior;

(b) Food/nutrition offered;

(c) Toileting; and

(d) Physical condition.

(11) Staff shall continuously observe and monitor residents in seclusion or restraint by an assigned staff member (face-to-face) or by staff using both video and audio equipment.

(12) Staff involved in the restraint or seclusion will debrief and address effectiveness and safety issues.

(13) The licensee must ensure that restraint and seclusion is carried out in a safe environment. This room must:

(a) Be designed to minimize potential for stimulation, escape, hiding, injury, or death;

(b) Have a maximum capacity of one resident;

(c) Have a door that opens outward;

(d) Have a staff-controlled, lockable, adjoining toilet room;

(e) Have a minimum of three feet of clear space on three sides of the bed; and

(f) Have negative pressure with an independent exhaust system with the exhaust fan at the discharge end of the system.

(14) Restraint equipment must be clean and in good repair.

NEW SECTION

WAC 246-337-115 Cleaning, maintenance and refuse disposal. The licensee must ensure that the RTF, equipment and furnishings are safe, sanitary, and maintained in good repair. The RTF shall provide for:

(1) Sanitary disposal and collection of garbage and refuse, by including:

(a) Use of noncombustible waste containers in resident rooms and common use areas;

(b) Containers constructed of nonabsorbent material, which are water-tight, covered, and adequate to store garbage and refuse generated by the RTF;

(c) A storage area location convenient for resident and staff use;

(d) An area and containers that are cleaned and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances.

(2) Management of biohazardous and nonmedical waste in accordance with applicable federal, state and local rules, including the use of appropriate containers and collection and disposal services if infectious wastes are generated.

(3) A locked housekeeping room on each level of the RTF that is equipped with:

(a) A utility sink or equivalent means of obtaining and disposing of mop water separate from food preparation and service areas; and

(b) Storage for cleaning supplies and wet mops which is mechanically ventilated to the outside according to standards adopted by the state building code council, chapter 51-13 WAC.

(4) Adequate storage space for:

(a) Clean and soiled equipment and linens;

(b) Lockable, shelved storage impervious to moisture, for cleaning supplies, disinfectants and poisonous compounds; and

(c) Separate, locked storage for flammable materials or other fire and safety hazards.

(5) A safe and cleanable area is designated for pouring stock chemicals and cleaning supplies into separate, properly labeled containers if stock chemicals are used.

(6) An effective pest control program so that the RTF is free of pests such as rodents and insects.

NEW SECTION

WAC 246-337-120 Facility, environment, and space requirements. The licensee must ensure that each RTF, exterior grounds and component parts such as, but not limited to, fences, equipment, outbuildings and landscape items are safe, free of hazards, clean, and maintained in good repair, including:

(1) Each RTF shall be located on a site which is:

(a) Free of standing water; and

(b) Accessible by emergency vehicles on at least one street, road or driveway usable under all weather conditions and free of major potholes or obstructions.

(2) Develop and implement systems for routine preventative maintenance, including:

(a) Heating ventilation and air conditioning, plumbing and electrical equipment;

(b) Certification and calibration of biomedical and therapeutic equipment; and

(c) Documentation of all maintenance.

(3) Rooms shall be provided for dining, multipurpose, counseling, therapy and social activities, including:

(a) At least forty square feet per resident for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies;

(b) A ceiling height of at least seven and one-half feet over the required floor area throughout the RTF;

(c) At least one private area for visitation of residents and guests;

(d) Therapy rooms for individual and group counseling that maintain visual and auditory confidentiality in the ratio of at least one room per twelve residents; and

(e) A medical examination room, when there is routine physical examination of residents within the RTF. The examination room must be equipped with:

(i) An exam table with at least three feet of space on two sides and end of the table for staff access;

(ii) An examination light;

(iii) Storage units for medical supplies and equipment;

(iv) A handwashing sink;

(f) Dining room(s) or area(s) are large enough to accommodate all residents at a single sitting or in no more than three shifts. If the space is used for more than one purpose, that space must be designed to accommodate each of the activities without unreasonable interference with one another.

(4) Equip stairways with more than one riser and ramps with slopes greater than one in twenty with handrails on both sides. Ends of handrails are designed in a manner that eliminates a hooking hazard.

(5) School facilities, excluding child care, serving residents on the same grounds as the RTF must meet all requirements for health and safety and comply with chapter 246-366 WAC, Primary and secondary schools.

NEW SECTION

WAC 246-337-125 Toilet rooms and bathrooms. The licensee must ensure that private or common-use toilet rooms and bathrooms are available to residents including:

(1) Provision for a minimum of one toilet (water closet) and handwashing sink for every eight residents, or fraction thereof. Urinals may count for up to one-third of the required toilets in a male-only toilet room.

(2) A toilet and handwashing sink in, or immediately accessible to each bathroom.

(3) A minimum of one bathing fixture for every eight residents.

(4) Rooms containing more than one water closet or more than one bathing area must:

(a) Be designated for use by one gender, unless it is a toilet specifically designated for children under the age of six years;

(b) Provide for privacy during toileting, bathing, and dressing through the use of doors or dividers;

(5) Each toilet room and bathroom must be equipped with:

(a) Water resistant, smooth, easily cleanable, slip-resistant bathtubs, showers, and floor surfaces;

(b) Washable walls to the height of splash or spray;

(c) Washable cabinets and counter tops;

(d) Plumbing fixtures designed for easy cleaning;

(e) Clean, nonabsorbent toilet seats free of cracks;

(f) Grab bars installed at each water closet and bathing fixture;

(g) Shatter resistant mirrors when appropriate;

(h) Adequate lighting for general illumination;

(i) One or more handwashing sink with soap and single use or disposable towels with a mounted paper towel dispenser, unless a blower or equivalent hand-drying device is provided;

(j) Toilet tissue with a reachable mounted tissue dispenser by each toilet.

(6) Reasonable access to bath and toilet rooms must be provided by:

(a) Locating a toilet room and bathing facilities on the same floor or level as the sleeping room of the resident; and

(b) Providing access without passage through any food preparation area or from one bedroom through another bedroom.

(7) If a toilet room or bathing facility adjoins a bedroom, the bathing facility is restricted to use by those residents residing in the adjoining bedrooms.

NEW SECTION

WAC 246-337-130 Water supply, sewage and waste disposal. The licensee must ensure that water supply and waste disposal in each facility meet the provisions of chapter 246-290 or 246-291 WAC, whichever applies, including:

(1) Maintaining tempered water between one hundred and one hundred twenty degrees Fahrenheit in resident areas.

(2) Maintaining the plumbing systems free of cross connections.

(3) Assuring all sewage and waste water drain into a public sewer system in compliance with applicable laws and rules, or meet the requirements of chapters 246-272 and 173-240 WAC, and local laws and rules.

NEW SECTION

WAC 246-337-135 Heating, ventilation and air conditioning. (1) The licensee must ensure that all rooms used by residents are able to maintain interior temperatures between sixty-five degrees Fahrenheit and seventy-eight degrees Fahrenheit year-round.

(2) Direct evaporative coolers may not be used for cooling. In existing facilities, no new or replacement evaporative coolers may be used after adoption of these rules. Facilities currently using direct evaporative coolers (swamp coolers or similar equipment) shall follow manufacturer's instructions

and develop and implement a written preventive maintenance program.

(3) All areas of the building must be ventilated to prevent excessive odors and moisture. The ventilation system must be in compliance with chapter 51-13 WAC. Facilities licensed prior to July 1991 may continue to use windows for ventilating toilet rooms, bathrooms, and janitor rooms if the windows are equipped with sixteen gauge mesh screens.

NEW SECTION

WAC 246-337-140 Lighting, emergency lighting, and electrical outlets. The licensee must ensure that lighting, emergency lighting, and electrical outlets are adequate and safe including:

(1) Light fixtures are protected against light bulb breakage by using appropriately fitted shields, bulbs, or tubes manufactured with shatter resistant materials in all areas occupied by residents, including common areas, and in medication and food preparation areas.

(2) Each room or area occupied by children under age five or residents with unsafe behaviors must have tamper resistant electrical outlets.

(3) Each electrical outlet within six feet of a sink or wet area must be of the ground fault interrupter type or be controlled by a ground fault circuit interrupter.

(4) Provide emergency lighting on each floor.

(5) Provide operable exterior lighting with solar or battery backup at the exit and entry doors.

NEW SECTION

WAC 246-337-145 Laundry. The licensee must ensure that laundry facilities, equipment, handling and processes ensure linen and laundered items provided to residents are clean, in good repair and adequate to meet the needs of residents including:

(1) The licensee must provide laundry and linen services on the premises, or by commercial laundry.

(2) The licensee must handle, clean, and store linen according to acceptable methods of infection control. The licensee must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources;

(d) Ensure all staff wears appropriate personal protective equipment and uses appropriate infection control practices when handling laundry;

(e) Ensure that damp textiles or fabrics are not left in machines for longer than twelve hours;

(f) Ensure that gross soil is removed before washing and proper washing and drying procedures are used; and

(g) Ensure that contaminated textiles and fabrics are handled with minimum agitation to avoid contamination of air, surfaces and persons.

(3) The licensee must use and maintain laundry equipment according to manufacturers' instructions.

(4) The licensee must use washing machines that have a continuous supply of hot water with a temperature of one hundred forty degrees Fahrenheit, or that automatically dispense a chemical sanitizer and detergent or wash additives as specified by the manufacturer, whenever the licensee washes:

- (a) Licensee's laundry;
- (b) Licensee's laundry is combined with resident's laundry into a single load; or
- (c) More than one resident's laundry is combined into a single load.

(5) The licensee or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below one hundred forty degrees Fahrenheit provided chemicals suitable for low temperature washing at proper use concentration and according to the cleaning instructions of the textile, fabric or clothing are used.

(6) The licensee must ventilate laundry rooms and areas to the exterior including areas or rooms where soiled laundry is held for processing by off-site commercial laundry services.

(7) The licensee must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

(8) If the licensee provides a laundry area where residents may do their personal laundry, the laundry area must be arranged to reduce the chances of soiled laundry contaminating clean laundry and equipped with:

- (a) A utility sink;
- (b) A table or counter for folding clean laundry;
- (c) At least one washing machine and one clothes dryer; and
- (d) Mechanical ventilation to the exterior.

NEW SECTION

WAC 246-337-150 Resident rooms, furnishings and storage. The RTF shall ensure that residents have an accessible, clean, well-maintained room with sufficient space, light, and comfortable furnishings for sleeping and personal activities including, but not limited to:

- (1) Sleeping rooms designed to provide at least a three-foot clear access aisle from the entry door, along at least one side of each bed, and in front of all storage equipment.
- (2) If a bunk bed is used, a minimum access aisle of five feet shall be provided along at least one side of the bunk bed.
- (3) Room identification and resident capacity per sleeping room consistent with the approved room list and evacuation floor plan.
- (4) Direct access to a hallway, living room, lounge, the outside, or other common use area without going through a laundry or utility area, a bath or toilet room, or another resident's bedroom.
- (5) Each sleeping room having one or more outside windows that:

- (a) Is easily opened if necessary for fire exit or ventilation;
- (b) Is marked with a solid color or barriers to prevent residents from accidentally walking into them if clear glass windows or doors extend to the floor;

(c) Has adjustable curtains, shades, blinds, or equivalent installed at the windows for visual privacy; and

(d) Is shatterproof, screened, or of the security type as determined by the resident needs.

- (6) Sleeping rooms equipped with:
 - (a) One or more noncombustible waste containers;
 - (b) An individual towel and washcloth rack or an equivalent method to provide clean towels and washcloths;
 - (c) Storage facilities for storing a reasonable quantity of clothing and, when requested by the resident, storage in a lockable drawer, cupboard, locker, or other secure space somewhere in the building;

(d) Furniture appropriate for the age and physical condition of each resident, must be provided, including:

- (i) A chair, which may be used in either the bedroom or a group room interchangeably;
- (ii) A bed of appropriate size equipped with:
 - (A) A mattress that is clean, in good repair, and fits the frame;
 - (B) One or more pillows that are clean, and in good repair for each resident over two and one-half years;
 - (C) Bedding that includes a tight-fitting sheet or cover for the sleeping surface, and a clean blanket or suitable cover; and
 - (D) Bedding that is in good repair, changed weekly or more often as necessary to maintain cleanliness;

(iii) A bed thirty-six or more inches wide for adults and appropriate size for children, spaced thirty-six inches apart;

(iv) A single level nonstacking crib, infant bed, bassinet or playpen for children twenty-four months and younger meeting chapter 70.111 RCW, and including:

- (A) Sleep equipment having secure latching devices; and
- (B) A mattress that is:
 - (I) Snug-fitting to prevent the infant from becoming entrapped between the mattress and crib side rails;
 - (II) Waterproof and easily sanitized; and
 - (III) Free of crib bumpers, stuffed toys or pillows;
- (v) A youth bed or regular bed for children twenty-five months and older;
- (vi) If bunk beds are used, children six years of age or less are prohibited from utilizing the upper bunk.

NEW SECTION

WAC 246-337-155 Pet management and safety. The licensee must ensure the health and safety of residents and all service animals, therapy animals, and pets when allowed on the premises.

NEW SECTION

WAC 246-337-990 Licensing fees. Submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	\$150.00
License bed fee (per bed)	\$136.10
Annual renewal fee (per bed)	\$136.10
Late fee (per bed)	\$25.00 (up to \$500.00)

PERMANENT

FEE TYPE	AMOUNT
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1000.00

If a written request is submitted for withdrawal after the department has begun the licensure review process, but before licensure, the department may refund any portion of the fees not consumed by departmental action taken prior to the request for withdrawal.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-323-010 Definitions.
- WAC 246-323-020 Licensure.
- WAC 246-323-022 Criminal history, disclosure, and background inquiries.
- WAC 246-323-030 Administration.
- WAC 246-323-040 HIV/AIDS education and training.
- WAC 246-323-050 Client care services.
- WAC 246-323-060 Pharmaceutical services.
- WAC 246-323-070 Infection control.
- WAC 246-323-080 Clinical records.
- WAC 246-323-090 Physical environment.
- WAC 246-323-990 Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-325-010 Definitions.
- WAC 246-325-012 Licensure—Adult residential rehabilitation centers and private adult treatment homes.
- WAC 246-325-015 Licensure—Private adult treatment home.
- WAC 246-325-020 Administration—Adult residential rehabilitation center.
- WAC 246-325-022 Criminal history, disclosure, and background inquiries.
- WAC 246-325-025 HIV/AIDS education and training.
- WAC 246-325-030 Resident care services in adult residential rehabilitation centers or private adult treatment homes.

- WAC 246-325-035 General resident safety and care—Policies, procedures, practices.
- WAC 246-325-040 Pharmaceutical services in adult residential rehabilitation centers.
- WAC 246-325-045 Food storage—Preparation—Service.
- WAC 246-325-050 Infection control in adult residential rehabilitation centers.
- WAC 246-325-060 Clinical records.
- WAC 246-325-070 Physical environment in adult residential rehabilitation centers.
- WAC 246-325-100 Resident care services in private adult treatment homes.
- WAC 246-325-120 Physical environment requirements for private adult treatment homes.
- WAC 246-325-990 Fees.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-326-010 Definitions.
- WAC 246-326-020 Licensure.
- WAC 246-326-030 Administrative management.
- WAC 246-326-035 HIV/AIDS education and training.
- WAC 246-326-040 Patient care and services—General.
- WAC 246-326-050 Health and medical care services—All facilities.
- WAC 246-326-060 Medication responsibility—Administration of medications and treatments.
- WAC 246-326-070 Maintenance and housekeeping—Laundry.
- WAC 246-326-080 Site and grounds.
- WAC 246-326-090 Physical plant and equipment.
- WAC 246-326-100 Special additional requirements for facilities providing alcoholism detoxification service.
- WAC 246-326-990 Fees.

PERMANENT

WSR 05-14-091
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed June 30, 2005, 3:22 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule findings are required; see below.

Purpose: **Background:** WAC 458-20-141, explains the B&O, retail sales, and use tax reporting responsibilities of persons who engage in duplicating activities or who provide mailing bureau services in Washington. WAC 458-20-144, explains the B&O and retail sales tax reporting responsibilities of persons engaged in printing activities. Both rules were revised in January 2005, each with an effective date of July 1, 2005.

One of the major changes in that revision was the removal of language stating that a deduction from the measure of tax for both B&O tax and the retail sales tax was available where a mailing bureau purchases postage for a customer and charges that customer for the postage. This revision explained that amounts received from a customer for postage costs incurred by the seller are, under the law, included in the measures of both taxes. The change to Rule 141 also identified circumstances under which postage charges are not included in the measure of tax because the charges qualify as advances or reimbursements.

WAC 458-20-17803 explains the use tax reporting responsibilities of persons who distribute or cause to be distributed tangible personal property promoting the sale of products or services are subject to use tax on the value of the property. While the January 2005 rule action had a July 1, 2005, effective date, the rule explains a use tax responsibility that resulted from provisions of chapter 367, Laws of 2002, that became effective June 1, 2002.

Current Rule-making Action: Chapter 514, Laws of 2005, provides a B&O tax deduction and retail sales/use tax exemption for delivery charges made for the delivery of direct mail, if the charges are separately stated. These provisions of chapter 514 became effective May 16, 2005, and supercede the instructions regarding charges for postage costs in these rules.

The department is adopting revisions to Rules 141, 144, and 17803 on an emergency basis to reflect this legislative change. The department plans to proceed with rule making for permanent revisions to these rules.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-141 Duplicating activities and mailing bureaus, 458-20-144 Printing industry, and 458-20-17803 Use tax on promotional material.

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

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of revised Rules 141, 144, and 17803 is necessary because per-

manent rules cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the seller's and buyer's tax-reporting responsibilities relative to delivery costs for direct mail.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, 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: June 30, 2005.

Janis P. Bianchi, Manager
 Interpretations and
 Technical Advice Unit

AMENDATORY SECTION (Amending WSR 05-03-053, filed 1/11/05, effective 7/1/05)

WAC 458-20-141 Duplicating activities and mailing bureaus. (1) **Introduction.** This (rule) section discusses the business and occupation (B&O) tax and retail sales and use tax reporting responsibilities of persons who engage in duplicating activities or who provide mailing bureau services in Washington. Persons engaged in printing activities should refer to WAC 458-20-144 (Printing industry).

Chapter 514, Laws of 2005, changed the taxability of delivery charges associated with direct mail. Refer to subsection (3) of this section for further information.

(2) **Duplicating activities.** Duplicating is the copying of typed, written, drawn, photographed, previously duplicated, or printed materials using a photographic process such as photocopying, color copying, or blueprinting.

(a) **Sales of duplicated products.** Income from the sale of photostats, photocopies, blueprint copies and other duplicated tangible personal property to consumers is subject to the retailing B&O tax. The measure of tax is the gross proceeds of sale. The seller is also responsible for collecting and remitting retail sales tax on the selling price when making sales to consumers, unless a specific exemption applies. The wholesaling B&O tax applies to the gross proceeds of sale when the buyer purchases the duplicated property for resale without intervening use. The seller must obtain a resale certificate from the buyer to document the wholesale nature of any sale as provided in WAC 458-20-102 (Resale certificates).

If the seller is also the manufacturer of the duplicated products, the seller may be eligible for a multiple activities tax credit. Refer to WAC 458-20-19301 (Multiple activities tax credits) for more information about the credit.

(b) **Duplicating as a manufacturing activity.** A person duplicating tangible personal property for sale or commercial or industrial use (the use of manufactured property as a consumer) is subject to the manufacturing B&O tax classification. For further information about manufacturing activities, refer to WAC 458-20-112 (Value of products), WAC 458-20-134 (Commercial or industrial use), and WAC 458-20-136 (Manufacturing, processing for hire, fabricating).

(c) **Self-service copying.** Some persons provide consumers with access to duplicating equipment to make their own copies (frequently referred to "self-service copying"). These customers are generally charged on a per page basis. The gross proceeds of sales made to consumers for self-service copying is subject to the retailing B&O tax. The seller is also responsible for collecting retail sales tax, unless a specific exemption applies. In such cases, the person providing access to duplicating equipment is not engaged in a manufacturing activity and charges for self-service copying are not subject to the manufacturing B&O tax.

(d) **Potential litter tax liability.** Chapter 82.19 RCW imposes a litter tax on manufacturers (including duplicators), wholesalers, and retailers of certain products. These products include, but are not limited to, newspapers, magazines, and household paper and paper products. Thus, persons who duplicate tangible personal property for sale or who provide facilities for self-service copying may incur a litter tax liability. The measure of the litter tax is the gross proceeds of sale. For further information about the litter tax, refer to chapter 82.19 RCW and WAC 458-20-243 (Litter tax).

(e) **Purchases for resale.** The purchase of tangible personal property for resale as tangible personal property or as a component or ingredient of duplicated property is a purchase at wholesale. Examples of items that may be purchased at wholesale include paper, ink, toner, and staples. Refer to WAC 458-20-113 (Ingredients or components, chemicals used in processing new articles for sale). Wholesale purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as provided by WAC 458-20-102 (Resale certificates).

(f) **Purchases subject to retail sales or use tax.** A person who engages in duplicating activities and acquires tangible personal property for use as a consumer must pay retail sale tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect retail sales tax. Examples of purchases by a person engaged in duplicating activities that are subject to retail sales tax or use tax include photocopiers, cutting boards, computers, cash registers, and office furniture. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

Persons who engage in duplicating products for sale should refer to WAC 458-20-13601 (Manufacturers and processors for hire—Sales and use tax exemption for machinery and equipment) for information about the sales and use tax exemptions for certain machinery and equipment used directly in a manufacturing operation.

(g) **Example.** Copy Company provides a public area with photocopying equipment and materials (paper, toner, and staples) to allow customers to make their own copies. Copy Company has a separate area where Copy Company employees make copies for customers. The income attribut-

able to copies made both by the customers and by Copy Company employees is subject to the retailing B&O and retail sales taxes. The value of the copies made by Copy Company employees is also subject to the manufacturing B&O tax, and Copy Company may claim a multiple activities tax credit as described above in subsection (2)(a). Litter tax may be due as explained above in subsection (2)(d).

Copy Company may purchase the paper, toner, and staples that are used or provided in both areas at wholesale, if the seller receives a resale certificate. Retail sales or use tax applies to the purchase of photocopying equipment in both areas. The purchase and/or use of the equipment where Copy Company employees make copies may qualify for the machinery and equipment exemption described in WAC 458-20-13601.

(3) **Mailing bureau services.** Mailing bureaus, also referred to as mail houses, prepare for distribution mail pieces such as bulletins, form letters, advertising material, political publications, and flyers as directed by their customers. The customer may provide the mail pieces to be prepared for distribution or the mailing bureau itself may sell the material to the customer. Mailing bureaus that duplicate the material being prepared should also refer to subsection (2), above. Mailing bureaus that print the material being prepared should also refer to WAC 458-20-144.

(a) **Mailing bureau activities.** Activities conducted by mailing bureaus include, but are not limited to, picking up, addressing, labeling, binding, folding, enclosing, sealing, tabbing, and mailing the mail pieces. The mailing bureau generally charges the customer on a per-piece basis for each separate service provided plus the actual cost of any postage.

Charges for labor and services rendered in respect to altering, imprinting, or improving tangible personal property of or for consumers are retail sales. RCW 82.04.050 (2)(a). Thus, the retailing B&O tax applies to income received from consumers for services that include addressing, labeling, binding, folding, enclosing, sealing, and/or tabbing. Mailing bureau businesses are also responsible for collecting and remitting retail sales tax when making sales to consumers, unless a specific exemption applies.

(b) **Measure of tax.** The measure of the B&O and retail sales taxes is the gross proceeds of sale and selling price, respectively. These terms include all consideration paid by the buyer, however identified, without any deduction for costs of doing business, such as material, ~~and labor~~. Except as noted below, the measure of tax also includes delivery costs. RCW 82.04.070 and 82.08.010.

For purposes of computing the B&O tax, chapter 514, Laws of 2005, provides a deduction from the measure of tax for amounts derived from delivery charges for direct mail. Similarly, the law provides retail sales and use tax exemptions for delivery charges made for the delivery of direct mail.

(i) ~~(Postage. Charges for postage or other delivery costs are included in the measure of tax for both B&O tax and retail sales tax if the costs are part of the consideration paid by the customer. It is immaterial if the amounts charged for postage are stated or shown separately on the sales invoice or reflect actual mailing costs to the mailing bureau. Amounts charged for postage and other delivery costs are not included in the~~

measure of tax only if the amounts are not part of the consideration paid by the customer.

(A) ~~When is postage part of the consideration paid? Charges for postage costs are considered part of the consideration paid if the permit to use precancelled stamps, a postage meter, or an imprint account for bulk mailings is in the name of the mailing bureau. The mailing bureau is liable to the post office for payment and the customer's payment of such amounts represents a payment on the sale of tangible personal property or the services provided. For further information, refer to WAC 458-20-111 (Advances and reimbursements).~~

(B) ~~When is postage not part of the consideration paid? Charges for postage are not considered part of the consideration paid if the permit to use precancelled stamps or a permit imprint account for bulk mailings is in the customer's name. The mailing bureau in these cases has no primary or secondary liability for payment of the postage costs. (Refer to WAC 458-20-111 for information about advances and reimbursements.)~~

(ii) ~~Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of any situation must be determined after a review of all facts and circumstances. For purposes of the following examples, sales invoices to the customer separately identify charges for postage.~~

(A) ~~Example 1. Mailing Bureau receives mail pieces from Department Store to prepare and mail. Mailing Bureau advises Department Store of the estimated amount of postage. Department Store deposits an amount equal to the estimated cost of postage in its own permit imprint account. The estimated postage is not part of the total consideration paid because the Department Store is personally liable to the post office for postage. The total charge, excluding postage, is the consideration paid by Department Store and subject to tax.~~

(B) ~~Example 2. Assume facts as described above in Example 1. The post office determines that the actual cost of postage exceeds the estimated amount deposited by Department Store in its permit imprint account. Post office transfers the additional amount for postage from Mailing Bureau's account. Mailing Bureau invoices Department Store for the additional amount. The additional amount for postage is not part of the consideration paid and is not included in the measure of tax because Mailing Bureau's liability for payment of the additional postage is limited to that of an agent.~~

(C) ~~Example 3. Mailing Bureau receives from Political Candidate B mail pieces to prepare and mail. Mailing Bureau uses its own postage meter to apply metered postage. Postage is a part of the consideration paid by Candidate B and is included in the measure of tax.~~

(D) ~~Example 4. Mailing Bureau receives pre-stamped mail pieces from Medical Clinic to prepare and mail. The mail pieces qualify for the lower bulk mail rates after Mailing Bureau prepares the mail pieces. The post office refunds the difference between the single piece rate and the bulk mail rate to Mailing Bureau. Mailing Bureau retains the amount due for services rendered and in turn remits the balance of the refunded postage to Medical Clinic. Postage is not a part of~~

the consideration paid and is not included in the measure of tax.

(E) ~~Example 5. Mailing Bureau prints, prepares, and mails mail pieces for Non-Profit Organization's fundraising drive. Mailing Bureau applies metered postage using its own postage meter. The charge for postage is a part of the consideration paid and included in the measure of tax.~~

(F) ~~Example 6. Mailing Bureau duplicates, prepares, and mails advertising for Restaurant. Mailing Bureau applies precancelled stamps that it purchases from the post office. The charge for postage is a part of the consideration paid and included in the measure of tax.~~

(G) ~~Example 7. Mailing Bureau picks up mail pieces from Washington City to prepare and mail. Mailing Bureau applies metered postage using its own postage meter. The charge for postage is a part of the consideration paid by Washington City and included in the measure of tax.~~

(H) ~~Example 8. Mailing Bureau prepares and mails advertising for Insurance Company. To apply postage, Mailing Bureau uses a postage meter leased by Insurance Company from a third party vendor. Insurance Company is liable to the third party vendor for payment of postage. The consideration does not include charges for postage.~~

(I) ~~Example 9. Assume same facts as described in Example 8 above. The postage meter account contains insufficient funds required for mailing pieces. Mailing Bureau advances sufficient funds to Insurance Company's metering account. Mailing Bureau invoices Insurance Company for the additional amount. The consideration does not include postage because Mailing Bureau's liability for payment is limited to that of an agent.) Requirement to separately state delivery charges. To claim the B&O tax deduction and the retail sales tax exemption, the seller must separately state the delivery charges on an invoice or similar billing invoice provided to the buyer.~~

(ii) What is direct mail? "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. RCW 82.08.010 and chapter 514, Laws of 2005.

(iii) What are delivery charges? "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. RCW 82.08.010.

(c) Retail sales tax exemptions. Certain sales tax exemptions may apply to the sale of tangible personal property or labor and services rendered to tangible personal property.

(i) Interstate sales of tangible personal property. The sale of tangible personal property is not subject to retail sales tax when the seller agrees to and does deliver the property outside the state. Refer to WAC 458-20-193 (Inbound and

outbound interstate sales of tangible personal property) for further information about interstate sales.

(ii) **Labor and services rendered in respect to tangible personal property of or for a nonresident.** RCW 82.08.-0265 provides a retail sales tax exemption for charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving tangible personal property of or for a nonresident when the seller agrees to and does deliver the property to the purchaser at a point outside this state or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state. For further information about this exemption, refer to WAC 458-20-173 (Installing, cleaning, repairing or otherwise altering or improving personal property of consumers).

(d) **Purchases for resale.** The purchase of tangible personal property for resale as tangible personal property or to become a component or ingredient of property upon which mailing bureau services will be performed is a purchase at wholesale. Examples of items that may be purchased at wholesale include paper, printing ink, envelopes, and staples. Wholesale purchases are not subject to retail sales tax when the buyer provides a resale certificate to the seller as provided by WAC 458-20-102 (Resale certificates). Refer to WAC 458-20-113 (Ingredients or components, chemicals used in processing new articles for sale) for further information regarding ingredients and components.

(e) **Purchases subject to retail sales or use tax.** A mailing bureau business that purchases, leases, or otherwise acquires tangible personal property for use as a consumer must pay retail sale tax (commonly referred to as "deferred sales tax") or use tax directly to the department when the seller fails to collect the retail sales tax. Examples of such property include photocopiers, cutting boards, computers, office furniture, and equipment to address, label, fold, seal, insert, meter, stamp, or sort. For further information about the use tax, refer to WAC 458-20-178 (Use tax).

(f) **Purchases of mailing lists.** Persons acquiring mailing lists are purchasing an information service regardless of the medium used to provide or transfer the information. Thus, the purchase of a mailing list by a mailing bureau business is not subject to either retail sales or use tax.

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

AMENDATORY SECTION (Amending WSR 05-03-052, filed 1/11/05, effective 7/1/05)

WAC 458-20-144 Printing industry. (1) **Introduction.** This ((rule)) discusses the taxability of the printing industry. For information on the taxability of mailing bureau services, refer to WAC 458-20-141, Duplicating industry and mailing bureaus.

Chapter 514, Laws of 2005, changed the taxability of delivery charges associated with direct mail. Refer to subsection (4) of this section for further information.

(2) **Definition.** The phrase "printing industry" includes letterpress, offset-lithography, and gravure processes as well as multigraph, mimeograph, autotyping, addressographing and similar activities.

(3) **Business and occupation tax.** Printers are subject to the business and occupation tax under the printing and publishing classification upon the gross income of the business.

(4) **Retail sales tax.** The printing or imprinting of advertising circulars, books, briefs, envelopes, folders, posters, racing forms, tickets, and other printed matter, whether upon special order or upon materials furnished either directly or indirectly by the customer is a retail sale and subject to the retail sales tax, providing the customer either consumes, or distributes such articles free of charge, and does not resell such articles in the regular course of business. The retail sales tax is computed upon the total charge for printing, and the printer may not deduct the cost of labor, author's alterations, or other service charges in performing the printing, even though such charges may be stated or shown separately on invoices.

RCW 82.04.070 and 82.08.010, respectively, define "gross proceeds of sales" and "selling price." These definitions provide that there is no deduction for "delivery costs." RCW 82.08.010 further provides that there is no deduction for "delivery charges," a term also defined by the statute to include postage. ((If a printer purchases stamps, applies metered postage using its meter account, or applies its permit imprint, and also charges the customer for the postage, the charge is included in the measure of B&O and/or retail sales tax, unless excluded by another provision of chapters 82.04 and 82.08 RCW. See also WAC 458-20-111 for information about nontaxable advances and reimbursements.)) Effective May 17, 2005, chapter 514, Laws of 2005, provides a B&O tax deduction and retail sales and use tax exemption from the measure of tax for amounts derived from delivery charges for direct mail when the delivery charges are separately stated on an invoice or similar billing invoice provided to the buyer.

"Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. RCW 82.08.010 and chapter 514, Laws of 2005.

"Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. RCW 82.08.-010.

Sales of printed matter to advertising agencies who purchase for their own use or for the use of their clients, and not for resale in the regular course of business, are sales for consumption and subject to the retail sales tax.

Sales of tickets to theater owners, amusement operators, transportation companies and others are sales for consumption and subject to the retail sales tax. Such tickets are not resold by the theater owners or amusement proprietors as tangible personal property but are used merely as a receipt to the

patrons for payment and as evidence of the right to admission or transportation.

Sales of school annuals and similar publications by printers to school districts, private schools or student organizations therein are subject to the retail sales tax.

Sales by printers of books, envelopes, folders, posters, racing forms, stationery, tickets and other printed matter to dealers for resale in the regular course of business are wholesale sales and are not subject to the retail sales tax.

Charges made by bookbinders or printers for imprinting, binding or rebinding of materials for consumers are subject to the retail sales tax.

Sales to printers of equipment, supplies and materials which do not become a component part or ingredient of the finished printed matter sold or which are put to "intervening use" before being resold are subject to the retail sales tax. This includes, among others, sales of fuel, furniture, lubricants, machinery, type, lead, slugs and mats.

Sales to printers of paper stock and ink which become a part of the printed matter sold are sales for resale and are not subject to retail sales tax.

(5) **Commissions and discounts.** There is a general trade practice in the printing industry of making allowances to advertising agencies of a certain percentage of the gross charge made for printed matter ordered by the agency either in its own name or in the name of the advertiser. This allowance may be a "commission" or may be a "discount."

A "commission" paid by a seller constitutes an expense of doing business and is not deductible from the measure of tax under either business and occupation tax or retail sales tax. On the other hand, a "discount" is a deduction from an established selling price allowed to buyers, and a bona fide discount is deductible under both these classifications.

In order that there may be a definite understanding, printers, advertising agencies and advertisers are advised that tax liability in such cases is as follows:

(a) The allowance taken by an advertising agency will be deductible as a discount in the computation of the printer's liability only in the event that the printer bills the charge on a net basis; i.e., less the discount.

(b) Where the printer bills the gross charge to the agency, and the advertiser pays the sales tax measured by the gross charge, no deduction will be allowed, irrespective of the fact that in payment of the account the printer actually receives from the agency the net amount only; i.e., the gross billing, less the commission retained by the agency. In all cases the commission received is taxable to the agency.

AMENDATORY SECTION (Amending WSR 05-03-051, filed 1/11/05, effective 7/1/05)

WAC 458-20-17803 Use tax on promotional material. (1) **Introduction.** Persons who distribute or cause to be distributed any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services, are subject to use tax on the value of the property. RCW 82.12.010, 82.12.020, and chapter 367, Laws of 2002. This ((rule)) section explains the use tax reporting responsibilities of consumers when such property is delivered directly to persons other than the consumer from

outside Washington. For the purposes of this ((rule)) section, the term "promotional material" is used in describing such property where applicable.

This ((rule)) section provides numerous examples that identify a number of facts and then state a conclusion. These examples should only be used as a general guide. Similar determinations for other situations can be made only after a review of all facts and circumstances. For purposes of these examples, presume the promotional material is delivered to persons within Washington.

Chapter 514, Laws of 2005, changed the taxability of delivery charges associated with direct mail. Refer to subsection (5) of this section for further information.

(2) **What is the use tax?** The use tax complements the retail sales tax by imposing a tax of a like amount when a consumer uses tangible personal property or certain retail services within this state. RCW 82.12.020. The tax does not apply to the use of any property or service if the present user, donor, or bailor previously paid retail sales tax under chapter 82.08 RCW with respect to the property used or the service obtained. See WAC 458-20-178 (Use tax) for an explanation of the use tax and use tax reporting requirements.

(3) **Who is liable for the use tax on promotional material?** The use tax is imposed on the consumer. The law provides that with respect to promotional material distributed to persons within this state, the consumer is the person who distributes or causes the distribution of the promotional material. A consumer as defined in this ((rule)) section is responsible for remitting use tax only if the consumer has nexus in Washington.

(a) **Example 1.** Department Store contracts with Printer in Idaho, to print promotional material advertising sale merchandise available at Department Store's Washington locations. Printer delivers promotional material to Seattle Mailing Bureau, with whom Department Store has contracted to prepare the material for distribution to Department Store's customers. Department Store is the consumer of the promotional material and is liable for use tax on promotional material distributed within Washington. Neither Printer, Seattle Mailing Bureau, nor Department Store's customers are consumers of this promotional material.

(b) **Example 2.** Retailer contracts with Seattle Advertising Agency for advertising services. Advertising Agency makes a single charge for all services, which includes designing, printing, and distributing catalogs to potential customers. Advertising Agency contracts with California Printer to print and prepare for distribution promotional material advertising a new Washington location. Retailer is the consumer of the catalogs and is liable for use tax on the promotional material sent to Washington addresses. Neither Advertising Agency nor potential customers are consumers of this promotional material.

(4) **What is promotional material?** Promotional material is any tangible personal property, except newspapers, displayed or distributed in the state of Washington for the primary purpose of promoting the sale of products or services. Examples of promotional material include, but are not limited to, advertising literature, circulars, catalogs, brochures, inserts (but not newspaper inserts), flyers, applications, order

forms, envelopes, folders, posters, coupons, displays, signs, free gifts, or samples (such as carpet or textile samples).

(a) **Is advertising contained on billing statements promotional material?** It is presumed that the primary purpose of billing statements and statements of account is to secure payment for goods or services previously purchased. Thus, unless the facts and circumstances indicate that the primary purpose of the property is to promote the sale of goods and services, billing statements and statements of account are not considered promotional material. Attaching, affixing, or otherwise incorporating property promoting the sale of goods or services does not alter the primary purpose of billing statements and statements of account. However, flyers, inserts, or other separate property enclosed with billing statements or statements of account that promote the sale of goods or services are promotional material and subject to use tax.

(i) **Example 1.** Richland Attorney contracts with Oregon Printer to print and prepare for distribution monthly billing statements and return remittance envelopes to Attorney's clients. The contract also includes printing and inserting flyers promoting Attorney's estate planning services. The primary purpose of the flyers is to solicit the sale of services. Consequently, the flyers are promotional material. The primary purpose of the billing statements is to secure payment for services rendered. The billing statements are not promotional material.

(ii) **Example 2.** Department Store prints the monthly billing statements for its store credit card in Atlanta, Georgia, and mails them to customers located in Washington. Although the billing statement includes three sentences noting an upcoming sale, this information does not alter the primary purpose of the billing statement, which is to secure payment for services rendered. The billing statements are not promotional material.

(iii) **Example 3.** The following month, Department Store's billing statement includes a detachable coupon for fifteen percent off selected items purchased during a specified period. Although the detachable coupon solicits the sale of goods or services, it does not alter the primary purpose of the billing statement, which is to secure payment for goods or services already purchased. The billing statement and detachable coupon are not promotional material.

(iv) **Example 4.** In the third month, Department Store lengthens the billing statement to include information promoting the grand opening of a location. Although the lengthened portion of the billing statement contains information promoting the sale of goods or services, it does not alter the primary purpose of the billing statement, which is to secure payment for goods or services already purchased. The lengthened billing statement is not promotional material.

(b) **When are envelopes considered promotional material?** Envelopes used solely to mail property to promote the sale of goods or services are considered promotional material and subject to use tax.

Envelopes used to mail nonpromotional material, such as billing statements and statements of account, are used to secure payment for goods purchased or services rendered. The same is true of return envelopes that are enclosed for submitting payment. Unless the facts and circumstances indicate otherwise, the presumption is that the primary purpose of

envelopes used for mailing both promotional and nonpromotional material in the same envelope is not to promote the sale of goods and services. Thus, envelopes and return envelopes used for dual purposes are not subject to use tax, even though promotional material may be printed on or attached to the envelopes. Although the imprinted or attached material promotes the sale of goods or services, it does not alter the primary purpose of the envelopes.

(i) **Example 1.** Bank mails brochures, applications, and return envelopes from Atlanta, Georgia, to Washington addresses promoting Bank's credit card. The primary purpose of envelopes used to mail the brochures, applications, and return envelopes is to solicit the sale of services. The envelopes, brochures, and applications are promotional material.

(ii) **Example 2.** Telephone Company mails monthly billing statements to Washington customers from St. Louis, Missouri. Inserts promoting the sale of various telephone accessories are included. Return envelopes to be used in making payment of the statement amount are also enclosed. The primary purpose of the envelopes used to mail the billing statements and the return envelopes is to secure payment. Neither the mailing envelopes nor the return envelopes are promotional material.

(iii) **Example 3.** Mortgage Company mails monthly billing statements to Washington residents from its administrative offices in Nevada. The enclosed return envelope for customers to use in making payment includes an attachment promoting additional banking services. Although the attachment to the return envelopes contains advertising information, it does not alter the primary purpose of the envelope which is to obtain payment. Neither the mailing envelopes nor the return envelopes are promotional material.

(5) **What is the measure of tax?** The measure of the use tax is the value of the article used. For the purposes of computing the use tax due on promotional material, the measure of tax is the amount of consideration paid for the promotional material without deduction for the cost of materials, labor, or other service charges, even though such charges may be stated or shown separately on invoices. Except as noted below, the measure of use tax also includes the amount of any freight, delivery, or other like transportation charge paid or given by the consumer to the seller. The value of the promotional material also includes any tariffs or duties paid. If the total consideration paid does not represent the true value of the article used, the value must be determined as nearly as possible according to the retail selling price at place of use of similar materials of like quality and character. RCW 82.12.-010.

A consumer who has paid retail sales or use tax that is due in another state with respect to promotional material that is subject to use tax in this state may take a credit for the amount of tax so paid. RCW 82.12.035. For further information, refer to WAC 458-20-178 (Use tax).

(a) ~~((Does the measure of tax include delivery charges?))~~
Delivery charges. Effective May 17, 2005, Chapter 514, Laws of 2005, allows exemption from the use tax for amounts derived from delivery charges for direct mail when the delivery charges are separately stated on an invoice or similar billing invoice provided to the buyer.

(i) What is direct mail? "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. RCW 82.08.010 and chapter 514, Laws of 2005.

(ii) What are delivery charges? "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. RCW 82.08.010.

(iii) Delivery charges as a measure of tax before May 17, 2005. For use tax due on promotional material from June 1, 2002, through May 16, 2005, The measure of tax includes all delivery charges. Postage is a delivery charge and is therefore included in the measure of tax if the cost is part of the consideration paid by the consumer to the seller. RCW 82.08.010 and 82.12.010. It is immaterial if amounts charged for postage are stated or shown separately on invoices. Amounts charged for postage and other delivery costs are not included in the measure of tax only if the amounts are not part of the consideration paid. ((For discussion about when postage is and is not considered part of the consideration paid, please refer to WAC 458-20-141 (Duplicating industry and mailing bureaus)-))

(A) When are delivery charges part of the consideration paid? Charges for postage or other delivery costs are considered part of the consideration paid if the permit to use precancelled stamps, a postage meter, or an imprint account for bulk mailings is in the name of the party contracted to provide and/or prepare promotional material for distribution. Such parties are liable to the post office for payment and the consumer's payment of such amounts represents a payment on the sale of tangible personal property or the services provided. For further information, refer to WAC 458-20-111 (Advances and reimbursements).

(B) When are delivery charges not part of the consideration paid? Charges for postage or other delivery costs are not considered part of the consideration paid if the permit to use precancelled stamps or a permit imprint account for bulk mailings is in the consumer's name. The consumer in these cases has primary or secondary liability for payment of the postage costs. (Refer to WAC 458-20-111 for information about advances and reimbursements.)

(b) What is the measure of tax when a consumer contracts with one party for the promotional material and a third party to prepare the material for distribution? The use tax is imposed on consumers of certain services rendered in respect to tangible personal property for use in this state when the retail sales tax has not been paid. RCW 82.12.020. These services generally include labor and services rendered in respect to altering, imprinting, or improving tangible personal property and include activities performed typically by

mailing bureaus or houses, such as addressing, labeling, binding, folding, sealing, and tabbing.

A consumer of promotional material is subject to use tax on the value of the promotional material and the value of the services used. The value of the service used is the amount of consideration paid for the service and includes delivery charges such as postage. RCW 82.12.010 and 82.08.010.

(c) What is the measure of tax when a consumer manufactures its own promotional materials? The measure of use tax is the value of the promotional material. Refer to WAC 458-20-112 (Value of products). A consumer who manufactures its own promotional material may also be conducting manufacturing activities and should refer to WAC 458-20-134 (Commercial or industrial use) and WAC 458-20-136 (Manufacturing, processing for hire, fabricating).

(6) Determining the applicable local use tax rate. For purposes of determining the applicable rate of local use tax for promotional material, the following guidelines must be followed unless the consumer obtains prior written approval from the department to use an alternative method. Refer to (c) of this subsection for an explanation of the circumstances under which the department will consider approving alternate methods and how to obtain such approval.

(a) Operations directed from within Washington. The applicable local taxing jurisdiction and tax rate is the in-state location from where the consumer directs or manages its Washington operations.

(i) Example 1. Department Store operates ten locations in western Washington. Department Store's corporate headquarters, the location from where it manages its in-state operations, is in Seattle. The local use tax rate for Seattle is the applicable rate.

(ii) Example 2. Retailer, a national company with headquarters in Chicago, Illinois, operates multiple locations in Washington. Retailer manages its Washington operations from a location in Spokane. The local use tax rate for Spokane is the applicable rate.

(b) Operations directed from outside Washington. A consumer that manages or directs its Washington activities from outside the state must equally apportion the value of the promotional material among the local tax jurisdictions where the consumer conducts its business activities. Promotional material that is targeted to specific business locations of the consumer must be apportioned solely between those business locations. Targeted material is material specifically distributed to promote sales of products or services solely at a specific location(s) and at a different price(s) or terms than those offered at all other Washington locations.

(i) Example 1. Bank directs the operations of its four Washington branches from its headquarters in Sacramento, California. The branches are in Seattle, unincorporated King County, Tacoma, and Everett. For purposes of determining use tax liability, twenty-five percent of the value of the promotional material must be equally apportioned to Seattle, unincorporated King County, Tacoma, and Everett.

(ii) Example 2. Furniture Store, headquartered in Nevada, orders 100,000 flyers from a Portland, Oregon, printer to be mailed to Washington households announcing the opening of its new store in Spokane. Customers will receive a ten percent discount on all items purchased at the

Spokane store. This discount will not apply to purchases made at Store C's other Washington locations. The local use tax rate for Spokane is the applicable rate.

(iii) **Example 3.** Restaurant manages the operations of its Washington locations from Portland, Oregon. Restaurant contracts to have coupon books printed and mailed to households in Clark and Cowlitz counties. The coupons are accepted only at the Vancouver and Longview locations. The value of the promotional material must be equally apportioned to both locations.

(iv) **Example 4.** Ohio Manufacturer has no offices, warehouses, or storefront locations in Washington. A salesperson operating from the person's Kent home solicits sales from Washington distributors for the manufacturer. Manufacturer mails promotional material to its distributors' customers in Washington. The local use tax rate for Kent is the applicable rate.

(v) **Example 5.** Michigan Wholesaler without offices, warehouses, or storefront locations in Washington sends salesperson into Washington to solicit sales. Wholesaler mails promotional material to potential customers in Washington. The applicable local use tax rate is a uniform statewide local rate of .005.

(c) **Are there alternative methods for determining the place of first use?** For purposes of reporting use tax on promotional material, the department may agree to allow a consumer to use another method of determining the applicable local use tax rate provided that the method proposed by the consumer results in an equal or more equitable distribution of the tax. A consumer may request written approval for the use of an alternative method by contacting the department's taxpayer services division at:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 05-14-105
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed June 30, 2005, 4:35 p.m., effective July 1, 2005]

Effective Date of Rule: July 1, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Emergency rule findings are required; see below.

Purpose: WAC 458-20-210 explains the application of business and occupation (B&O), retail sales, and use taxes to the sale and/or use of feed, seed, fertilizer, spray materials, and other tangible personal property for farming. This rule also explains the application of B&O, retail sales, and litter taxes to the sale of agricultural products by farmers.

One of the issues discussed [in] Rule 210 is the tax incentives provided for reducing agricultural burning of cereal grain and grass fields. Chapter 420, Laws of 2005, made a number of changes to the tax incentives. These changes are effective July 1, 2005. The department has adopted a new WAC 458-20-271 so [to] explain the tax incentives to reduce agricultural burning. The information on the tax incentives for periods prior to the legislative change has been removed from Rule 210 and incorporated into Rule 271.

The department has adopted the new Rule 271 and a revised Rule 210 on an emergency basis to recognize the legislative change. The department plans to proceed with rule making for a permanent new Rule 271 and a more complete revision of a permanent Rule 210.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-210 Sales of agricultural products by farmers.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(1).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An emergency adoption of a new Rule 271 and revised Rule 210 is necessary because permanent rules cannot be adopted before the July 1, 2005, effective date. This rule action will provide needed tax information to taxpayers and department staff about the change in the retail sales and use tax exemption provided for reducing agricultural burning.

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 1, 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 1, Amended 1, Repealed 0.

Date Adopted: June 30, 2005.

Janis P. Bianchi, Manager
Interpretations and
Technical Advice Unit

AMENDATORY SECTION (Amending WSR 03-18-024, filed 8/25/03, effective 9/25/03)

WAC 458-20-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers.
(1) **Introduction.** This rule explains the application of busi-

ness and occupation (B&O), retail sales, and use taxes to the sale and/or use of feed, seed, fertilizer, spray materials, and other tangible personal property for farming. This rule also explains the application of B&O, retail sales, and litter taxes to the sale of agricultural products by farmers. Farmers should refer to WAC 458-20-101 to determine whether they must obtain a tax registration endorsement or a temporary registration certificate from the department of revenue (department).

Farmers and persons making sales to farmers may also want to refer to the following rules for additional information:

- (a) WAC 458-20-209 (Farming for hire and horticultural services provided to farmers);
- (b) WAC 458-20-222 (Veterinarians);
- (c) WAC 458-20-239 (Sales to nonresidents of farm machinery or implements, and related services); ~~(and)~~
- (d) WAC 458-20-262 (Retail sales and use tax exemptions for agricultural employee housing); and
- (e) WAC 458-20-271 (Tax incentives to reduce agricultural burning).

(2) **Who is a farmer?** A "farmer" is any person engaged in the business of growing, raising, or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product to be sold. A "farmer" does not include a person growing, raising, or producing agricultural products for the person's own consumption; a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard, slaughterhouse, or packing house; or a person in respect to the business of taking, cultivating, or raising timber. RCW 82.04.213 and chapter 118, Laws of 2001.

(3) **What is an agricultural product?** An "agricultural product" is any product of plant cultivation or animal husbandry including, but not limited to: A product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; short-rotation hardwoods as defined in RCW 84.33.035 (as of July 22, 2001); turf; or any animal, including, but not limited to, an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, a bird, an insect, or the substances obtained from such animals. An "agricultural product" does not include animals defined under RCW 16.70.020 as "pet animals." RCW 82.04.213 and chapter 118, Laws of 2001.

(4) **Sales to farmers.** Persons making sales of tangible personal property to farmers are generally subject to wholesaling or retailing B&O tax, as the case may be, on the gross proceeds of sales. Sales of some services performed for farmers, such as installing or repairing tangible personal property, are retail sales and subject to retailing B&O tax on the gross proceeds of such sales. Persons making retail sales must collect retail sales tax from the buyer, unless the sale is specifically exempt by law. Readers should refer to subsection (6) of this rule for information about specific sales tax exemptions available for sales to farmers.

(a) **Documenting wholesale sales.** A seller must obtain a resale certificate from the buyer to document the wholesale nature of any transaction. (Refer to WAC 458-20-102 for detailed information about resale certificates.)

(b) **Buyer's responsibility when the seller does not collect retail sales tax on a retail sale.** If the seller does not collect retail sales tax on a retail sale, the buyer must pay the retail sales tax (commonly referred to as "deferred sales tax") or use tax directly to the department, unless the sale is specifically exempt by law. The "Combined Excise Tax Return" does not have a separate line for reporting deferred sales tax. Consequently, deferred sales tax liability should be reported on the use tax line of the buyer's Combined Excise Tax Return. If a deferred sales tax or use tax liability is incurred by a farmer who is not required to obtain a tax registration endorsement from the department (see WAC 458-20-101), the farmer must report the tax on a "Consumer Use Tax Return" and remit the appropriate tax to the department. Refer to WAC 458-20-178 for detailed information regarding use tax.

The Consumer Use Tax Return can be obtained by calling the department's telephone information center at 1-800-647-7706. The return may also be obtained from the department's website at: <http://dor.wa.gov>.

(c) **Feed, seed, seedlings, fertilizer, spray materials, and agents for enhanced pollination.** Sales to farmers of feed, seed, seedlings, fertilizer, spray materials, and agents for enhanced pollination, including insects such as bees, to be used for the purpose of producing an agricultural product, whether for wholesale or retail sale, are wholesale sales.

However, when these items are sold to consumers for purposes other than producing agricultural products for sale, the sales are retail sales. For example, sales of feed to riding clubs, racetrack operators, boarders, or similar persons who do not resell the feed at a specific charge are retail sales. Sales of feed for feeding pets or work animals, or for raising animals for the purpose of producing agricultural products for personal consumption are also retail sales. Sales of seed, fertilizer, and spray materials for use on lawns and gardens, or for any other personal use, are likewise retail sales.

(i) **What is feed?** "Feed" is any substance used as food to sustain or improve animals, birds, fish, or insects, including whole and processed grains or mixtures thereof, hay and forages or meals made therefrom, mill feeds and feeding concentrates, stock salt, hay salt, bone meal, fish meal, cod liver oil, double purpose limestone grit, oyster shell, and other similar substances. Food additives that are given for their beneficial growth or weight effects are "feed."

Hormones or similar products that do not make a direct nutritional or energy contribution to the body are not "feed," nor are products used as medicines.

(ii) **What is seed?** "Seed" is the propagative portions of plants commonly used for seeding or planting whether true seed, bulbs, plants, seed-like fruits, seedlings, or tubers.

(iii) **What is fertilizer?** "Fertilizer" is any substance containing one or more recognized plant nutrients and is used for its plant nutrient content and/or is designated for use in promoting plant growth. "Fertilizer" includes limes, gypsum, and manipulated animal and vegetable manures. There is no requirement that fertilizers be applied directly to the soil.

(iv) **What are spray materials?** "Spray materials" are any substance or mixture of substances in liquid, powder, granular, dry flowable, or gaseous form, which is intended to prevent, destroy, control, repel, or mitigate any insect, rodent,

nematode, mollusk, fungus, weed, and any other form of plant or animal life normally considered to be a pest. The term includes treated materials, such as grains, that are intended to destroy, control, or repel such pests. "Spray materials" also include substances that act as plant regulators, defoliants, desiccants, or spray adjuvants.

(v) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(A) Sue grows vegetables for retail sale at a local market. Sue purchases fertilizers and spray materials that she applies to the vegetable plants. She also purchases feed for poultry that she raises to produce eggs for her personal consumption. Because the vegetables are an agricultural product produced for sale, retail sales tax does not apply to Sue's purchases of fertilizers and spray materials, provided she gives the seller a resale certificate. Retail sales tax does apply to her purchases of poultry feed, as the poultry are raised to produce eggs for Sue's personal consumption.

(B) WG Vineyards (WG) grows grapes that it uses to manufacture wine for sale. WG purchases pesticides and fertilizers that are applied to its vineyards. WG may purchase these pesticides and fertilizers at wholesale, provided WG gives the seller a resale certificate.

(C) Seed Co. contracts with farmers to raise seed. Seed Co. provides the seed and agrees to purchase the crop if it meets specified standards. The contracts provide that ownership of the crop is retained by Seed Co., and the risk of crop loss is borne by the farmers. The farmers are obligated to pay for the seed whether or not the crop meets the specified standard. The transfer of the possession of the seed to the farmers is a wholesale sale, provided Seed Co. obtains a resale certificate from the farmers.

(d) **Chemical sprays or washes.** Sales of chemical sprays or washes, whether to farmers or other persons, for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay are wholesale sales.

(e) **Farming equipment.** Sales to farmers of farming equipment such as machinery, machinery parts and repair, tools, and cleaning materials are retail sales and subject to retailing B&O and retail sales taxes, unless specifically exempt by law. Refer to subsections (4)(i) and (6) of this rule for information about sales tax exemptions available to farmers.

(f) **Packing materials and containers.** Sales of packing materials and containers, or tangible personal property that will become part of a container, to a farmer who will sell the property to be contained therein are wholesale sales, provided the packing materials and containers are not put to intervening use by the farmer. Thus, sales to farmers of binder twine for binding bales of hay that will be sold or wrappers for fruit and vegetables to be sold are subject to wholesaling B&O tax. However, sales of packing materials and containers to a farmer who will use the items as a consumer are retail sales and subject to retailing B&O and retail sales taxes. Thus, sales of binder twine to a farmer for binding bales of hay that will be used to feed the farmer's livestock are retail sales.

(g) **Purchases for dual purposes.** A buyer normally engaged in both consuming and reselling certain types of tangible personal property and not able to determine at the time of purchase whether the particular property purchased will be consumed or resold must purchase according to the general nature of his or her business. RCW 82.08.130. If the buyer principally consumes the articles in question, the buyer should not give a resale certificate for any part of the purchase. If the buyer principally resells the articles, the buyer may issue a resale certificate for the entire purchase. For the purposes of this subsection, the term "principally" means greater than fifty percent.

If a buyer makes a purchase for dual purposes and does not give a resale certificate for any of the purchase and thereafter resells some of the articles purchased, the buyer may claim a "taxable amount for tax paid at source" deduction. Refer to WAC 458-20-102 for additional information regarding purchases for dual purposes and the "taxable amount for tax paid at source" deduction.

(i) **Potential deferred sales tax liability.** If the buyer gives a resale certificate for all purchases and thereafter consumes some of the articles purchased, the buyer is liable for deferred sales tax and must remit the tax directly to the department. Refer to subsection (4)(b) of this rule and WAC 458-20-102 for more information regarding deferred sales tax.

(ii) **Example.** A farmer purchases binder twine for binding bales of hay. Some of the hay will be sold and some will be used to feed the farmer's livestock. More than fifty percent of the binder twine is used for binding bales of hay that will be sold. Because the farmer principally uses the binder twine for binding bales of hay that will be sold, the farmer may issue a resale certificate to the seller for the entire purchase. The farmer is liable for deferred sales tax on the binder twine used for binding bales of hay that are used to feed the farmer's livestock and must remit the tax directly to the department.

(h) **"Fruit bin rentals" by fruit packers.** Fruit packers often itemize their charges to farmers for various services related to the packing and storage of fruit. An example is a charge for the bins which the packer uses in the receiving, sorting, inspecting, and storing of fruit (commonly referred to as "bin rentals"). The packer delivers the bins to the grower, who fills them with fruit for eventual storage in the packer's warehouse. Charges by fruit packers to farmers for such bin rentals do not constitute the rental of tangible personal property to the farmer where the bins are under the control of the packer for use in the receiving, sorting, inspecting, and storing of fruit. These charges are income to the packer related to the receipt or storage of fruit. The packer, as the consumer of the bins, is subject to retail sales or use tax on the purchase or use of the bins. (Information regarding the taxability of fruit packing is contained in WAC 458-20-214.)

(i) **Machinery and equipment used directly in a manufacturing operation.** Machinery and equipment used directly in a manufacturing operation by a manufacturer or processor for hire is exempt from sales or use tax provided that all requirements for the exemption are met. RCW 82.08.02565 and 82.12.02565. This exemption is commonly referred to as the M&E exemption. Farmers who use agricultural products that they have grown, raised, or produced as

ingredients in a manufacturing process may be entitled to the M&E exemption on the acquisition of machinery and equipment used directly in their manufacturing operation. Refer to WAC 458-20-13601 for detailed information regarding the M&E exemption.

See subsection (5)(b) of this rule for an example illustrating a farmer using agricultural products that the farmer has grown as an ingredient in a manufacturing process.

(5) **Sales by farmers.** Farmers are not subject to B&O tax on wholesale sales of agricultural products. RCW 82.04.330. Farmers who manufacture products using agricultural products that they have grown, raised, or produced should refer to subsection (5)(b) of this rule for tax-reporting information.

Farmers are subject to retailing B&O tax on retail sales of agricultural products and retailing or wholesaling B&O tax on sales of nonagricultural products, as the case may be, unless specifically exempt by law. Also, B&O tax applies to sales of agricultural products that the seller has not grown, raised, or produced upon the seller's own land or upon land in which the seller has a present right of possession, whether these products are sold at wholesale or retail. Likewise, B&O tax applies to sales of animals or substances derived from animals in connection with the business of operating a stockyard, slaughterhouse, or packing house. Farmers may be eligible to claim a small business B&O tax credit if the amount of B&O tax liability in a reporting period is under a certain amount. For detailed information about this credit, refer to WAC 458-20-104.

(a) **Litter tax.** The gross proceeds of sales of certain products, including food for human or pet consumption, are subject to litter tax. RCW 82.19.020. Litter tax does not apply to sales of agricultural products that are exempt from B&O tax under RCW 82.04.330. RCW 82.19.050 and chapter 118, Laws of 2001. Thus, farmers are not subject to litter tax on wholesale sales of agricultural products but are liable for litter tax on the gross proceeds of retail sales of agricultural products that constitute food for human or pet consumption. Also, farmers that manufacture products for use and consumption within this state (e.g., a farmer who produces wine from grapes that the farmer has grown) may be liable for litter tax measured by the value of the products manufactured. For detailed information about the litter tax, refer to chapter 82.19 RCW and WAC 458-20-243.

For example, RD Orchards (RD) grows apples at its orchards. Most apples are sold at wholesale, but RD operates a seasonal roadside fruit stand from which it makes retail sales of apples. The wholesale sales of apples are exempt from both B&O and litter taxes. The retail sales of apples are subject to retailing B&O and litter taxes but are exempt from sales tax because the apples are sold as a food product for human consumption. (See subsection (6)(d) of this rule for information about the retail sales tax exemption applicable to sales of food products for human consumption.)

(b) **Farmers using agricultural products in a manufacturing process.** The B&O tax exemption provided by RCW 82.04.330 does not apply to any person selling manufactured substances or articles. Thus, farmers who manufacture products using agricultural products that they have grown, raised, or produced are subject to manufacturing

B&O tax on the value of products manufactured. Farmers who sell their manufactured products at retail or wholesale in the state of Washington are also generally subject to the retailing or wholesaling B&O tax, as the case may be. In such cases, a multiple activities tax credit (MATC) may be available. For detailed information regarding the manufacturing B&O tax and the MATC, refer to WAC 458-20-136 and 458-20-19301, respectively.

For example, WG Vineyards (WG) produces wine from grapes that it grows in its vineyards located within this state. WG makes wholesale sales of its wine to customers both within and outside of this state. WG is subject to manufacturing B&O tax on the value of the wine it produces. WG is also subject to wholesaling B&O tax on wholesale sales of wine delivered to buyers within this state, and WG is entitled to a multiple activities tax credit. In addition, WG is subject to litter tax on the value of wine sold within this state. (See subsection (5)(a) of this rule for information on the litter tax.)

(i) **Special B&O tax rate for manufacturing fresh fruits and vegetables.** A special lower B&O tax rate is provided by RCW 82.04.260 to persons manufacturing fresh fruits or vegetables by canning, preserving, freezing, processing, or dehydrating. Thus, farmers and other persons manufacturing fresh fruits and vegetables using these processes should report their manufacturing activity under the manufacturing fresh fruits and vegetables B&O tax classification.

Wholesale sales of fresh fruits or vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport the goods out of this state in the ordinary course of business are also subject to the lower B&O tax rate provided by RCW 82.04.260.

(ii) **Special B&O tax rate for manufacturing dairy products.** Effective September 20, 2001, a special lower B&O tax rate is provided by RCW 82.04.260 to persons manufacturing dairy products that, as of that date, are identified in 21 CFR, chapter 1, parts 131, 133, and 135. These products include milk, buttermilk, cream, yogurt, cheese, and ice cream, and also include by-products from the manufacturing of dairy products such as whey and casein. Thus, farmers and other persons manufacturing qualifying dairy products should report their manufacturing activity under the manufacturing dairy products B&O tax classification. This special rate does not apply, however, when dairy products are used merely as an ingredient or component of a manufactured product that is not a dairy product (e.g., milk-based soups or pizza).

The special B&O tax rate provided by RCW 82.04.260 also applies to persons selling manufactured dairy products to purchasers who transport the goods outside of this state in the ordinary course of business. Unlike the special B&O tax rate for certain wholesale sales of fresh fruits or vegetables (see subsection (5)(b)(i) of this rule), the special B&O tax rate for sales of qualifying dairy products does not require that the sales be made by the person who manufactured the dairy products nor that they be sales at wholesale.

(c) **Raising cattle for wholesale sale.** Persons who raise cattle for wholesale sale are exempt from B&O tax under RCW 82.04.330 provided that the cattle are held for at least sixty days prior to the sale. Persons who purchase and hold cattle for fewer than sixty days before reselling the cattle are

not considered to be engaging in the normal activities of growing, raising, or producing livestock for sale.

For example, a feedlot operation purchases cattle and feeds them until they attain a good market condition. The cattle are then sold at wholesale. The feedlot operator is exempt from B&O tax on wholesale sales of cattle if the cattle are held for at least sixty days while they are prepared for market. However, the feedlot operator is subject to wholesaling B&O tax on wholesale sales of cattle held for fewer than sixty days prior to the sale.

(d) **B&O tax exemptions available to farmers.** In addition to the exemption for wholesale sales of agricultural products, there are several other B&O tax exemptions available to farmers which are discussed in this subsection.

(i) **Growing, raising, or producing agricultural products owned by other persons.** RCW 82.04.330 exempts amounts received by a farmer for growing, raising, or producing agricultural products owned by others, such as custom feed operations.

For example, a farmer is engaged in the business of raising cattle owned by others (commonly referred to as "custom feeding"). After the cattle attain a good market condition, the owner then sells them. Amounts received by the farmer for custom feeding are exempt from B&O tax under RCW 82.04.330, provided that the cattle are held by the farmer for at least sixty days. Farmers are not considered to be engaging in the activity of raising cattle for sale unless the cattle are held for at least sixty days while the cattle are prepared for market. (See subsection (5)(c) of this rule.)

(ii) **Sales of hatching eggs or poultry.** RCW 82.04.410 exempts amounts received for the sale of hatching eggs or poultry by farmers producing hatching eggs or poultry, when these agricultural products are for use in the production for sale of poultry or poultry products.

(iii) **Processed hops shipped outside Washington for first use.** RCW 82.04.337 exempts amounts received by hop growers or dealers for hops shipped outside the state of Washington for first use, if those hops have been processed into extract, pellets, or powder in this state. However, the processor or warehouse of such products is not exempt on amounts charged for processing or warehousing such products.

~~((c) B&O tax credit to encourage alternatives to field burning. Persons who qualify for a sales or use tax exemption under RCW 82.08.840 or 82.12.840 (machinery, equipment, or structures that reduce emissions from field burning) also qualify for a B&O tax credit. RCW 82.04.4459. The amount of the credit is equal to fifty percent of the amount of costs expended for constructing structures or acquiring machinery and equipment for which an exemption was taken under RCW 82.08.840 or 82.12.840. (See subsection (6)(l) of this rule for information about the sales and use tax exemptions provided by RCW 82.08.840 and 82.12.840.) No application is necessary for the credit. Persons taking the credit must keep records necessary for the department to verify eligibility for the credit. This credit is subject to the following limitations:~~

~~(i) No credit may be taken in excess of the amount of B&O tax that would otherwise be due;~~

~~(ii) Credit may not be carried over to subsequent calendar years;~~

~~(iii) The credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made;~~

~~(iv) Any unused credit expires;~~

~~(v) Refunds will not be given in place of credits;~~

~~(vi) The credit may not be claimed for expenditures that occurred before March 22, 2000; and~~

~~(vii) The credit expires on January 1, 2006.)~~

(6) **Retail sales and use tax exemptions.** This subsection provides information about a number of retail sales tax and corresponding use tax exemptions available to farmers and persons buying tangible personal property at retail from farmers. Some exemptions require the buyer to provide the seller with an exemption certificate. Readers should refer to subsection (7) of this rule for additional information regarding exemption certificates.

This subsection contains a number of examples which illustrate these exemptions. The examples identify a number of facts and then state a conclusion. The examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(a) **Pollen.** Pollen is exempt from retail sales and use taxes. RCW 82.08.0277 and 82.12.0273.

(b) **Semen.** Semen used in the artificial insemination of livestock is exempt from retail sales and use taxes. RCW 82.08.0272 and 82.12.0267.

(c) **Feed for livestock at public livestock markets.** Feed to be consumed by livestock at a public livestock market is exempt from retail sales and use taxes. RCW 82.08.-0296 and 82.12.0296.

(d) **Food products.** Food products for human consumption are exempt from retail sales and use taxes. RCW 82.08.-0293 and 82.12.0293. This exemption also applies to the sale and/or use of livestock for personal consumption as food. For detailed information about food products that qualify for this exemption, refer to WAC 458-20-244.

(e) **Auction sales of farm property.** Retail sales and use taxes do not apply to tangible personal property, including household goods, which have been used in conducting a farm activity, if the property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm. RCW 82.08.0257 and 82.12.0258.

(f) **Poultry.** Poultry used in the production for sale of poultry or poultry products is exempt from retail sales and use taxes. RCW 82.08.0267 and 82.12.0262.

For example, a poultry hatchery produces poultry from eggs. The resulting poultry are sold to egg producers. These sales are exempt from retail sales taxes under RCW 82.08.-0267. (They are also exempt from B&O tax. See subsection (5)(d)(ii) of this rule.)

(g) **Leases of irrigation equipment.** Retail sales and use taxes do not apply to the lease or use of irrigation equipment, but only if:

(i) The lessor purchased the irrigation equipment for the purpose of irrigating land controlled by the lessor;

(ii) The lessor has paid retail sales or use tax upon the irrigation equipment;

(iii) The irrigation equipment is attached to the land in whole or in part; and

(iv) The irrigation equipment is leased to the lessee as an incidental part of the lease of the underlying land and is used solely on such land. RCW 82.08.0288 and 82.12.0283.

(h) **Beef and dairy cattle.** Beef and dairy cattle to be used by a farmer in producing an agricultural product are exempt from retail sales and use taxes. RCW 82.08.0259 and 82.12.0261.

For example, John operates a farm where he raises beef and dairy cattle for sale. He also raises other livestock for sale including hogs, sheep, and goats. All of John's sales of dairy and beef cattle for use on a farm are exempt from retail sales tax. However, John must collect retail sales tax on all retail sales of sheep, goats, and hogs unless the sales qualify for either the food products exemption described in subsection (6)(d) of this rule, or the exemption for sales of livestock for breeding purposes which is described immediately below.

(i) **Livestock for breeding purposes.** The sale or use of livestock, as defined in RCW 16.36.005, for breeding purposes where the animals are registered in a nationally recognized breed association is exempt from retail sales and use taxes. RCW 82.08.0259 and 82.12.0261. This exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

For example, ABC Farms raises and sells quarter horses registered in the American Quarter Horse Association (AQHA). Quarter horses are generally recognized as a definite breed of horse, and the AQHA is a nationally recognized breed association. Therefore, ABC Farms is not required to collect sales tax on retail sales of quarter horses for breeding purposes, provided it receives a completed exemption certificate from the buyer.

(j) **Bedding materials for chickens.** Retail sales and use taxes do not apply to bedding materials used by farmers to accumulate and facilitate the removal of chicken manure provided that the farmer is raising chickens that are sold as agricultural products. RCW 82.08.920 and 82.12.920. The exemption became effective September 20, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What are bedding materials?** "Bedding materials" are wood shavings, straw, sawdust, shredded paper, and other similar materials.

(ii) **Example.** Farmer raises chickens for use in producing eggs for sale. When the chickens are no longer useful for producing eggs, Farmer sells the chickens to food processors for soup and stew meat. Farmer purchases bedding materials used to accumulate and facilitate the removal of chicken manure. The purchases of bedding materials by Farmer are exempt from retail sales tax. The law merely requires that the chickens be sold as agricultural products. It is immaterial that Farmer primarily raises the chickens to produce eggs.

(k) **Propane or natural gas used to heat structures housing chickens.** Retail sales and use taxes do not apply to propane or natural gas used by farmers to heat structures used to house chickens. The propane or natural gas must be used exclusively to heat the structures, and the structures must be

used exclusively to house chickens that are sold as agricultural products. RCW 82.08.910 and 82.12.910. The exemption became effective September 20, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What are "structures"?** "Structures" are barns, sheds, and other similar buildings in which chickens are housed.

(ii) **Example.** Farmer purchases natural gas that is used to heat structures housing chickens. The natural gas is used exclusively to heat the structures, and the structures are used exclusively to house chickens. The chickens are used to produce eggs. When the chickens are no longer useful for producing eggs, Farmer sells the chickens to food processors for soup and stew meat. The purchase of natural gas by Farmer is exempt from retail sales tax. The law merely requires that the chickens be sold as agricultural products. It is immaterial that Farmer primarily houses these chickens to produce eggs.

(iii) **Example.** Farmer purchases natural gas that is used to heat structures used in the incubation of chicken eggs and structures used for washing, packing, and storing eggs. The natural gas used to heat these structures is not exempt from retail sales tax because the structures are not used exclusively to house chickens that are sold as agricultural products.

~~(l) ((Machinery, equipment, and structures used to reduce emissions from field burning. RCW 82.08.840 and 82.12.840 provide a sales and use tax exemption for certain property used to reduce field burning of cereal grains and field and turf grass grown for seed, or to reduce air emissions resulting from such field burning. The retail sales tax exemption applies to sales of machinery and equipment, and to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or eligible machinery and equipment, and to sales of tangible personal property that becomes an ingredient or component of eligible structures or eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. The sales tax exemption is effective March 22, 2000. The use tax exemption applies to the use of machinery and equipment, and of tangible personal property that becomes an ingredient or component of eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. This use tax exemption is also effective March 22, 2000. The use tax exemption also applies to the use of services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, if all of the requirements for the exemption are met. This component of the use tax exemption is effective June 1, 2002.~~

~~These exemptions expire January 1, 2006. Persons taking an exemption must keep records necessary for the department to verify eligibility for the exemption. Persons who have taken an exemption and then discover that they do not meet the requirements for the exemption are subject to a deferred sales tax or use tax liability. (For additional information about deferred sales tax and use tax, refer to subsection (4)(b) of this rule.)~~

~~(i) Majority use requirement. To qualify for an exemption, the machinery, equipment, or structure must be used more than half (50%) of the time:~~

~~(A) For gathering, densifying, processing, handling, storing, transporting, or incorporating straw or straw-based products that results in a reduction in field burning of cereal grains and field and turf grass grown for seed; or~~

~~(B) To decrease air emissions resulting from field burning of cereal grains and field and turf grass grown for seed.~~

~~(ii) Exemption certificates. For the sales tax exemption, the buyer must provide the seller with an exemption certificate in a form and manner prescribed by the department.~~

~~(iii) Examples. The following examples illustrate this exemption:~~

~~(A) Farmer cultivates turf grass. Farmer purchases spray equipment. As an alternative to field burning, the fields in which the spray equipment is used must be sprayed five times instead of twice. The use of the spray equipment meets the requirement that the equipment be used more than half of the time to decrease air emissions resulting from field burning; therefore, the purchase of the spray equipment is exempt.~~

~~(B) Farmer, who performs custom baling, purchases a new baler for use in baling hay and straw. The purchase of the baler is exempt if it will be used more than half of the time to bale straw, which results in a reduction in field burning.~~

~~(C) Farmer purchases a new combine for use in harvesting wheat. In addition to cutting the stalks, separating the kernels from the chaff, and unloading the kernels, the combine also chops the residual chaff before discharging it onto the field. While the need for field burning may decrease because the smaller residue more readily decomposes, the purchase of the combine does not qualify for the exemption. The combine is not used more than half of the time to decrease air emissions from field burning.~~

(m)) Dairy nutrient management equipment and facilities. RCW 82.08.890 and 82.12.890 provide a sales and use tax exemption for persons operating dairy nutrient management equipment and facilities. The retail sales tax exemption applies to sales to eligible persons of services rendered in respect to operating, repairing, cleaning, altering, or improving of dairy nutrient management equipment and facilities, or to sales of tangible personal property that becomes an ingredient or component of the equipment and facilities. The sales tax exemption became effective July 13, 2001. The use tax exemption applies to the use by an eligible person of tangible personal property that becomes an ingredient or component of dairy nutrient management equipment and facilities. This use tax exemption also became effective July 13, 2001. The use tax exemption also applies to the use of labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property. This component of the use tax exemption is effective June 1, 2002. The sales and use tax exemption applies to sales made or to the use of tangible personal property or labor and services made after the dairy nutrient management plan is certified under chapter 90.64 RCW.

(i) These exemptions are available only if all of the following requirements are met:

(A) The equipment and facilities must be used exclusively for activities necessary to maintain a dairy nutrient management plan as required under chapter 90.64 RCW; and

(B) The buyer provides the seller with an exemption certificate in a form and manner prescribed by the department which must be retained in the seller's files. The department will provide an exemption certificate to an eligible person upon application. A sample letter for use in applying for an exemption certificate can be obtained from the department as provided in subsection (7) of this rule.

(ii) For purposes of this exemption, the following definitions apply:

(A) "Eligible person" means a person licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan by December 31, 2003, as required by chapter 90.64 RCW.

(B) "Dairy nutrient management equipment and facilities" means machinery, equipment, and structures used exclusively in the handling and treatment of dairy manure, such as aerators, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts.

(n) **Animal pharmaceuticals.** Certain animal pharmaceuticals are exempt from retail sales and use taxes when sold to, or used by, farmers or veterinarians. RCW 82.08.880 and 82.12.880. To qualify for the exemption, the animal pharmaceutical must be administered to an animal that is raised by a farmer for the purpose of producing an agricultural product for sale. Also, the animal pharmaceutical must be approved by the United States Department of Agriculture (USDA) or the United States Food and Drug Administration (FDA).

This exemption became effective August 1, 2001, and is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department.

(i) **What is a "veterinarian"?** A "veterinarian" means a person who is licensed to practice veterinary medicine, surgery, or dentistry under chapter 18.92 RCW.

(ii) **How can I determine whether the FDA or USDA has approved an animal pharmaceutical?** The FDA and USDA have an established approval process set forth in federal regulations. The FDA maintains a list of all approved animal pharmaceuticals called the "*Green Book*." The USDA maintains a list of approved biotechnology products called the "*Veterinary Biologics Product Catalogue*." Pharmaceuticals that are not on either of these lists have not been approved and are not eligible for the exemption.

(iii) **Example.** Dairy Farmer purchases sterilizing agents. The sterilizing agents are applied to the equipment and facilities where Dairy Farmer's cows are milked. Dairy Farmer also purchases teat dips, antiseptic udder washes, and salves that are not listed in either the FDA's *Green Book* of approved animal pharmaceuticals or the USDA's *Veterinary Biologics Product Catalogue* of approved biotechnology products. The purchases of sterilizing agents are not exempt as animal pharmaceuticals because the sterilizing agents are not administered to animals. The teat dips, antiseptic udder washes, and salves are likewise not exempt because they

have not been approved by the FDA or USDA. This is the case even if these products are approved by the United States Environmental Protection Agency or any other governmental agency.

(iv) **What type of animal must the pharmaceutical be administered to?** As noted above, the exemption is limited to the sale and/or use of animal pharmaceuticals administered to an animal that is raised by a farmer for the purpose of producing an agricultural product for sale. The conditions under which a farmer may purchase tax-exempt animal pharmaceuticals are similar to those under which a farmer may purchase feed at wholesale. Both types of purchases require that the particular product be sold to a farmer (or a veterinarian in the case of animal pharmaceuticals), and that the product be given or administered to an animal raised by a farmer for the purpose of producing an agricultural product for sale.

(v) **Examples of animals raised for the purpose of producing agricultural products for sale.** The animal pharmaceutical exemption is available in the following nonexclusive list of examples because the animals are being raised for the purpose of producing an agricultural product for sale, presuming all other requirements for the exemption are met:

(A) Horses, cattle, or other livestock raised by a farmer for sale;

(B) Cattle raised by a farmer for the purpose of slaughtering, if the resulting products are sold;

(C) Milk cows raised and/or used by a dairy farmer for the purpose of producing milk for sale;

(D) Horses raised by a farmer for the purpose of producing foals for sale;

(E) Sheep raised by a farmer for the purpose of producing wool for sale; and

(F) "Private sector cultured aquatic products" as defined by RCW 15.85.020 (e.g., salmon, catfish, and mussels) raised by an aquatic farmer for the purpose of sale.

(vi) **Examples of animals that are not raised for the purpose of producing agricultural products for sale.** The animal pharmaceutical exemption is not available in the following nonexclusive list of examples because the animals are not being raised for the purpose of producing an agricultural product for sale:

(A) Cattle raised for the purpose of slaughtering if the resulting products are not produced for sale;

(B) Sheep and other livestock raised as pets;

(C) Dogs or cats, whether raised as pets or for sale. Dogs and cats are pet animals; therefore, they are not considered to be agricultural products. (See subsection (3) of this rule); and

(D) Horses raised for the purpose of racing, showing, riding, and jumping. However, if at some time in the future the horses are no longer raised for racing, showing, riding, or jumping and are instead being raised by a farmer for the purpose of producing foals for sale, the exemption will apply if all other requirements for the exemption are met.

(vii) **Do products that are used to administer animal pharmaceuticals qualify for the exemption?** Sales of products that are used to administer animal pharmaceuticals (e.g., syringes) do not qualify for the exemption, even if they are later used to administer a tax-exempt animal pharmaceutical. However, sales of tax-exempt animal pharmaceuticals contained in a product used to administer the animal pharmaceu-

tical (e.g., a dose of a tax-exempt pharmaceutical contained in a syringe or cotton applicator) do qualify for the exemption.

(7) **Sales tax exemption certificates.** As indicated in subsection (6) of this rule, certain sales of tangible personal property and retail services either to or by farmers are exempt from retail sales tax. Except as provided below, for those exemptions that require the buyer to provide the seller with an exemption certificate at the time of sale, farmers may use the department's "Farmers' Retail Sales Tax Exemption Certificate" or another certificate with substantially the same information as it relates to the claimed exemption. Sellers must retain a copy of the exemption certificate in their files. Without proper documentation, sellers are liable for payment of the retail sales tax on sales claimed as exempt.

The Farmers' Retail Sales Tax Exemption Certificate cannot be used for the dairy nutrient management exemption discussed in subsection (6)(m) of this rule. However, as noted above, the department will provide eligible persons, upon application, with an exemption certificate for this exemption. The Farmers' Retail Sales Tax Exemption Certificate and a sample letter for use in applying for the Dairy Nutrient Management Exemption Certificate can be obtained by calling the department's taxpayer information center at 1-800-647-7706. These documents can also be downloaded from the department's website at <http://dor.wa.gov/>.

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 458-20-271 Tax incentives to reduce agricultural burning. (1) **Introduction.** Chapter 420, Laws of 2005, made several changes to the tax incentives provided for reducing agricultural burning of cereal grain and grass fields. These changes became effective July 1, 2005.

This section provides examples identifying a number of facts and then stating a conclusion. These examples should be used only as a general guide. The tax results of any situation must be determined after a review of all facts and circumstances.

(2) **General information common to the tax incentives to reduce agricultural burning before, on, and after July 1, 2005.**

(a) **Who is a farmer?** A "farmer" is any person engaged in the business of growing, raising, or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product to be sold. A "farmer" does not include a person growing, raising, or producing agricultural products for the person's own consumption; a person selling any animal or substance obtained there from in connection with the person's business of operating a stockyard, slaughterhouse, or packing house; or a person in respect to the business of taking, cultivating, or raising timber. RCW 82.04.215.

(b) **What is a cereal grain?** Cereal grains include wheat, oats, corn, barley, rye, spelt, and triticale.

(c) **What are the farmer's responsibilities with respect to the retail sales and use tax exemptions?** The farmer's responsibilities include the following.

(i) **Exemption certificate to be provided to seller.** The retail sales tax exemption provided by chapter 420, Laws of 2005 and RCW 82.08.840 is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the Department.

(A) **Certificate—On and after July 1, 2005.** For purposes of the exemption available on and after July 1, 2005 (chapter 420, Laws of 2005), the buyer must provide the seller with a completed "Farmers' Retail Sales Tax Exemption Certificate," as it relates to the exemption. A certificate to be completed by the farmer may be obtained via the Department's web site at <http://dor.wa.gov>.

(B) **Certificate—Before July 1, 2005.** For purposes of the exemption available before July 1, 2005 (RCW 82.08.840), the buyer must provide the seller with a completed "Farmers' Retail Sales Tax Exemption Certificate," or another certificate with substantially the same information.

(ii) **Maintaining records.** The law requires a farmer taking the exemption to keep records necessary for the department to verify eligibility. For example, copies of farm service agency or crop insurance records may be used to identify acreages by year as to crops grown. The records must be available for audit by the department.

(iii) **Reporting and paying tax on equipment that does not qualify for the exemption.** A farmer who takes a retail sales or use tax exemption and later finds that he or she does not meet the requirements is responsible for paying the sales tax (commonly referred to as "deferred sales tax") or use tax to the department.

Farmers who are registered with the Department should report use tax on the combined excise tax return. Farmers who are not registered with the Department may report use tax on the Consumer Use Tax Return available via the Department's web site at <http://dor.wa.gov>.

(d) **What are the seller's responsibilities when making a tax-exempt sale?** The seller's responsibilities include the following.

(i) **Taking an exemption certificate from the buyer.** When making an exempt sale, the seller must take from the buyer a completed exemption certificate, as explained in subsection (2)(c)(i) of this section. The seller must retain a copy of the completed certificate in the seller's files. A seller who fails to take, retain, and upon request make available to the department a completed exemption certificate is liable for any uncollected retail sales tax.

(ii) **Exercising good faith.** Accepting a completed certificate documents the exempt nature of a sale under chapter 420, Laws of 2005 or 82.08.840, unless there are facts that negate the presumption that the seller relied upon the certificate in good faith. The seller is not required to substantiate that the farmer satisfies the statutory requirements of a "qualifying farmer". The seller, however, must exercise a reasonable degree of care in making a tax-exempt sale.

For example, Farmer buys a disc, equipment that is potentially eligible for the exemption. Farmer provides a completed Farmers' Retail Sales Tax Exemption Certificate to Implement Dealer. Implement Dealer reviews the certificate to ensure that it is properly completed, and retains the certificate in its files. During a later routine audit examination of Implement Dealer's records, a department auditor

questions whether Farmer is eligible for the exemption. Because Implement Dealer exercised a reasonable degree of care in making the tax-exempt sale, the Implement Dealer has satisfied its responsibilities. The department will resolve any questions it has regarding Farmer's eligibility with Farmer.

(3) **Incentives to reduce agricultural burning—Periods after June 30, 2005.** Chapter 420, Laws of 2005 (2SSB 5663) provides a sales and use tax exemption for specified equipment to qualified farmers. There is also an exemption for labor and services for the construction of hay sheds for qualified farmers. Sales to qualified farmers of tangible personal property that becomes an ingredient or component of a hay shed during the course of construction also are exempt. This exemption expires January 1, 2011 and replaces the exemption previously provided by RCW 82.08.840 and 82.12.840.

(a) **Who qualifies?** Only qualified farmers are eligible for this exemption. A "qualified farmer" means a farmer as defined above who has more than fifty percent (50%) of his or her tillable acres in cereal grains and/or field and turf grass grown for seed in qualified counties.

(i) **What is a "qualified county"?** A "qualified county" is a county in Washington State where cereal grain production within the county exceeds fifteen thousand (15,000) acres. The qualified counties, as of July 1, 2005, are as follows.

Adams	Garfield	Stevens
Asotin	Grant	Walla Walla
Benton	Klickitat	Whatcom
Columbia	Lincoln	Whitman
Douglas	Spokane	Yakima
Franklin		

(ii) **Must a farmer live in a qualified county to qualify for the exemption?** No. It is the location of the farmer's tillable acreage that determines eligibility for the exemption, not the location of the farmer's home. Thus, a farmer who has more than fifty percent of his or her tillable acres in wheat in qualified counties is a "qualified farmer" even if the farmer lives in a non-qualifying county.

(iii) **Must the seller live in a qualified county to make a tax-exempt sale?** No. Again, it is the location of the farmer's tillable acreage that determines eligibility for the exemption. Thus, an implement dealer located in a non-qualifying county may make a tax-exempt sale if the dealer takes a completed exemption certificate from the farmer and exercises a reasonable degree of care in making the tax-exempt sale.

(iv) **Does "tillable acres" include fallow and CRP acreage?** "Tillable acres" include fallow acreage, but not acreage enrolled in Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), or similar program under which the farmer agrees not to farm the land. Fallow acreage will be considered "in cereal grains and/or field and turf grass grown for seed" if in the following year it is planted with a cereal grain and/or field or turf grass grown for seed.

(v) **Examples.**

(A) **Example 1.** Farmer has 10,000 acres within a qualified county. In Year 1, 4,000 acres are planted in wheat, 2,000 acres are fallow, and 4,000 acres are enrolled in the CRP. In Year 2, the 2,000 acres left fallow in Year 1 are planted in wheat.

Farmer is a "qualified farmer" in Year 1. Farmer has 6,000 tillable acres (10,000 total - 4,000 CRP), 100% of which is located in a qualified county and in a cereal grain.

(B) **Example 2.** Farmer has 3,000 tillable acres within a qualified county and 4,000 acres within a nonqualified county. For purposes of determining whether Farmer is a qualifying farmer, only the 3,000 tillable acres within the qualified county is considered.

(b) **What equipment qualifies?** The law specifically identifies hay sheds and the following equipment as eligible for the exemption.

Bale Handlers	Minimum-till drills	Shredders
Balers	Mowers	Sprayers
Chisels	No-till drills	Swathers
Cultivators	Plows	Tractors of 250 engine hp and over
Discs	Power rakes	Transplanters
Harrows		

The following combine components only:

Straw choppers	Chaff spreaders	Stripper Headers
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(i) **What is a hay shed?** For the purposes of this exemption, a hay shed is a structure used to store plant residue, such as straw.

(ii) **What is a bale handler?** For purposes of this exemption, a bale handler is equipment specifically designed to load, stack, retrieve, and/or transport bales.

(iii) **Are hardware kits used to attach qualifying equipment to non-qualifying equipment eligible for the exemption?** Yes, provided the kit is necessary to attach exempt equipment to nonexempt equipment and the kit and exempt equipment are purchased together.

(iv) **Do tractors of less than 250 hp qualify for exemption if they are needed to pull or power eligible equipment?** No. The law specifically exempts only tractors of two hundred fifty horse power (hp) or more. Tractors of less than two hundred fifty hp are not eligible for the exemption, even if used to pull an eligible piece of equipment (e.g., a disc) or if attachment of an eligible piece of equipment is required (e.g., some bale handlers). For purposes of this exemption, horse power is measured in engine horse power.

(d) **What doesn't qualify for the retail sales and use tax exemption?** The following are examples of items or services that do not qualify for this exemption, even if purchased or used by a qualifying farmer:

(i) Repairing, cleaning, decorating, altering, or improving of tax exempt equipment;

(ii) Items that becomes an ingredient or component (e.g., repair part) of tax exempt equipment;

(iii) Repairing, cleaning, altering, or improving of hay sheds after construction;

(iv) Materials incorporated into hay sheds after construction; and

(v) Construction of sheds used for storage of farm or other equipment.

(4) **Incentives to reduce agricultural burning—Periods before July 1, 2005.** This information was previously provided in WAC 458-20-210.

(a) **B&O tax credit to encourage alternatives to field burning.** Persons who qualify for a sales or use tax exemption under RCW 82.08.840 or 82.12.840 (machinery, equipment, or structures that reduce emissions from field burning) also qualify for a B&O tax credit. RCW 82.04.4459. The amount of the credit is equal to fifty percent of the amount of costs expended for constructing structures or acquiring machinery and equipment for which an exemption was taken under RCW 82.08.840 or 82.12.840. (See subsection (6)(l) of this rule for information about the sales and use tax exemptions provided by RCW 82.08.840 and 82.12.840.) No application is necessary for the credit. Persons taking the credit must keep records necessary for the department to verify eligibility for the credit. This credit is subject to the following limitations:

(i) No credit may be taken in excess of the amount of B&O tax that would otherwise be due;

(ii) Credit may not be carried over to subsequent calendar years;

(iii) The credit must be claimed by the due date of the last tax return for the calendar year in which the payment is made;

(iv) Any unused credit expires;

(v) Refunds will not be given in place of credits; and

(vi) The credit may not be claimed for expenditures that occurred before March 22, 2000.

(b) **Machinery, equipment, and structures used to reduce emissions from field burning.** RCW 82.08.840 and 82.12.840 provide a sales and use tax exemption for certain property used to reduce field burning of cereal grains and field and turf grass grown for seed, or to reduce air emissions resulting from such field burning. The retail sales tax exemption applies to sales of machinery and equipment, and to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or eligible machinery and equipment, and to sales of tangible personal property that becomes an ingredient or component of eligible structures or eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. The sales tax exemption is effective March 22, 2000. The use tax exemption applies to the use of machinery and equipment, and of tangible personal property that becomes an ingredient or component of eligible machinery and equipment, if all of the requirements for the exemption listed below in this subsection are met. This use tax exemption is also effective March 22, 2000. The use tax exemption also applies to the use of services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, if all of the requirements for the exemption are met. This component of the use tax exemption is effective June 1, 2002.

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(i) **Majority use requirement.** To qualify for an exemption, the machinery, equipment, or structure must be used more than half (50%) of the time:

(A) For gathering, densifying, processing, handling, storing, transporting, or incorporating straw or straw-based products that results in a reduction in field burning of cereal grains and field and turf grass grown for seed; or

(B) To decrease air emissions resulting from field burning of cereal grains and field and turf grass grown for seed.

(ii) **Examples.** The following examples illustrate this exemption:

(A) Farmer cultivates turf grass. Farmer purchases spray equipment. As an alternative to field burning, the fields in which the spray equipment is used must be sprayed five times instead of twice. The use of the spray equipment meets the requirement that the equipment be used more than half of the time to decrease air emissions resulting from field burning; therefore, the purchase of the spray equipment is exempt.

(B) Farmer, who performs custom baling, purchases a new baler for use in baling hay and straw. The purchase of the baler is exempt if it will be used more than half of the time to bale straw, which results in a reduction in field burning.

(C) Farmer purchases a new combine for use in harvesting wheat. In addition to cutting the stalks, separating the kernels from the chaff, and unloading the kernels, the combine also chops the residual chaff before discharging it onto the field. While the need for field burning may decrease because the smaller residue more readily decomposes, the purchase of the combine does not qualify for the exemption. The combine is not used more than half of the time to decrease air emissions from field burning.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 05-15-015
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-141—Filed July 6, 2005, 3:07 p.m., effective July 9, 2005, 12:01 a.m.]

Effective Date of Rule: July 9, 2005, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-03000Z; and amending WAC 220-52-030.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Based on historical catches and on-site inspection, there should be adequate clams to support a six-week season. Biotxin levels currently fall below the regulatory threshold. Agreements with Department of Natural Resources require this consistency on accessible

areas. 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 5, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-03000Z Commercial razor clams. Notwithstanding the provisions of WAC 220-52-030, effective 12:01 a.m. July 9, 2005 through 11:59 p.m. August 23, 2005, it is lawful to dig for and possess razor clams for commercial purposes only in those waters and *detached* beaches of Razor Clam Area 1 lying south of the Willapa Bay Ship Channel, west of Ellen Sands and north of the tip of Leadbetter point; and in those waters and attached beaches north of the line of boundary markers consisting of five white posts near the northern tip of Leadbetter Point; all other areas remain closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 24, 2005.

WAC 220-52-03000Z Commercial razor clams.

**WSR 05-15-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-142—Filed July 6, 2005, 3:09 p.m., effective July 6, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000F; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.240.

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

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general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council and provide harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 5, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-44-05000G Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 70, No. 127, published July 5, 2005. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(a) Effective immediately until further notice, it is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) Effective immediately until further notice, it is unlawful for trawl vessels participating in the directed Pacific

whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed 10,000 pounds.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000F Coastal bottomfish catch limits. (05-87)

WSR 05-15-020 EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed July 7, 2005, 2:19 p.m., effective July 7, 2005]

Effective Date of Rule: Immediately.

Purpose: The purpose of the changes is to align the rule with legislation passed during the 2005 legislative session.

Citation of Existing Rules Affected by this Order: Amending WAC 180-27-035 Space allocations.

Statutory Authority for Adoption: RCW 28A.525.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is

necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The new space allocations have an immediate effect on the funds being released for school construction.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 17, 2005.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 01-19-044, filed 9/14/01, effective 10/15/01)

WAC 180-27-035 Space allocations. (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with disabilities shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006	Beginning July 1, 2006
	Maximum Matchable Area Per Student	Maximum Matchable Area Per Student
Grades kindergarten through six	80 square feet	<u>90 square feet</u>
Grades seven and eight	110 square feet	<u>117 square feet</u>
Grades nine through twelve	120 square feet	<u>130 square feet</u>
Classrooms for students with disabilities	140 square feet	<u>144 square feet</u>

For purposes of this subsection, students with disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for students with disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Matchable Area Per One-Half Enrolled Student
Skill Centers	140 square feet

(3) Space allowance for state matching purposes for districts with senior or four-year high schools with fewer than four hundred students shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Matchable Area Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

WSR 05-15-021

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed July 7, 2005, 2:19 p.m., effective July 7, 2005]

Effective Date of Rule: Immediately.

Purpose: The proposed changes set the area cost allowance for school construction projects for the 2005 and 2006 funding releases.

Citation of Existing Rules Affected by this Order: Amending WAC 180-33-035 Minimum project-forty percent replacement costs.

Statutory Authority for Adoption: RCW 28A.525.200 and 28A.525.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The sets the area cost allowances for school construction projects and effects the release of funds for those projects.

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.

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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 17, 2005.

Larry Davis
Executive Director

AMENDATORY SECTION (Amending WSR 01-19-042, filed 9/14/01, effective 10/15/01)

WAC 180-33-035 Minimum project—Forty percent of replacement costs. (1) State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than forty percent of the estimated cost of replacement. The estimated cost of major structural change shall not include the estimated capital costs associated with restoring building systems or subsystems due to deterioration as determined in the study and survey to be caused by deferred maintenance. The estimated cost of replacement shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance for the fiscal year funded as in WAC 180-27-045 set forth.

(2) The state board of education may grant a waiver from subsection (1) of this section in the event of an unanticipated increase in the area cost allowance that might cause prior approved projects expecting state assistance to become disqualified for such assistance.

**WSR 05-15-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-144—Filed July 8, 2005, 4:41 p.m., effective July 11, 2005, 7:00 p.m.]

Effective Date of Rule: July 11, 2005, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000E; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets a fourth commercial fishing period for the summer season. Harvestable upper Columbia summer chinook and sturgeon are available. Season is consistent with the 2005-2007 interim management agreement and the 2003-2005 sturgeon fishery management plan. Regulation is consistent with compact action of January 28, 2005, and July 8, 2005. 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 8, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-33-01000E Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1. AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

2. SEASON: 7:00 p.m. Monday July 11 to 5:00 a.m. Tuesday July 12, 2005

3. GEAR: 8-inch minimum mesh and 9-3/4 inch maximum mesh

4. ALLOWABLE SALE: Chinook, coho, shad, and sturgeon. All sockeye and steelhead must be released immediately. A maximum of eight sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The eight sturgeon possession/sales limit includes both mainstem and Select Area fisheries.

5. SANCTUARIES: Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

6. OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

7. MISCELLANEOUS: As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with Department observers or observers collecting data for the Department, when notified by the observer of their intent to board the commercial vessel for observation and sampling during an open fishery.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 a.m. July 12, 2005:

WAC 220-33-01000E Columbia River season below Bonneville.

EMERGENCY

WSR 05-15-033
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-145—Filed July 8, 2005, 4:42 p.m., effective July 8, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100K and 220-32-05100L; 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 second and third week of the treaty Indian summer season commercial fishery. Harvestable numbers of chinook and sockeye 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 during open tributary seasons. The fishery catches are expected to remain within the allocation and guidelines of the 2005-2007 management agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River compact on July 8, 2005. 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 8, 2005.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-32-05100L 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, walleye, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the White Salmon

River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, walleye, shad, carp, or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: 6:00 a.m. July 11 to 6:00 p.m. July 14, 2005

6:00 a.m. July 18 to 6:00 p.m. July 22, 2005

a) Area: SMCRA 1F, 1G, 1H

b) Gear: Gillnets. No mesh restriction

2) Open Periods: Immediately to 6:00 p.m. July 31, 2005

a) Area: SMCRA 1F, 1G, 1H

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Sale of hook and line and platform caught fish is allowed.

3) Open Periods: Effective immediately through July 31, 2005 only during lawfully enacted Yakama Nation tributary subsistence fisheries.

a) Area: Klickitat River, White Salmon

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line. Sale of hook and line and platform caught fish is allowed.

4) In all of the open periods and areas above (1-3), allowable sale includes: Chinook, sockeye, coho, steelhead, walleye, shad, and carp. Sturgeon between 45 inches and 60 inches in length may be retained in the Bonneville Pool (SMCRA 1F) for subsistence purposes only. Sturgeon between 4 feet and 5 feet in length may be retained in The Dalles and John Day pools (SMCRA 1G, 1H) for subsistence purposes only.

5) OTHER: 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.

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 220-32-05100K Columbia River salmon seasons above Bonneville Dam. (05-139)

The following section of the Washington Administrative Code is repealed effective August 1, 2005:

WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam.

WSR 05-15-046

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 11, 2005, 4:30 p.m., effective July 12, 2005]

Effective Date of Rule: July 12, 2005.

Purpose: The Division of Development Disabilities has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to implement four home and community based service (HCBS) waivers, which replace the current community alternatives program (CAP) waiver. These rules will clarify eligibility, provider qualifications and client appeal rights. This filing includes new WAC 388-825-125 through 388-825-165 and 388-825-300 through 388-825-400. These rules replace the emergency rules related to WAC 388-825-120 and new WAC 388-825-125 through 388-825-165 and 388-825-300 through 388-825-400 filed as WSR 05-07-075.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-825-170, 388-825-180, 388-825-190, 388-825-260, 388-825-262, 388-825-264, 388-825-266, 388-825-268, 388-825-270, 388-825-272, 388-825-276, 388-825-278, 388-825-280, 388-825-282 and 388-825-294; and amending WAC 388-825-120.

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 rules were filed on an emergency basis as WSR 04-08-020, 04-16-019, 04-23-084 and 05-07-075. The department has filed a notice of intent to adopt permanent rules as WSR 03-20-103 and the proposed rule-making document as WSR 05-13-041. The public hearing is scheduled for July 26, 2005. The extension of the emergency rules is necessary as the permanent rules will not become effective until after the expiration of the current emergency rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 32, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 32, Amended 1, Repealed 0.

Date Adopted: June 24, 2005.

Andy Fernando, 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 05-16 issue of the Register.

WSR 05-15-047
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-143—Filed July 11, 2005, 4:34 p.m., effective July 17, 2005, 9:00 p.m.]

Effective Date of Rule: July 17, 2005, 9:00 p.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500F; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.240.

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 southern portion of Marine Area 7. 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 11, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500G Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325:

1) 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 and Marine Areas 7, 8, 9, 10 and 11, except as provided for in this section.

a) Effective immediately, 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.

1) Marine Area 7 north of a line from Biz Point on Fidalgo Island to Cape Saint 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:

a. Open to the harvest of all shrimp species except Spot shrimp. It is unlawful to possess Spot shrimp, and all Spot shrimp must immediately be returned to the water unharmed.

b. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

2) Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape Saint Mary on Lopez Island, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of a line due west from Lime Kiln Point light to the international boundary are closed to the harvest of all shrimp species.

b) Effective immediately, until further notice, all waters south of a line from Tukey Point to Contractors Point in the Discovery Bay Shrimp District are open, on a daily basis, to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

c) Effective immediately, until further notice, all waters south of a line from Walan Point to Kala Point in the Port Townsend Bay Shrimp District are open, on a daily basis, to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water immediately.

d) Effective immediately, until further notice, all waters equal to or less than 150 feet in depth in Marine Areas 8, 9 (excluding the Port Townsend Shrimp District), and Marine Area 11 will open daily to the harvest of all shrimp species except Spot shrimp. All Spot shrimp caught must be returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

2) Effective immediately, until further notice, all waters of Marine Areas 4 east of the Bonilla-Tatoosh line, and Marine Areas 5, 6 and 13 (excluding the Shrimp Districts), are open daily to the harvest of all shrimp species.

REPEALER

The following section of the Washington Administrative Code is repealed effective 9:00 p.m. July 17, 2005:

WAC 220-56-32500F Shrimp—Areas and season
(05-132)

WSR 05-15-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 05-146—Filed July 11, 2005, 4:35 p.m., effective July 11, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100Q; 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 2005 state/tribal Puget Sound shrimp harvest management plans require adoption of harvest seasons, harvest reporting areas, and the prohibition on night-time fishing contained in this emergency rule. Commercial spot shrimp quotas will have been taken in the catch areas closed in this rule. Commercial beam trawl shrimp quotas are available in the catch areas opened 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 11, 2005.

J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-52-05100R 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) All waters of Shrimp Management Areas 1A, 1C, Crustacean Management Regions 2, 3, 4 and 6 outside the shrimp districts are open to the harvest of all shrimp species immediately, until further notice, except as provided for in this section:

i) It is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 26D, 23AE and 23AW.

ii) Effective 12:01 am July 14, until further notice, it is unlawful to harvest shrimp for commercial purposes in Fish/Shellfish Management and Catch Reporting Area 23B.

iii) The Port Townsend Shrimp District is open to the harvest of shrimp species other than spot shrimp, except those waters 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 are closed.

(b) The shrimp trip limit accounting week is Monday through Sunday.

(c) 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.

(d) Effective immediately, through 12:00 am July 14, it is unlawful for the combined total harvest of spot shrimp by a fisher and/or fishers alternate operator to exceed 200 pounds per week in Fish/Shellfish Management and Catch Reporting Area 23B.

(e) 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. It is unlawful to fish for any shrimp while in possession, on board the fishing vessel, of spot shrimp harvested from the previous trip limit accounting week or weeks. 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.

(f) 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.

(g) 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 is 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 is 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100Q Puget Sound shrimp pot and beam trawl fishery—Season (05-140)

WSR 05-15-049

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Filed July 12, 2005, 8:57 a.m., effective July 12, 2005]

Effective Date of Rule: Immediately.

Purpose: The proposed changes increase the state match for eligible costs from 80 to 100%.

Citation of Existing Rules Affected by this Order: Amending WAC 180-33-040 Maximum costs eligible for state matching purposes.

Statutory Authority for Adoption: RCW 28A.525.200 and 28A.525.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The proposed changes have an effect on the school construction projects which will have funds released this biennium.

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 17, 2005.

July 8, 2005

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 98-19-138, filed 9/23/98, effective 10/24/98)

WAC 180-33-040 Maximum costs eligible for state matching purposes—~~((Eighty))~~ **One hundred percent of replacement cost.** State assistance for modernization projects shall not exceed ~~((eighty))~~ **one hundred** percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 180-27 WAC. Costs exceeding ~~((eighty))~~ **one hundred** percent shall be paid by the local district.

WSR 05-15-066

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 12, 2005, 3:13 p.m., effective July 24, 2005]

Effective Date of Rule: July 24, 2005.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date of the rule is coordinated with the effective date of the authority for the rule.

Purpose: To provide rules for the request, review, approval and implementation of a heavy haul corridor.

Statutory Authority for Adoption: RCW 46.44.090 and chapter 311, Law of 2005.

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 effective date of the law authorizing the creation of a heavy haul corridor at the Port of Tacoma is July 24, 2005. This is an insufficient time frame to go through the normal rule process in order to provide the relief requested by the port.

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 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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ing: New 1, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 12, 2005.

John F. Conrad
Assistant Secretary
Engineering and
Regional Operations

NEW SECTION

WAC 468-38-375 Heavy haul corridors—Port districts. (1) **How is a heavy haul corridor within port district property requested?** The affected port district must submit a formal written request to the department, preferably to the administrator for commercial vehicle services. The request must, at a minimum, contain:

(a) A statement of need, that must not deviate from the legislative intent of using the corridor to move overweight sealed containers used in international trade;

(b) A physical description, including state route number, mile posts and vicinity (nearby cross streets), of the proposed heavy haul corridor; and

(c) The minimum amount of extra-legal weight necessary to accommodate the disclosed need.

(2) **Will the department provide expertise to the port district in determining the viability of a heavy haul corridor without the formal request?** Yes. The port district may contact the administrator for commercial vehicle services who will facilitate preliminary discussions between the port district and appropriate department personnel. Other potentially affected jurisdictions may also be included. These discussions will be exploratory in nature and will not include the formal infrastructure review to be initiated from the formal request.

(3) **Who has the responsibility to review the port district formal request?** The administrator for commercial vehicle services will coordinate reviews by appropriate department regional staff, the department's bridge preservation office and the pavement office. The reviews will focus on the impact on the proposed corridor infrastructure resulting from the vehicles to be permitted extra-legal weight. The results of the reviews will be compiled by the administrator for commercial vehicle services and provided with recommendation to the regional administrator or his/her designee.

(4) **Who makes the ultimate determination to approve or disapprove of the port district request?** The regional administrator or his/her designee will provide the ultimate determination about categorizing the defined highway segment as a heavy haul corridor, and if approved will provide any special restrictions that may be necessary for the corridor to exist.

(5) **After approval, what is the next step to implement the designated corridor?** A formal agreement must be entered into between the affected entities. The regional administrator or his/her designee will represent the department and have signing authority for the department.

(6) **What should the agreement contain as a minimum?** The agreement must provide at a minimum:

(a) The jurisdictions affected by the corridor;

(b) A statement of purpose;

(c) Agreement on the need to preserve the infrastructure, maintain safety and stop the proliferation of the approved extra-legal weight beyond the defined corridor by recognizing certain rules, regulations and any added limitations or restrictions on vehicle weights and/or configurations;

(d) Agreement on shared financial responsibility for potential extraordinary maintenance and/or repair costs resulting from the use of the permitted vehicle(s);

(e) Agreement on specific issue resolution and actions to be taken by the affected parties; and

(f) Standard language for amending or terminating the agreement.

WSR 05-15-081

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 14, 2005, 4:26 p.m., effective July 14, 2005]

Effective Date of Rule: Immediately.

Purpose: DSHS is amending WAC 388-418-0005 How will I know what changes I must report?, to reflect federal reporting requirements for persons receiving food stamp benefits under the Washington Basic Food program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-418-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.205, 74.04.500, 74.04.510.

Other Authority: 7 C.F.R. 273.12 Requirements for change reporting households.

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: Federal regulations at 7 C.F.R. 273.12 require food stamp households using the reduced reporting requirements under simplified reporting to report when the household income exceeds 130% of the monthly poverty income guideline. This amount is also known as the gross income limit for the food stamp program.

Previous changes to medical reporting requirements inadvertently impacted reporting requirements for Basic Food to be out of compliance with federal regulations. The change to the order of the Basic Food reporting requirements and requirements for children's medical in this filing are necessary to comply with the federal reporting requirements under 7 C.F.R. 273.12 and RCW 74.04.205.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 8, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 05-09-021, filed 4/12/05, effective 6/1/05)

WAC 388-418-0005 How will I know what changes I must report? 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 Basic, Basic Plus, Chore, Community Protection, COPES, nursing home, Hospice, or Medically Needy Waiver, 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), or ADATSA benefits, you need to tell us if:

- (a) You move;
- (b) A family member 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 persons or individuals with disabilities 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 cash benefits, 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

(ii) Earned income limit under WAC 388-478-0035 and 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.

(5) If you receive Family Medical benefits, you need to tell us if:

(a) You move;

(b) A family member 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.

~~(6) ((If you receive Children's Medical benefits, you need to tell us if:~~

~~(a) You move; or~~

~~(b) A family member moves out of the house.~~

~~(7)) If you receive Basic Food benefits, you need to tell us if:~~

~~(a) You move;~~

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

~~(c) Anyone who receives food benefits in your assistance unit must meet work requirements under WAC 388-444-0030 and their hours at work go below twenty hours per week.~~

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

(a) You move; or

(b) A family member moves out of the house.

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

(a) You move; or

(b) You are no longer pregnant.

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

(a) You move; or

(b) A family member moves out of the home.

WSR 05-15-082

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 14, 2005, 4:28 p.m., effective July 15, 2005]

Effective Date of Rule: July 15, 2005.

Purpose: The department is amending WAC 388-478-0075 and 388-478-0085 to update the federal poverty standards used for medical standards and the Medicare savings programs. Each year the federal government issues the

updates effective for April 1, 2005. This filing replaces emergency rules filed as WSR 05-07-098.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0075 and 388-478-0085.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: 42 U.S.C. 9902(2).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: April 1, 2005, implementation of the increase in federal standards was required by the state to continue receiving federal funds. The department has filed a proposal notice to adopt the rules as permanent, WSR 05-14-122, and a public hearing is scheduled for August 9, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 2, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 8, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-092, filed 7/16/04, effective 8/16/04)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (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 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, (~~2004~~) 2005, the monthly FPL standards are:

FAMILY SIZE	100% FPL						
	Benchmark	133% FPL	150% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$((776)) <u>798</u>	\$((1032)) <u>1061</u>	\$((1164)) <u>1197</u>	\$((1436)) <u>1476</u>	\$((1552)) <u>1595</u>	\$((1707)) <u>1755</u>	\$((1940)) <u>1994</u>
2	\$((1041)) <u>1070</u>	\$((1385)) <u>1422</u>	\$((1562)) <u>1604</u>	\$((1926)) <u>1978</u>	\$((2082)) <u>2139</u>	\$((2290)) <u>2353</u>	\$((2603)) <u>2673</u>
3	\$((1306)) <u>1341</u>	\$((1737)) <u>1784</u>	\$((1953)) <u>2012</u>	\$((2416)) <u>2481</u>	\$((2612)) <u>2682</u>	\$((2873)) <u>2950</u>	\$((3265)) <u>3353</u>
4	\$((1571)) <u>1613</u>	\$((2090)) <u>2145</u>	\$((2357)) <u>2419</u>	\$((2907)) <u>2984</u>	\$((3142)) <u>3225</u>	\$((3456)) <u>3548</u>	\$((3928)) <u>4032</u>
5	\$((1836)) <u>1885</u>	\$((2442)) <u>2506</u>	\$((2754)) <u>2827</u>	\$((3397)) <u>3486</u>	\$((3672)) <u>3769</u>	\$((4039)) <u>4146</u>	\$((4590)) <u>4711</u>
6	\$((2101)) <u>2156</u>	\$((2795)) <u>2868</u>	\$((3152)) <u>3234</u>	\$((3887)) <u>3989</u>	\$((4202)) <u>4312</u>	\$((4622)) <u>4743</u>	\$((5253)) <u>5390</u>
7	\$((2366)) <u>2428</u>	\$((3147)) <u>3229</u>	\$((3549)) <u>3642</u>	\$((4377)) <u>4491</u>	\$((4732)) <u>4855</u>	\$((5205)) <u>5341</u>	\$((5915)) <u>6069</u>
8	\$((2631)) <u>2700</u>	\$((3499)) <u>3590</u>	\$((3947)) <u>4049</u>	\$((4868)) <u>4994</u>	\$((5262)) <u>5399</u>	\$((5788)) <u>5939</u>	\$((6578)) <u>6748</u>
9	\$((2896)) <u>2971</u>	\$((3852)) <u>3952</u>	\$((4344)) <u>4457</u>	\$((5358)) <u>5497</u>	\$((5792)) <u>5942</u>	\$((6371)) <u>6536</u>	\$((7240)) <u>7428</u>
10	\$((3161)) <u>3243</u>	\$((4204)) <u>4313</u>	\$((4742)) <u>4864</u>	\$((5848)) <u>5999</u>	\$((6322)) <u>6485</u>	\$((6954)) <u>7134</u>	\$((7903)) <u>8107</u>

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FAMILY SIZE	100% FPL Benchmark	133% FPL	150% FPL	185% FPL	200% FPL	220% FPL	250% FPL
Add to the ten person standard for each person over ten:							
	\$((265))	\$((353))	\$((398))	\$((491))	\$((539))	\$((583))	\$((663))
	<u>272</u>	<u>362</u>	<u>408</u>	<u>503</u>	<u>544</u>	<u>598</u>	<u>680</u>

AMENDATORY SECTION (Amending WSR 04-17-076, filed 8/13/04, effective 9/13/04)

WAC 388-478-0085 Medicare savings programs—Monthly income and countable resources standards. (1) The qualified Medicare beneficiary (QMB) program income standard is up to one hundred percent of the Federal Poverty Level (FPL). Beginning April 1, ((2004)) 2005, the QMB program's income standards are:

(a) One person	\$((776))
	<u>798</u>
(b) Two persons	\$((1041))
	<u>1070</u>

(2) The special low-income Medicare beneficiary (SLMB) program income standard is over one hundred percent of FPL, but not more than one hundred twenty percent of FPL. Beginning April 1, ((2004)) 2005, the SLMB program's income standards are:

	Minimum	Maximum
(a) One person	\$((776.01))	\$((931))
	<u>798.01</u>	<u>957</u>
(b) Two persons	\$((1041.01))	\$((1249))
	<u>1070.01</u>	<u>1283</u>

(3) The qualified individual (QI-1) program income standard is over one hundred twenty percent of FPL, but not more than one hundred thirty-five percent of FPL. Beginning April 1, ((2004)) 2005, the QI-1 program's income standards are:

	Minimum	Maximum
(a) One person	\$((931.01))	\$((1048))
	<u>957.01</u>	<u>1077</u>
(b) Two persons	\$((1249.01))	\$((1406))
	<u>1283.01</u>	<u>1444</u>

(4) The qualified disabled working individual (QDWI) program income standard is two hundred percent of FPL. Beginning April 1, ((2004)) 2005, the QDWI program's income standards are:

(a) One person	\$((1552))
	<u>1595</u>
(b) Two persons	\$((2082))
	<u>2139</u>

(5) The resource standard for the Medicare savings programs in this section is:

(a) One person	\$4000
(b) Two persons	\$6000

**WSR 05-15-083
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-147—Filed July 14, 2005, 4:41 p.m., effective July 14, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-25500W; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There is sufficient quota remaining to accommodate incidental catches of halibut in this small area, but insufficient quota to provide a targeted offshore halibut fishing opportunity. 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 13, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-25500X Halibut—Seasons—Daily and possession limits. (1) Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice it is unlawful to fish for or possess halibut taken for personal use except from the areas or in excess of the amounts provided for in this section:

- (a) Catch Record Card Area 1 - Closed

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(b) Catch Record Card Area 2 - Closed, except lawful to retain halibut in those waters south of Queets River (47 deg, 31.70'N lat.) to 47 deg, 00.00'N lat. and east of 124 deg 40.00'W long. from 12:01 a.m. each Friday through 11:59 p.m. each Saturday, until further notice.

(c) Catch Record Card Areas 3 and 4 - Closed

(d) Catch Record Card Area 5 - Open through July 31, 2005, except closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday.

(e) Catch Record Card Areas 6 through 11 and Catch Record Card Area 13 - Closed.

(2) Daily limit one halibut.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

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, 2005.

J. P. Koenings
Director
by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 15, 2005:

WAC 220-56-25500W Halibut—Seasons daily and possession limits. (05-123)

**WSR 05-15-099
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-149—Filed July 15, 2005, 2:31 p.m., effective July 15, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; 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: It is anticipated that 13,730 sturgeon will be harvested by the current estuary sturgeon retention fishery which was scheduled to close July 18, leaving 4,070 sturgeon remaining from the 17,800 fish annual harvest guideline. The adopted fishery extension for the mainstem Columbia River downstream of the Wauna powerlines and for Deep River is expected to result in a catch that remains within the harvest guideline set forth in the joint state management plan concerning lower Columbia River sturgeon management and fisheries. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

NEW SECTION

WAC 232-28-61900K Exceptions to statewide rules—Sturgeon, Columbia and Deep rivers. Notwithstanding the provisions of WAC 232-28-619:

(1) Columbia River

(a)

- Effective 12:01 a.m. July 15, 2005 through August 15, 2005, it is lawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

- Effective 12:01 a.m. August 16, 2005, until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River downstream of the Wauna powerline crossing at RM 40,

(b) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam upstream to McNary Dam,

(2) Deep River -

- Effective 12:01 a.m. July 15, 2005 through August 15, 2005, it is lawful to retain sturgeon caught in those waters of the Deep River,

- Effective 12:01 a.m. August 16, 2005, until further notice, it is unlawful to retain sturgeon caught in those waters of the Deep River.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 15, 2005:

WAC 232-28-61900H Exceptions to statewide rules—Sturgeon, Columbia and Deep rivers. (05-135)

EMERGENCY

**WSR 05-15-100
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 05-148—Filed July 15, 2005, 2:33 p.m., effective July 18, 2005, 7:00 p.m.]

Effective Date of Rule: July 18, 2005, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000F; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.240.

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 five commercial fishing period for the summer season. Harvestable upper Columbia summer chinook and sturgeon are available. Season is consistent with the 2005-2007 interim management agreement and the 2003-2005 sturgeon fishery management plan. Harvest is projected to be within the preseason guidelines. Regulation is consistent with compact action of January 28, 2005, and July 13, 2005. 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 14, 2005.

J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-33-01000F Columbia River season below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1. AREA: SMCRA 1A, 1B, 1C, 1D, and 1E

2. SEASON: 7:00 p.m. Monday July 18 to 5:00 a.m. Tuesday July 19, 2005

3. GEAR: 8-inch minimum mesh and 9-3/4 inch maximum mesh

4. ALLOWABLE SALE: Chinook, coho, shad, and sturgeon. All sockeye and steelhead must be released immediately. A maximum of three sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The three sturgeon possession/sales limit includes both mainstem and Select Area fisheries.

5. SANCTUARIES: Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

6. OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

7. MISCELLANEOUS: As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with Department observers or observers collecting data for the Department, when notified by the observer of their intent to board the commercial vessel for observation and sampling during an open fishery.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:01 a.m. July 19, 2005:

WAC 220-33-01000F Columbia River season below Bonneville.

**WSR 05-15-101
EMERGENCY RULES
HORSE RACING COMMISSION**

[Filed July 15, 2005, 4:24 p.m., effective July 15, 2005]

Effective Date of Rule: Immediately.

Purpose: To amend WAC 260-34-090 A positive test because the penalties listed in this section conflict with the penalties for the same violations in WAC 260-84-060 Penalty matrices.

Citation of Existing Rules Affected by this Order: Amending WAC 260-34-090 A positive test.

Statutory Authority for Adoption: RCW 67.16.020 and 67.16.040.

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 penalties for (1) being under the influence of alcohol and/or drugs; (2) for the possession or use of marijuana; and (3) for the possession or use of any illegal drug must be consistent for them to be enforceable. Without the ability to enforce these the health and safety of the participants may be compromised.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

EMERGENCY

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 14, 2005.

R. M. Leichner
Executive Secretary

AMENDATORY SECTION (Amending WSR 05-07-066, filed 3/11/05, effective 4/11/05)

WAC 260-34-090 A positive test. On receiving written notice of a violation of WAC 260-34-045, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee or applicant, setting a conference before the board of stewards in accordance with WAC 260-24-510.

(2) At the conference, the licensee or applicant shall be provided an opportunity to respond to the evidence of the violation.

(3) If the licensee or applicant is found to be in violation of WAC 260-34-045, the board of stewards shall suspend the licensee or applicant as ~~((follows:~~

~~(a) For testing positive for the illegal use of alcohol, for being under the influence of alcohol and/or drugs, or for the possession of marijuana (nonfelony):~~

~~(i) Three days for the first violation within five years;~~

~~(ii) Thirty days for the second violation within five years;~~

~~(iii) One year for the third violation within five years; and~~

~~(iv) Revocation and referral to the commission for the fourth violation within five years.~~

~~(b) For the possession or use of any illegal drug or controlled substance, other than marijuana:~~

~~(i) One year suspension for the first violation within five years;~~

~~(ii) Revocation and referral to the commission)) provided in WAC 260-84-060.~~

(4) The board of stewards may stay ~~((one of the))~~ a suspension ~~((s in subsection (3)(a) of this section))~~ for testing positive for the illegal use of alcohol, for being under the influence of alcohol and/or drugs or for the possession of marijuana (nonfelony) if the licensee or applicant shows proof of participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services. Individuals will only be allowed to participate in this program once in a five-year period. If during this time a licensee or applicant violates the provisions of this chapter, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. The licensee or applicant must also agree to the following conditions:

(a) Random drug or alcohol testing at the discretion of the board of stewards or commission security investigators for a period of twelve calendar months.

(b) Have no further incidents of violating this chapter within the next twelve calendar months.

(5) Upon successful completion of a drug or alcohol rehabilitation or treatment program, a licensee or applicant can request the board of stewards lift the suspension.

WSR 05-15-102

RESCISSION OF EMERGENCY RULES SECRETARY OF STATE

[Filed July 15, 2005, 4:54 p.m.]

The Office of the Secretary of State requests that the emergency rule filed as WSR 05-11-101 on May 18, 2005, be rescinded immediately.

Steve Excell
Assistant Secretary of State

WSR 05-15-153

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 19, 2005, 4:31 p.m., effective July 19, 2005]

Effective Date of Rule: Immediately.

Purpose: The department is amending WAC 388-825-254 Service need level rates and 388-825-228 How can short-term intervention services through the family support opportunity program help my family?, to implement ESSB 6090, Section 205 of the 2005-2007 Conference budget - the vendor rate increase (VRI) and the individual provider hourly rate increase for fiscal years 2006 and 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-825-254 and 388-825-228.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: ESSB 6090 Section 205 (1)(e) 2005-07 Conference Budget (chapter 518, Laws of 2005).

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: Chapter 518, Laws of 2005, raised these payment rates effective July 1, 2005. Emergency rules are needed to assure that vulnerable clients continue to receive services essential to their health and welfare without disruption, and vendors providing services can be paid at the rates as increased by the legislature.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 15, 2005.

Andy Fernando, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-22-068, filed 10/29/04, effective 11/29/04)

WAC 388-825-228 How can short-term intervention services through the family support opportunity program help my family? If your family is eligible, you may receive up to one thousand (~~four~~) five hundred dollars per year in short-term intervention, funding to pay for necessary services not otherwise available.

(1) Short-term intervention funds can be authorized for a one-time only need or for an episodic service need that occurs over a one-year period.

(2) Short-term intervention funding cannot be used for basic subsistence such as food or shelter but is available for those specialized costs directly related to and resulting from your child's disability.

AMENDATORY SECTION (Amending WSR 04-22-068, filed 10/29/04, effective 11/29/04)

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

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

(b) Service need levels. The amount of SSP (state supplementary payment) available to an individual will be included when calculating the monthly allocation of state family support dollars.

(c) Availability of family support funding;

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

(e) The amounts designated in subsection (2)(a) through (d) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) Service need level lid amounts as follows:

(a) Clients designated for service need level one (WAC 388-825-256) may receive up to (~~one thousand one hundred ninety-eight dollars per month~~) fifteen thousand four hundred dollars per year or (~~two thousand four hundred sixty-two dollars~~) twenty-nine thousand four hundred dollars per (month) year if the individual requires licensed nursing care in the home:

(i) If an individual is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be (~~five hundred thirty-one~~) six thousand eight hundred dollars per (~~month~~) year;

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

(b) Clients designated for service need level two (WAC 388-825-256) may receive up to (~~four hundred seventy-two~~) six thousand dollars per (~~month~~) year if not receiving funding through Medicaid Personal Care:

(i) If an individual is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be (~~two hundred sixty-five~~) three thousand four hundred dollars per (~~month~~) year;

(ii) If the combined total of family support services at this maximum plus in-home support is less than (~~four hundred seventy-two~~) six thousand dollars, additional family support can be authorized to bring the total to (~~four hundred seventy-two~~) six thousand dollars per year.

(c) Clients designated for service need level three (WAC 388-825-256) may receive up to (~~two hundred sixty-five dollars per month~~) three thousand four hundred dollars per year provided the individual is not receiving Medicaid personal care. If the individual is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one (~~hundred thirty-three dollars per month~~) thousand seven hundred dollars per year; and

(d) Clients designated for service level four (WAC 388-825-256) may receive up to one (~~hundred thirty-three dollars per month~~) thousand seven hundred dollars per year family support services.

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

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

WSR 05-15-158

EMERGENCY RULES

SECRETARY OF STATE

[Filed July 20, 2005, 8:52 a.m., effective July 20, 2005]

Effective Date of Rule: Immediately.

Purpose: To provide rules for minor party and independent candidate nominating conventions and filing dates because the period of time for conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

Statutory Authority for Adoption: RCW 29A.04.611.

Other Authority: *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

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 judge ruled Initiative 872's version of the top two primary is unconstitutional. Washington state will hold a pick-a-party primary, modeled after the Montana primary, in September 2005. See *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005); page 38, lines 17-18 state, "Therefore, the law as it existed before the passage of Initiative 872, including the Montana primary system, stands as if Initiative 872 had never been approved."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, 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 [July] 20, 2005.

Sam Reed
Secretary of State

NEW SECTION

WAC 434-215-120 Minor party and independent candidates—Nominating conventions. To qualify for the 2005 general election ballot, minor party and independent candidates must hold a nominating convention during the period of time specified in RCW 29A.20.121 or between August 13, 2005, and August 20, 2005. Consistent with RCW 29A.20.121(4), signatures of the requisite number of registered voters must be obtained at a single convention if the nomination is for an office other than president and vice-president, United States senator, United States representative, or statewide office.

Note: This section is adopted because the period of time for holding minor party and independent candidate conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

NEW SECTION

WAC 434-215-125 Minor party and independent candidates—Filing requirements. Minor party and independent candidates who held a nominating convention during the period of time specified in RCW 29A.20.121 may file the nominating documents, a declaration of candidacy, and the filing fee with the appropriate filing officer either during the week specified in RCW 29A.24.050 or no later than August 26, 2005. Minor party and independent candidates who hold a nominating convention during the period of time specified in WAC 434-215-120 must file the nominating documents, a declaration of candidacy, and the filing fee with the appropriate filing officer no later than August 26, 2005.

Note: This section is adopted because the period of time for holding minor party and independent candidate conventions established in RCW 29A.20.121 had passed prior to the July 15, 2005, ruling in *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).



WSR 05-14-143

AGENDA

DEPARTMENT OF TRANSPORTATION

[Filed July 5, 2005, 2:48 p.m.]

Following is the Department of Transportation's July 1, 2005, through December 31, 2005, semi-annual rules development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

SEMI-ANNUAL RULES AGENDA
JULY 1 - DECEMBER 31, 2005

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-38	Vehicle size and weight—Highway restrictions—Equipment	070*	Clarifying use of permit for unladen truck with trailer at seventy-five feet in length. Address log truck hauling poles as tractor/semi-trailer.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	100*	Clarify need for escort when permitted vehicle(s) has a rear overhang.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	120*	To amend subsection requirements for brakes to compliment HUD requirements. Adding modular building built on own axles.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	175*	Increase length to one hundred five to harmonize with Oregon.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	280*	To amend rule relative to a retractable axle with four tires resembling a tandem axle.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	290*	Correct error in subsection reference.	Barry Diseth/ Jim Wright	October 5, 2005
468-38	Vehicle size and weight—Highway restrictions—Equipment	375 (New)	Provide rules for requesting approving and implementing heavy haul corridors.	Barry Diseth/ Jim Wright	July 1, 2005 (Possibly sooner)
468-38	Vehicle size and weight—Highway restrictions—Equipment	New	Address process for making emergency moves with over legal vehicle(s) and/or load.	Barry Diseth/ Jim Wright	October 5, 2005
*It is anticipated that a single combined submission will be used for the identified sections.					
468-100	Uniform relocation assistance and real property acquisition	002(1)	Added additional subagency definitions.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (5)(b)	Deleted the phrase "style of living" and redundant government housing language.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	002 (5)(g)(iii)	Deleted redundant language regarding welfare assistance programs and amounts designated for shelter and utilities and revised to "base monthly rent."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (5)(g)	Added subsection dealing with those who are receiving government housing assistance.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (6)(a) through (d)	Nothing is changing, however, we need to take care of some formatting issues with the WAC so it matches the CRFs.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (7)(c)	Added suggested criteria for lead based paints to Appendix A and we need to take care of some formatting issues with the WAC so it matches the CRFs.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (7)(f)	Clarifies language regarding those with a disability.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (8)(b)(iii)	Provides additional information to define the nature of a temporary displacement and (add information regarding notice of intent to acquire) add information to Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002 (8)(b)	Adding information to section regarding American Dream Down Payment Act.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002	Added a new definition for the term "dwelling site" to this section and examples to Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002	Added a new definition for the term "household income" to this section and examples to Appendix A along with reference to a web site.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002(12)	Added new paragraph regarding voluntary transactions and the permanent relocation of tenants.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002	Added a new definition for the term "mobile home" to this section and additional information in Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002	Replaced the reference to heat and light with a reference to electricity, gas, and other heating and cooking fuels.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	008	Clarifies two existing laws.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	202	Added information stating all displaced persons need to be fully advised of rights and entitlements.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	202	Added information stating all displaced persons need to be fully advised of rights and entitlements.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	203	Moved section from definitions to section 24.203(d) and added reference to the definition of displaced person and added references to notice of intent to acquire in 24.203(b) re Notice of relocation eligibility.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	204 (2)(a)	Updated citation.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	204(3)	Added reference to "displacement dwelling."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205(A)	Replaced "the handicapped" with "persons with disabilities."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205(b)	Replaced "consideration of housing of last resort actions should be instituted" to "the agency should consider housing of last resort actions."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205(a)	Added new subsection regarding an estimate of the availability of replacement business sites.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205(3)	Added new subsection requiring in-depth interviews with nonresidential displacements.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(a)	Added "for nonresidential displacements," after determine.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(b)(ii)	Modified sentence to read "the agency shall notify."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(b)(iii)	Added reference to Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(b)(iv)	Modified section to state the agency shall offer transportation to inspect housing to all persons.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	205 (3)(b)	Added new section regarding displaced persons that may be eligible for government housing assistance.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(c)	Added ", for nonresidential moves," after provides.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	205 (3)(f) and (4)	Reversed the order of these two sections.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	206	Added reference to Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	207 (4)(b)	Restated sentence to read "The agency shall waive this time period for good cause."	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	207	Added new section dealing with no waiver of relocation assistance.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	207	Added new section dealing with expenditures of payment.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	207 (5) and (6)	Both subsections were moved to section 24.403.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	301 and 303 and 502	All three sections have been combined for clarity and readability.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	301 and 303(1) and 502	Clarified language in the general statement regarding those who qualify as displaced persons.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	301 and 303 and 502	Added sections dealing with "Moves from a dwelling," "Moves from a mobile home," "Moves from business, farm, or NPO," and "Personal property only" and the allowed moving options.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	303	Determine low value/high bulk is appropriate for inclusion in a personal property only move.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	502	Restructured existing wording to distinguish residential and nonresidential items and added a reference to federal, state or local law, code or ordinance.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	303 (1)(j)(ii)	Reworded section and added reconnection fees as long as the piece of equipment if it is not in storage or not being used at the acquired site and added reference to Appendix A.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	303 (1)(m)	Changed site search expenses from \$1,000 to \$2,500 and also added two new subsections dealing allowable site search expenses.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	303	Added new subsection dealing with low value/high bulk situations.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	302	Updated language for this section, added a reference to the federal register, and eliminated the \$50 limit for the dormitory style room.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	306 (d)(i)(k)	All three sections have been moved to the new section 24.303 as additional related non-residential eligible expenses.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	207 (5) and (6)	Both sections were moved to section 24.403.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	401(6)	Revised section and eliminated the \$5,250 cap however, payment cannot exceed the maximum price differential computation.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	402 (2)(b)(ii)	Added a requirement to use the HUD annual survey of income limits when determining if someone is "low income" in order to apply the 30% rule.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	402 (3)(a)	Removed language that indicated an agency should limit the amount of down payment assistance to an amount ordinarily required for conventional loan financing and allows displaced person to apply full amount of RHP toward purchase of replacement dwelling.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	102	Extends language to include person who prepares waiver valuations unless value is under \$10,000. Also includes language that any person functioning as a negotiator shall not supervise or formally evaluate either the appraiser, review appraiser, or person making waiver valuations.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	009	Adopted revised form for annual report - Appendix B.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	101	Added word "direct" to title and Appendix A. Removed "voluntary." Updated language in the rule and Appendix A to reflect the rural utilities service, successor agency to the rural electrification administration - formerly subsection (5).	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	101	Added "all" reasonable efforts to contact the owner for greater clarity. Added verbiage to Appendix A "but thirty days would seem to be the minimum time these actions can be reasonably accepted to require." Added verbiage to Appendix A that agencies should provide the owner and/or his/her appraiser a copy of the agency's appraisal requirements and inform them that their appraisal should be based on those requirements.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	102(5)	Extends language to include person who prepares waiver valuations unless value is under \$10,000. Also includes language that any person functioning as a negotiator shall not supervise or formally evaluate either the appraiser, review appraiser, or person making waiver valuations.	Dianna Ayers/ Shirley Hughes	October 15, 2005
468-100	Uniform relocation assistance and real property acquisition	002(12)	Added references to the notice of intent to acquire. Moved from definitions.	Dianna Ayers/ Shirley Hughes	October 15, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-22	County ferry franchises, tolls, and financial assistance	020	Application for franchise. Please delete the reference to "state aid office of the department" and replace with "director of highways and local programs."	Joan Neff	Flexible
468-22	County ferry franchises, tolls, and financial assistance	040	Application for certification of toll charges. Please delete the reference to "state aid office" and replace with "director of highways and local programs."	Joan Neff	Flexible
136-20 Please coordinate with CRAB	Standards of good practice—Inspection of bridges on county roads	030	Inspection: Please delete the reference to "transaid service center" and replace with "highways and local programs." Note: There are two places to correct this.	Joan Neff	Flexible
136-20 Please coordinate with CRAB	Standards of good practice—Inspection of bridges on county roads	020	Inventory: Please delete the reference to "transaid service center" and replace with "highways and local programs."	Joan Neff	Flexible
136-20	Standards of good practice—Inspection of bridges on county roads	040	Certification: Please delete "assistant secretary for the transaid" and replace with "director of highways and local programs or designee."	Joan Neff	Flexible
136-400 Please coordinate with CRAB	Administration of the county ferry capital improvement program	060	Technical review committee: Please delete "assistant secretary for transaid" and replace with "director of highways and local programs or designee."	Joan Neff	Flexible
468-60	CTR Performance Grant Program	All subject to revision	Establish grant program parameters.	Robin Hartsell	May 2, 2005
468-95	Manual for uniform traffic control devices for streets and highways	All	Adopt the 2003 edition of the Manual on Uniform Traffic Control Devices and make changes due to legislation passed in the 2003 session.	Mike Dornfeld	July 1, 2005
468-70	Motor information signs	070	Reduce the hours of operation for food business, add commercial and historic district categories to the tourist activity category, and add rules for signing to businesses that accommodate recreational vehicles.	Mike Dornfeld	July 1, 2005
468-66	Highway Advertising Control Act	All	Rewrite the entire chapter to simplify and clarify devices and make changes due to legislation passed in the 2003 session.	Mike Dornfeld	July 1, 2005

MISC.

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate CR-101 Filing Date
468-100	Uniform relocation assistance and real property acquisition	103	Required that all appraisals be reviewed and sets some procedure for the review process.	Garry Gallinger/ Rick Smith	December 2005 (possibly sooner)
468-32-010	Rest area rules	Amend (1) and add a (7)	To provide more enforcement tools to the WSP related to parking and other behaviors at rest areas that are causing problems.	Doug Pierce	August 2005

Cathy Downs
WAC Rules Coordinator

WSR 05-15-001

AGENDA

PUBLIC DISCLOSURE COMMISSION

[Filed July 6, 2005, 1:07 p.m.]

**Agenda for Rules Under Development
June - December, 2005**

Agency Contact: Doug Ellis, Acting Assistant Director, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov.

At present, the Public Disclosure Commission (PDC) has three rules under development:

1. Topic: Amending the dollar amounts pursuant to RCW 42.17.690 revising the dollar amounts found in Initiative 134 to reflect changes in the economic conditions.

Status: The commission will file a preproposal statement with the code reviser giving notice that it is considering changes to WAC 390-05-400. RCW 42.17.690 requires the commission to increase or decrease all dollar amounts at the beginning of each even-numbered calendar year based on changes in economic conditions. A public hearing and possible adoption of an amended rule may occur on October 25, 2005. If adopted, the amended rule will likely go into effect in January of 2006.

Statutory Authority: RCW 42.17.690.

Statute Being Implemented: RCW 42.17.690.

WAC Cite: WAC 390-05-400 Changes in dollar amounts.

2. Topic: Electioneering communications.

Status: On May 13, 2005, the governor signed ESSB 5034, a measure relating to disclosure of and restrictions on campaign funding. With the exception of sections 6 and 12 of the bill, which are effective July 1, 2005, the remaining sections become effective January 1, 2006.

The commission will file a preproposal statement with the code reviser giving notice that it is considering the adopting of rules for implementation of the new legislation. A public hearing and possible adoption of new rules may occur on October 25, 2005. If adopted, the amended rule will likely go into effect in January of 2006.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: Chapter 42.17 RCW (ESSB 5034).

WAC Cite: New rules.

3. Topic: Production of documents and use at hearings.

Status: The commission will file a preproposal statement with the code reviser giving notice that it is considering a possible rule amendment to revise the requirement to provide a minimum of ten copies of exhibits offered into evidence at an adjudicative proceeding. A public hearing and possible adoption of an amended rule may occur on October 25, 2005. If adopted, the amended rule will likely go into effect in January of 2006.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.395.

WAC Cite: WAC 390-37-136 Production of documents and use at hearing (adjudicative proceeding).

A complete listing of rule-making activity from 1999 to present can be found on the PDC web site at www.pdc.wa.gov under Rule Making Activity.

June 30, 2005

Douglas J. Ellis

Acting Assistant Director

WSR 05-15-002

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed July 6, 2005, 1:49 p.m.]

Following is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2005, through December 31, 2005, 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.

MISC.

Washington State Department of Agriculture
Semi-Annual Rules Agenda
July 1, 2005 - December 31, 2005
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
Commodity Inspection Division						
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	TBD	TBD	TBD	Rewrite in a clear and readable format and possibly amend to mimic United States grades.
Chapter 16-436 WAC	Washington standards for peaches.	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-439 WAC	Pears, summer and fall.	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format. No new requirements.
Chapter 16-442 WAC	Winter pears.	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format. No new requirements.
Chapter 16-301 WAC	General seed regulations.	Fawad Shah Seed Program Program Manager Phone (509) 225-2682	9/15/04	TBD	TBD	In response to a petition from the Puget Sound Seed Growers Association, the department has formed a work group to develop amendments to chapter 16-301 WAC that satisfy petitioner concerns.
WAC 16-302-225	Land requirements for alfalfa seed certification.	Fawad Shah Seed Program Program Manager Phone (509) 225-2682	TBD	TBD	TBD	In response to an industry request, the department will consider modifying the dormancy restrictions for planting certified seed.
Pesticide Management Division						
WAC 16-228-1010	What are the definitions that apply to this chapter?	Ann Wick Program Development Program Manager Phone (360) 902-2051	5/11/05	8/24/05	10/19/05	Amend WAC 16-228-1010 to add a definition for "responsible person" and modify or delete the definition of "fumigant."
WAC 16-201-220	Backflow prevention.	Ted Maxwell Registration Services Program Manager Phone (360) 902-2026	8/3/05	9/21/05	TBD	Amend the section to eliminate annual inspection of approved air gaps.
WAC 16-229-010	Definitions.	Ted Maxwell Registration Services Program Manager Phone (360) 902-2026	8/3/05	9/21/05	TBD	Add definition of "approved air gap" and "approved reduced pressure principle backflow prevention assembly."
WAC 16-229-240	Backflow prevention.	Ted Maxwell Registration Services Program Manager Phone (360) 902-2026	8/3/05	9/21/05	TBD	Amend the section to eliminate annual inspection of approved air gaps.
WAC 16-229-410	Backflow prevention.	Ted Maxwell Registration Services Program Manager Phone (360) 902-2026	8/3/05	9/21/05	TBD	Amend the section to eliminate annual inspection of approved air gaps.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-228-1410	What pesticides are considered home and garden use only pesticides?	Cliff Weed Program Development Program Manager Phone (360) 902-2036	TBD	TBD	TBD	Amend this section by replacing the words "labeled solely for" with the words "primarily for." This will provide greater flexibility in classifying some pesticides as home and garden.
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 16-230-470 WAC 16-230-600 through 16-230-675 WAC 16-230-800 through 16-230-868 WAC 16-231-100 through 16-231-183 WAC 16-231-200 through 16-231-235 WAC 16-231-300 through 16-231-335 WAC 16-231-400 through 16-231-425 WAC 16-231-500 through 16-231-530 WAC 16-231-600 through 16-231-620 WAC 16-231-700 through 16-231-725 WAC 16-231-800 through 16-231-840 WAC 16-231-900 through 16-231-935 WAC 16-232-001 through 16-232-077	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. Restricted use herbicides—Yakima County. 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.	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 16-232-100 through 16-232-120	Restricted use herbicides—Lincoln County.					
WAC 16-232-200 through 16-232-225	Restricted use herbicides—Garfield County.					
WAC 16-232-300 through 16-232-315	Restricted use herbicides—Kittitas County.					
Animal Health and Livestock Identification						
Chapter 16-54 WAC	Animal importation.	Leonard Eldridge, DVM Assistant Director Animal Health and Livestock Identification Division Phone (360) 902-1881	5/18/05	TBD	TBD	The department is considering amendments throughout the chapter that will clarify language, update references, bring procedures into line with industry needs and reformat rule sections so they are easier to understand and use.
Food Safety and Consumer Services Division						
NEW	Public disclosure of nutrient management plan information.	Nora Mena Livestock Nutrient Management Program Manager Phone (360) 902-2894	12/7/05	7/06	TBD	Implement rule making required by SSB 5602 to establish ranges by which certain figures in livestock nutrient management plans are reported. When a public disclosure request is made total number of animals, acres, nutrients generated and nutrients exported off site as well as crop yields will be reported in ranges rather than as specific numbers.
WAC 16-157-220	Producer fee schedule.	Miles McEvoy Organic Food Program Manager Phone (360) 902-1924	6/22/05	8/24/05	10/27/05	Amend WAC 16-157-220 to change the way the maximum application/renewal fees for producers are calculated and change renewal application date from March 1 to February 1.
Chapter 16-160 WAC	Material registration.	Miles McEvoy Organic Food Program Manager Phone (360) 902-1924	8/15/05	10/15/05	12/15/05	Amend organic material registration rule to include evaluation for materials compliance with Japanese organic standards and European organic standards.
NEW	State organic program.	Miles McEvoy Organic Food Program Manager Phone (360) 902-1924	8/15/05	10/15/05	12/15/05	Write new rules to enforce the national organic program within Washington state and for becoming a state organic program.

George Huffman
Rules Coordinator

WSR 05-15-003
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 6, 2005, 2:19 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-54 MAA.
 Subject: Occupational therapy program: Fee schedule changes.
 Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2005 relative value units (RVUs);
- One (1.0) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-004
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:20 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-33 MAA.
Subject: Access to baby and child dentistry (ABCD):
Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will update the access to baby and child dentistry fee schedule with the one (1.0) percent vendor rate increase (VRI) that was appropriated by the legislature for the 2006 state fiscal year.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-005
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:21 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-35 MAA.
Subject: Ambulance and Involuntary Treatment Act (TA) transportation: Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will update the ambulance transportation fee

schedule with the one (1.0) percent vendor rate increase (VRI) appropriated by the legislature for the 2006 state fiscal year.

After consultation with the Washington Ambulance Association (WAA) and other ambulance providers, MAA will apply the amount appropriated for the ambulance VRI to ground ambulance base rates and air ambulance liftoff fees only. Rates for all other ambulance procedure codes will remain at their current level.

There is no VRI for providers of Involuntary Treatment Act (ITA) transportation serv.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-006
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-39 MAA.
Subject: Chiropractor—Fee schedule changes.
Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2005 relative value units (RVUs);
- One (1.0) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

MISC.

WSR 05-15-007**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 6, 2005, 2:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-40 MAA.

Subject: Dental and orthodontic—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2005 relative value units (RVUs);
- A one (1.0) percent vendor rate increase for children's program only.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005

Barbara Salmon

for Ann Myers, Manager
Rules and Publications Section**WSR 05-15-008****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 6, 2005, 2:24 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-42 MAA.

Subject: Enteral nutrition program—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) is adopting new names for certain products listed in the product list of the *Enteral Nutrition Billing Instructions*. MAA is also making a correction to the HCFA-1500 claim form instructions. These change are listed in this memorandum.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/>

publicationsfees.htm (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005

Barbara Salmon

for Ann Myers, Manager
Rules and Publications Section**WSR 05-15-009****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 6, 2005, 2:26 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-46 MAA.

Subject: Hearing aids and services—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement a legislatively appropriated one (1.0) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005

Barbara Salmon

for Ann Myers, Manager
Rules and Publications Section**WSR 05-15-010****INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 6, 2005, 2:27 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-48 MAA.

Subject: Home health services program—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement a rate change for home health services.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, Department of Social and Health Services, Medical Assis-

MISC.

tance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-011
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:28 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-50 MAA.
Subject: Kidney center services: Fee schedule changes.
Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2005 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS); and
- The updated Medicare single drug pricer (SDP).

MAA is also implementing a one percent (1.0) vendor rate increase authorized by the 2005 Washington state legislature.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-012
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:29 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-52 MAA.
Subject: Neurodevelopmental centers—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: **Effective for dates of service on and after July 1, 2005**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2005 relative value units (RVUs);
- Additions of current procedural terminology (CPT™) codes; and
- One (1.0) percent vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
Barbara Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-013
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 6, 2005, 2:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 05-53 MAA.
Subject: Nondurable medical supplies and equipment (MSE)—Fee schedule changes.

Effective Date: July 1, 2005.

Document Description: The Medical Assistance Administration (MAA) has revised the medical supplies and equipment fee schedule section in MAA's current *Nondurable Medical Supplies and Equipment (MSE) Billing Instructions*. The new maximum allowable rates are **effective for dates of service on and after July 1, 2005**.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, 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 web site <http://maa.dshs.wa.gov/download/>

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publicationsfees.htm (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

July 5, 2005
 Barbara Salmon
 for Ann Myers, Manager
 Rules and Publications Section

WSR 05-15-014

ATTORNEY GENERAL'S OFFICE

[Filed July 6, 2005, 2:57 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by August 10, 2005. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s):

**05-06-09 Request by Pam Roach
 State Senator, 31st District**

When a pesticide covered under RCW 17.21 is being applied to lumber that is owned by another, is it being applied to the "land" of another, as defined in RCW 117.21.020, such that a commercial Applicator license is required? Or is a Private-Commercial Applicator license sufficient?

Reviser's note: The typographical error in the above material occurred in the copy filed by the Attorney General's Office and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 05-15-019

**PUBLIC RECORDS OFFICER
 STATE BOARD OF EDUCATION**

[Filed July 7, 2005, 2:18 p.m.]

The Public Records Officer for the State Board of Education will be Laura Moore, Executive Assistant, State Board of Education, P.O. Box 47206, Mailstop 47206, 600 Washington Street S.E., Room 253, Olympia, WA 98504-7206, phone (360) 725-6025, fax (360) 586-2357, e-mail lmoore@ospi.wednet.edu.

Larry Davis
 Executive Director

WSR 05-15-026

**AGENDA
 UNIVERSITY OF WASHINGTON**

[Filed July 8, 2005, 2:17 p.m.]

**Semiannual Agenda for Rules under Development
 (Per RCW 34.05.314)
 July 2005**

1. Rule making for a newly proposed chapter 478-137 WAC, Use of University of Washington, Bothell and Cascadia Community College joint facilities, continues during the second half of 2005.
2. Expedited rule making for proposed housekeeping amendments to Title 478 WAC rules will begin during the second 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) 543-9219, fax (206) 616-6294, or e-mail rules@u.washington.edu.

WSR 05-15-028

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 NATURAL RESOURCES
 (Board of Natural Resources)**

[Memorandum—July 7, 2005]

Board of Natural Resources Retreat

Date	Location
August 24 and 25, 2005	Tour Pacific Cascade Region (Southwest Washington) no special meeting will be held.

MISC.

WSR 05-15-029
PUBLIC RECORDS OFFICER
BOARD OF ACCOUNTANCY
[Filed July 8, 2005, 2:20 p.m.]

Richard C. Sweeney, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 586-0163, fax (360) 664-9190, e-mail ricks@cpaboard.wa.gov, is hereby designated as the Washington State Board of Accountancy's Public Records Officer.

Richard C. Sweeney, CPA
Executive Director

WSR 05-15-030
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—June 30, 2005]

NOTICE OF PUBLIC MEETINGS
FOR 2005

Following is an *updated* schedule of meetings of the Washington State Human Rights Commission for 2005.

With the exception of conference calls, the usual format for the meetings is a public forum on Thursday evenings from 7:00 p.m. to 9:00 p.m. (for meetings that have Thursdays noted) and a regular business meeting beginning at 9:00 a.m. on Friday. All meetings are held in accessible locations.

Conference calls start at 10 a.m. originating out of Olympia. Individuals can participate in commission meetings held by conference call by coming to the commission's headquarters office at 711 South Capitol Way, Suite 402, Olympia, WA.

If you have questions or need additional information, please contact Tanya Calahan at (360) 753-4876 or tcalahan@hum.wa.gov.

DATES	LOCATION
July 22 (Friday)	SeaTac
August 26 (Friday)	Olympia (conference call)
September 22 (Thursday)	Moses Lake
September 23 (Friday)	Pasco
October 27-28 (Thursday and Friday)	Vancouver
November 17-18 (Thursday and Friday)	SeaTac
December 16 (Friday)	Olympia (conference call)

WSR 05-15-031
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—July 7, 2005]

At their regular June 16 meeting, the board of trustees of South Puget Sound Community College District 24 adopted their regular meeting schedule for 2005-2006. In compliance with RCW 42.30.075, the following is the schedule:

Thursday, July 14, 2005	8:00 a.m.- 2:00 p.m.
(Special Meeting/Board Retreat)	
Thursday, September 1, 2005	3:00 p.m.
Thursday, October 13, 2005	3:00 p.m.
Thursday, November 10, 2005	3:00 p.m.
Thursday, December 15, 2005	3:00 p.m.
Thursday, January 12, 2006	3:00 p.m.
Thursday, February 9, 2006	3:00 p.m.
Thursday, March 9, 2006	3:00 p.m.
Thursday, April 13, 2006	3:00 p.m.
Thursday, May 11, 2006	3:00 p.m.
Thursday, June 8, 2006	3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 05-15-034
PUBLIC RECORDS OFFICER
COUNTY ROAD
ADMINISTRATION BOARD
[Filed July 11, 2005, 9:23 a.m.]

In accordance with section 3, chapter 483, Laws of 2005, the County Road Administration Board (CRAB) designates Karen Pendleton, Executive Assistant, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504, mailstop 40913, phone (360) 753-5989, fax (360) 586-0386, e-mail karen@crab.wa.gov, as CRAB's public records officer.

Jay P. Weber
Executive Director

WSR 05-15-035
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum—July 11, 2005]

Oil Transfer Operations Advisory Committee
Spill Prevention, Preparedness, and Response Program

The Department of Ecology announces a regular quarterly meeting on July 21, 2005, at 8:30 a.m. to 4:30 p.m., Marriott Hotel SeaTac Airport, 3201 South 176th Street, Seattle, WA, of the Oil Transfer Operations Advisory Committee established by RCW 88.46.160.

MISC.

The mission of this committee is to provide input and advice to the program on current oil transfer practices and improvements to those practices that would enhance the prevention of, preparedness for, and response to oil spills during transfers.

This meeting will be open to the public and a public comment period is included in the meeting agenda.

WSR 05-15-036
STATE BOARD OF EDUCATION

[Filed July 11, 2005, 9:24 a.m.]

During the 2005 legislative session, ESSB 5732, section 302, abolished the Academic Achievement and Accountability (A+) Commission as of July 1, 2005, and transferred its powers, duties, and functions to the Washington State Board of Education. All references in law to the A+ in the revised code is now to be construed to mean the State Board of Education. By operation of law, all records, contracts, rules, and pending business of the A+ are now transferred to the State Board of Education.

Therefore, at this time we request the rules contained in chapter 3-20 WAC be transferred to new chapter 180-105 WAC under the state board's title:

WAC 3-20-200	WAC 180-105-020
WAC 3-20-390	WAC 180-105-040
WAC 3-20-400	WAC 180-105-060

We further request that Title 3 WAC be decodified.

Larry Davis
Executive Director

WSR 05-15-037
RULES COORDINATOR
BELLEVUE COMMUNITY COLLEGE

[Filed July 11, 2005, 9:24 a.m.]

As required by RCW 34.05.310(3), effective July 18, 2005, the designated rules coordinator for Bellevue Community College, Community College District VIII, will be Sigrid Olsen, Executive Assistant to the President, Bellevue Community College, 3000 Landerholm Circle S.E., Room A201, Bellevue, WA 98007-6484, phone (425) 564-2302, fax (425) 564-2261, e-mail solsen@bcc.ctc.edu.

B. Jean Floten
President

WSR 05-15-038

NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY

[Memorandum—July 6, 2005]

Board of Trustees Meeting Dates for 2005-06

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at 1:00 p.m. on the following dates:

October 6-7, 2005 (*campus retreat with faculty*)
December 2, 2005
February 3, 2006
March 3, 2006 (*CWU-Yakima Center*)
May 5, 2006
June 9, 2006
August 3-4, 2006 (*board retreat*)

WSR 05-15-039
PUBLIC RECORDS OFFICER
WASHINGTON STATE UNIVERSITY

[Filed July 11, 2005, 9:25 a.m.]

Pursuant to section 3, chapter 483, Laws of 2005, Washington State University has designated Ralph Jenks as its Public Records Officer. Mr. Jenks can be contacted at the Office of Procedures, Records and Forms, IT Building 3089, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2004, fax (509) 335-3969, or e-mail jenks@wsu.edu.

Gregory P. Royer
Vice-President for
Business Affairs

WSR 05-15-040
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—July 7, 2005]

A meeting of the Washington State Convention and Trade Center Board of Directors Legislative Committee will be held on Wednesday, July 13, 2005, at 3:00 p.m. in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 05-15-041
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Elevator Advisory Committee)
 [Memorandum—July 8, 2005]

The Elevator Advisory Committee will hold a special meeting.

DATE	TIME	LOCATION
July 15, 2005	9:00 a.m.	Department of Labor and Industries 12806 Gateway Drive Tukwila, WA

Please call (360) 902-6128 if you have any questions.

WSR 05-15-042
PUBLIC RECORDS OFFICER
WASHINGTON STATE LOTTERY
 [Filed July 11, 2005, 12:34 p.m.]

Washington's Lottery public records officer is Ceil Buddeke, Legal Counsel, 814 East 4th Avenue, Olympia, WA 98506, P.O. Box 43025, Olympia, WA 98504-3025, mailstop 43025, phone (360) 664-4833, fax (360) 586-6586, e-mail Cbuddeke@walottery.com.

Public records coordinator is Candace Martin, Paralegal, 814 East 4th Avenue, Olympia, WA 98506, P.O. Box 43025, Olympia, WA 98504-3025, mailstop 43025, phone (360) 664-4831, fax (360) 586-6586, e-mail Cmartin@walottery.com.

WSR 05-15-044
PUBLIC RECORDS OFFICER
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed July 11, 2005, 3:52 p.m.]

Pursuant to section 3, chapter 483, Laws of 2005, the director hereby designates Patti Lee, P.O. Box 48380, Olympia, WA 98504-0108, phone (360) 664-7298, fax (360) 753-3166, e-mail pattil@drs.wa.gov, as the public records officer for the Department of Retirement Systems.

S. J. Matheson
 Director

WSR 05-15-068
PUBLIC RECORDS OFFICER
SHORELINE COMMUNITY COLLEGE
 [Filed July 13, 2005, 9:13 a.m.]

The Public Records Officer designee for Shoreline Community College is Lee D. Lambert, J.D., Vice-President for Human Resources and Legal Affairs, 16101 Greenwood Avenue North, Shoreline, WA 98133, work (206) 546-4764, fax (206) 546-5850, e-mail llambert@shoreline.edu.

If you have questions please contact Debbie Sherman at (206) 546-5880 or e-mail dsherman@shoreline.edu.
 Debbie Sherman
 Confidential Assistant/Secretary

WSR 05-15-069
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—July 12, 2005]

2005 Meeting Dates (Revised)

On October 5, 2004, the Workforce Training and Education Coordinating Board approved the 2005 meeting schedule. Following is a revised copy of the meeting dates.

Please feel free to contact Darlene Bartlett, (360) 753-5677 or dbartlett@wtb.wa.gov, if you have any questions.

2005 MEETING SCHEDULE

Thursday, January 27, 2005 - Meeting
 South Puget Sound Community College-Percival Room
 Olympia

Thursday, March 31, 2005 - Meeting
 State Investment Board-Board Room
 Olympia

Thursday, May 12, 2005 - Meeting
 State Investment Board-Board Room
 Olympia

Wednesday, July 6, 2005 - Dinner
 Thursday, July 7, 2005 - Meeting
 Everett WorkSource
 Everett

Wednesday, August 10, 2005 - Retreat
 Association of Washington Business
 Olympia

Wednesday, September 21, 2005 - Dinner
 Thursday, September 22, 2005 - Meeting
 Yakima Valley Community College
 Yakima

Wednesday, November 16, 2005 - Dinner
 Thursday, November 17, 2005 - Meeting
 T.B.A.
 Vancouver

WSR 05-15-070
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
 (Salmon Recovery Funding Board)
 [Memorandum—July 12, 2005]

This meeting for the Salmon Recovery Funding Board will be one day only, Monday, July 18, beginning at 9:30 a.m.

MISC.

and adjourning by 5:00 p.m. The meeting is being held in the Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia. Directions to the meeting location and additional meeting information will be posted on the board's web page at <http://www.iac.wa.gov/srfb/board/schedules.htm>.

If you need special accommodations to participate in this meeting, please notify us by July 15, 2005, at (360) 902-2636 or TDD (360) 902-1996.

WSR 05-15-071
PUBLIC RECORDS OFFICER
OFFICE OF
INSURANCE COMMISSIONER
 [Filed July 13, 2005, 1:42 p.m.]

Pursuant to chapter 483, Laws of 2005, please show Al Papas, phone (360) 725-7003, fax (360) 664-2782, e-mail pdr@oic.wa.gov, mailing address P.O. Box 40255, Olympia, WA 98504-0255, as public disclosure officer of the Insurance Commissioner's Office.

WSR 05-15-072
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—July 14, 2005]

Change in Meeting Locations for 2005

August 24-26, 2005

August 24
 Library, Pasco High School
 1108 North 10th Avenue
 Pasco, WA 99301
 (509) 547-5581

August 25-26, 2005

Educational Service District 123
 3918 West Court Street
 Pasco, WA 99301
 (509) 547-8441

WSR 05-15-073
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—July 11, 2005]

Following is the schedule for the board of trustees for the Eastern Washington State Historical Society for our fiscal year, July 2004 through June 2005. We are agency number 395 and our board is a volunteer board.

Eastern Washington State Historical Society
 Board of Trustees Meeting Schedule
 Gilkey Community Room
 2316 West First Avenue, Spokane, WA 99204

12:00 Noon - 1:30 p.m.
 (unless otherwise noted)

Agency #395
 Eastern Washington State Historical Society
 2005 - 2006 Board of Trustee Meeting Schedule

	Board of Trustees Tuesdays Noon
June/July 2005	July 5
July/August 2005	August 10 5 p.m. at Hanson Home
August/September 2005	September 6
September/October 2005	October 4
October/November 2005	November 1
November 2005	No meeting
December/January 2005	January 3
January/February 2006	February 7
February 2006	No meeting
March/April 2006	April 4
April/May 2006	May 2
May/June 2006	June 6
June 2006	2nd Tuesday due to Holiday **July 11
July/August 2006	Summer Social - Date TBD
August/September 2006	September 5

WSR 05-15-074
PUBLIC RECORDS OFFICER
CLOVER PARK
TECHNICAL COLLEGE
 [Filed July 14, 2005, 1:53 p.m.]

The public records officer for Clover Park Technical College is Ms. Amy Goings, Vice-President for Resource and College Development, Clover Park Technical College, 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098, phone (253) 589-5782, fax (253) 589-5637, e-mail amy.goings@cptc.edu.

Cherie Steele
 Rules Coordinator

MISC.

WSR 05-15-076
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 14, 2005, 4:18 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title and Subject: 05-44 MAA Family Planning, Family Planning Only, Take Charge - Fee Schedule Changes; 05-55 MAA Orthodontics; 05-57 MAA Oxygen Providers; 05-58 MAA Physical Therapists; 05-60 MAA Planned Home Births, Births in Birthing Centers; 05-63 MAA Private Duty Nursing; 05-64 MAA Psychologists; and 05-65 MAA Speech Pathologists/Audiologists.

Effective Date: July 1, 2005.

Document Description: Effective with dates of service on and after July 1, 2005, HRSA (formerly MAA) updated fee schedules in various provider billing instructions. The update included changes to fees and procedure codes.

To receive a copy of the interpretive or policy statement, contact Rebecca McAferty, Office of Rules and Publications, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1348 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mcaferl@dshs.wa.gov.

July 13, 2005

Rebecca McAferty
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-077

INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 14, 2005, 4:19 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title and Subject: 05-34 MAA Adult Day Health - Fee Schedule Changes; 05-36 MAA Ambulatory Surgery Centers; 05-37 MAA Blood Bank Program; 05-42 MAA Enteral Nutrition; 05-43 MAA EPSDT Program; 05-47 MAA HIV/AIDS Cast Management; 05-49 MAA Home Infusion/Parenteral Nutrition; 05-51 MAA Medical Nutrition Therapy; 05-56 MAA Outpatient Hospital Program; 05-61 MAA Prenatal Genetic Counseling; and 05-62 MAA Prescription Drugs.

Effective Date: July 1, 2005.

Document Description: Effective with dates of service on and after July 1, 2005, HRSA (formerly MAA) updated fee schedules in various provider billing instructions. The update included changes to fees and procedure codes.

To receive a copy of the interpretive or policy statement, contact Barbara Salmon, Office of Rules and Publications, Department of Social and Health Services, Health and

Recovery Services Administration (formerly MAA), Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail salmobl@dshs.wa.gov.

June 11, 2005

Barbara L. Salmon
for Ann Myers, Manager
Rules and Publications Section

WSR 05-15-086

PUBLIC RECORDS OFFICER
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed July 15, 2005, 10:31 a.m.]

Julie Walter 319 7th Avenue S.E., P.O. Box 42495, Olympia, WA 98504-2495, mailstop 42495, phone (360) 704-4313, fax (360) 586-6440, e-mail jwalter@sbctc.ctc.edu, is designated as the public records officer for the State Board for Community and Technical Colleges.

Earl Hale
Executive Director

WSR 05-15-087

NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—July 13, 2005]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on Tuesday, July 19, 2005, at 2:00 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 05-15-088

PUBLIC RECORDS OFFICER
GROWTH MANAGEMENT
HEARINGS BOARD

[Filed July 15, 2005, 10:32 a.m.]

Patricia Davis will serve as this board's public records officer. She can be reached by e-mail at PatDavis@ww.gmhb.wa.gov.

Holly Gadbow
Administrative Chair

WSR 05-15-089
RULES COORDINATOR
GROWTH MANAGEMENT
HEARINGS BOARD

[Filed July 15, 2005, 10:32 a.m.]

Margery Hite, board member, replaces Mr. Nielson as the rules coordinator and she can be reached by e-mail at MHite@direcway.com.

Holly Gadbow
Administrative Chair

WSR 05-15-093
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 2005, 1:18 p.m.]

NOTICE OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Administrative Policy 1.13.
Subject: How DCS develops policies.
Effective Date: July 1, 2005.
Document Description: AP 1.13 is updated to reflect recent staff changes.

To receive a copy of the interpretive or policy statement, contact Susan Reams, Technical Writer, Policy, Legal and Legislation Unit, Division of Child Support, P.O. Box 9162, Olympia, WA 98504, phone (360) 664-5278, fax (360) 586-3274, e-mail sreams@dshs.wa.gov.

July 14, 2005
Susan Reams

WSR 05-15-110
RULES OF COURT
STATE SUPREME COURT

[July 14, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO IRLJ 1.2,) NO. 25700-A-826
IRLJ 2.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, IRLJ)
3.1, IRLJ 3.3, IRLJ 3.4, IRLJ 3.5, IRLJ 4.2)
AND IRLJ 6.7)

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 1.2, IRLJ 2.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, IRLJ 3.1, IRLJ 3.3, IRLJ 3.4, IRLJ 3.5, IRLJ 4.2 and IRLJ 6.7, 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 expeditiously.

(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 90 days from the published date. 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 14th day of July 2005.

For the Court

Gerry L. Alexander
CHIEF JUSTICE

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 05-16 issue of the Register.

WSR 05-15-111
RULES OF COURT
STATE SUPREME COURT
[July 18, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 12,) NO. 25700-A-827
REGULATION 2, REGULATION 3 AND)
REGULATION 9)

The Washington State Bar Association and the Limited Practice Board having recommended the adoption of the proposed amendments to APR 12, Regulation 2, Regulation 3 and Regulation 9, 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 expeditiously.

(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 90 days from the published date. 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 14th day of July 2005.

For the Court

Gerry L. Alexander
CHIEF JUSTICE

MISC.

REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD

REGULATION 2: APPLICATIONS

A. Application. An applicant must complete and file in duplicate with the Washington State Bar Association (WSBA):

- 1. two copies of a completed application for admission to limited practice under APR 12 (one of which may be a photocopy);
2. a fingerprint card which has been processed by the applicant at a local police department;
3. a signed Authorization and Release; and
4. a signed Affidavit of Applicant.

The application shall not be considered complete and will not be approved pursuant to Regulation 4 3 unless the applicant has provided a current residential address.

B. Fees. An applicant will pay a fee of \$125.00 an examination fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which must be paid with the application, and each applicant will be sent a receipt for the application and fee.

D. Refunds and Transfers.

1. For all applicants there is a \$75.00 nonrefundable administration fee totaling one half the amount of the examination fee.

2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.

3. An applicant may withdraw from the current examination and apply the examination fee to the next examination only, and only upon the following conditions: the written request to transfer must be received at least 14 days prior to the date set for the examination, and the applicant must repay the administration fee.

4. An applicant withdrawing an application or requesting to transfer to the next examination less than 14 days prior to the date set for the examination will receive no refund of any kind.

5. If the application is denied before the examination, the application examination fee less the \$75 nonrefundable administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full application examination fee then required of all applicants.

6. If an applicant fails the examination and applies to repeat the next scheduled examination, the examination fee shall be \$125.00 the amount set by the Limited Practice Board with the approval of the Supreme Court.

7. Any applicant transferring to the next application examination must execute and file a Declaration in the form prescribed by the Limited Practice Officer Board.

REGULATION 9: ANNUAL FEE

A. Except as set forth in section B of this Regulation, every Limited Practice Officer shall pay an annual fee of \$85.00 in an amount set by the Limited Practice Board with the approval of the Supreme Court, which is due July 1 of each year. ...

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active

status prior to July 1 of that same calendar year shall be \$40 one half the amount of the annual fee. ...

REGULATION 3: APPROVAL OR DENIAL OF APPLICATION

A. Approval of Application. The Limited Practice Board will determine if the application meets the criteria established in APR 12.

B. Denial of Application. If the application is denied, the applicant will be granted the right to an appeal of the determination pursuant to Regulation 5 4.

C. Notification of Action on Application. The applicant will be notified whether the application has been approved or denied. If the application has been approved, the applicant will be informed of the date, time and location of the next examination. If the application has been denied, the applicant will be notified of the basis for the denial and of the appeal process of Regulation 5 4.

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 05-15-112

RULES OF COURT

STATE SUPREME COURT

[July 14, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CrR 4.2(g)) NO. 25700-A-828

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g), 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 14th day of July 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J.M. Johnson, 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 05-16 issue of the Register.

MISC.

WSR 05-15-113
RULES OF COURT
STATE SUPREME COURT

[July 14, 2005]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO IRLJ 6.2(d)) NO. 25700-A-829

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 6.2(d), 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 is adopted.
- (b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 14th day of July 2005.

Alexander, C.J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J.M. Johnson, J.

INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION

RULE 6.2
MONETARY PENALTY SCHEDULE FOR
INFRACTIONS

(a) **Effect of Schedule.** The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case. Provided that, whenever the base penalty plus statutory assessments results in a total payment that is not an even dollar amount, the base penalty is deemed to be amended to a higher amount which produces the next greatest even dollar total.

(b) **Unscheduled Infractions.** The penalty for any infraction not listed in this rule shall be \$37, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

(c) **Infractions Not Covered.** This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

(d) **Penalty Schedule.** The following infractions shall have the penalty listed, not including statutory assessments.

	Base Penalty
(1) Traffic Infractions	
Second Degree Negligent Driving	\$250
Wrong way on freeway (RCW 46.61.150)	\$177
Wrong way on freeway access (RCW 46.61.155)	\$82
Backing on limited access highway (RCW 46.61.605)	\$82
Spilling or failure to secure load (RCW 46.61.655)	\$82
Throwing or depositing debris on highway (RCW 46.61.645)	\$82
Disobeying school patrol (RCW 46.61.385)	\$82
Passing stopped school bus (with red lights flashing) (RCW 46.61.370)	\$82
Violation of posted road restriction (RCW 46.44.080; RCW 46.44.105(4))	\$177
Switching license plates, loan of license or use of another's (RCW 46.16.240)	\$82
Altering or using altered license plates (RCW 46.16.240)	\$82
Operator's Licenses (RCW 46.20)	
No Valid Driver's License (With Identification)	\$250
All other RCW 46.20 infractions	\$37
Vehicle Licenses (RCW 46.16)	
Expired Vehicle License (RCW 46.16.010)	
Two months or less	\$37
Over 2 months	\$82
Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.	
1-5 m.p.h. over limit	\$22
6-10 m.p.h. over limit	\$32
11-15 m.p.h. over limit	\$47
16-20 m.p.h. over limit	\$62
21-25 m.p.h. over limit	\$77
26-30 m.p.h. over limit	\$97
31-35 m.p.h. over limit	\$122
36-40 m.p.h. over limit	\$147
Over 40 m.p.h. over limit	\$177
Speeding if speed limit is 40 m.p.h. or less	
1-5 m.p.h. over limit	\$32
6-10 m.p.h. over limit	\$37
11-15 m.p.h. over limit	\$52
16-20 m.p.h. over limit	\$72
21-25 m.p.h. over limit	\$97
26-30 m.p.h. over limit	\$122
31-35 m.p.h. over limit	\$147
Over 35 m.p.h. over limit	\$177
Speed Too Fast for Conditions (RCW 46.61.400(1))	\$37
Rules of the Road	
Failure to stop (RCW 46.61.050)	\$37
<u>Failure to stop on approach of emergency vehicle (RCW 46.61.210)</u>	<u>\$500</u>
Failure to yield the right of way (RCW 46.61.180, 185, .190, .205, .235, .300, .365)	\$37
<u>Failure to yield the right of way on approach of emergency vehicle (RCW 46.61.210)</u>	<u>\$500</u>
Following too close (RCW 46.61.145, .635)	\$37
Failure to signal (RCW 46.61.310)	\$37
Improper lane usage or travel (RCW 46.61.140)	\$37

MISC.

	Base Penalty		Base Penalty
Impeding traffic (RCW 46.61.425)	\$37	Violation of Federal Motor Carrier Safety Regulations	
Improper passing (RCW 46.61.110, .115, .120, .125, .130)	\$37	(RCW 46.32.010)	
Prohibited and improper turn (RCW 46.61.290, .295, .305)	\$37	Logbook/Medical Certificate	\$64
Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	\$37	Equipment/All Others	\$37
Operating with obstructed vision (RCW 46.61.615)	\$37	Private Carrier (RCW 46.73)	
Wrong way on one-way street (RCW 46.61.135)	\$37	Failure to display valid medical exam	\$64
Failure to comply with restrictive signs (RCW 46.61.050)	\$37	Violation of daily log book	
Accident		Driver not out of service	\$64
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	\$62	Driver out of service	\$90
Equipment (RCW 46.37)		Off-Road Vehicles (ATVs) (RCW 46.09)	
Illegal use of emergency equipment (RCW 46.37.190)	\$82	Any RCW 46.09 infraction	\$42
Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390 (1) and (3))		Snowmobiles (RCW 46.10)	
First offense (the penalty may be waived upon proof to the court of compliance)	\$42	Any RCW 46.10 infraction	\$42
Second offense within 1 year of first offense	\$62	Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25
Third and subsequent offenses within 1 year of first offense	\$82	Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	\$250
Any other equipment infraction (RCW 46.37.010)	\$37	(2) Commercial Vehicle Infractions	
Motorcycles		Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	\$37
Any infraction relating specifically to motorcycles (including no valid endorsement, RCW 46.20.500)	\$37	Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	\$37
Parking		Defective Equipment/Driver Safety (charter/excursion bus) (WAC 480-40-075)	\$37
Illegal parking on roadway (RCW 46.61.560)	\$30	Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	\$37
Any other parking infraction (not defined by city or county ordinance)	\$20	Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	\$37
Pedestrians		Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	\$37
Any infraction regarding pedestrians (not defined by city or county ordinance)	\$22	Failure To Have Proof of Insurance (RCW 81.80.190)	\$250
Bicycles		Defective Equipment/Driver Safety (WAC 480-12-180)	\$37
Any infraction regarding bicycles	\$27	Commercial Vehicle License (WAC 480-12-180(1))	\$37
Load Violations		Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	\$37
(all under RCW 46.44, except over license capacity) (see RCW 46.16)		Commercial Vehicle License (limousine) (WAC 480-35-090(1))	\$37
Over legal—tires, wheelbase (RCW 46.44.105(1))		(3) Parks and Recreation Infractions	
(First offense)	\$67	Display of Snowmobile Registration Number, Decals, and Validation Tabs (WAC 308-94-070)	\$50
(Second offense)	\$97	Off-Road Vehicle Traffic Prohibited (WAC 332-52-030(4))	\$37
(Third offense)	\$112	Travel Off-Road or Off-Trail (WAC 332-52-030 (4)(c))	\$37
In addition to the above (RCW 46.44.105(2))		Spark-Arresting Muffler Required (WAC 332-52-030 (4)(h))	\$37
3 cents per excess pound		Yield Right of Way to:	
Over license capacity (RCW 46.16.145)		Log Hauling and Gravel Trucks (WAC 332-52-030 (4)(l))	\$37
(First offense)	\$52	Animal-Drawn Vehicles/Persons Riding Animals (WAC 332-52-030 (4)(l))	\$37
(Second offense)	\$97	Following Closer Than 150 Feet (WAC 332-52-030 (4)(m))	\$37
(Third offense)	\$112	Moving Through Livestock Herd Without Direction (WAC 332-52-030 (4)(o))	\$37
Violation of special permit	\$62	Parking on the Traveled Portion of the Roadway (WAC 332-52-030 (4)(q))	\$30
Failure to obtain special permit	\$62	Excessively Rev Vehicle Engine (WAC 332-52-030 (4)(r))	\$37
Failure to submit to being weighed	\$62	Driving/Parking Vehicles (WAC 332-52-050(1))	\$37
Illegal vehicle combination (RCW 46.44.036)	\$62	Bicycles/Motorbikes/Motorcycles on Posted Trails (WAC 332-52-050(3))	\$37
Illegally transporting mobile home	\$67		
Any other infraction defined in RCW 46.44	\$47		

MISC.

	Base Penalty		Base Penalty
Driving Motor Vehicle in Camp (WAC 332-52-050(4))	\$37	Observer Does Not Meet Minimum Qualifications (RCW 79A.60.170(3))	\$62
Moorage and Use of Marine Facilities (WAC 352-12-010)	\$37	Water Skier Not Wearing Personal Flotation Device (RCW 79A.60.170(4))	\$62
Moorage Fees (WAC 352-12-020)	\$37	Overloading of Vessel Beyond Safe Carrying Ability (RCW 79A.60.180(1))	\$112
Seasonal Permits (WAC 352-12-030)	\$37	Carrying Passengers in Unsafe Manner (RCW 79A.60.180(1))	\$62
Use of Onshore Campsites (WAC 352-12-040)	\$37	Overpowering of Vessel Beyond Vessel's Ability To Operate Safely (RCW 79A.60.180(2))	\$112
Self-Registration (WAC 352-12-050)	\$62	Person Not Wearing Personal Flotation Device (PFD) on Per- sonal Watercraft (RCW 79A.60.190(1))	\$62
Parking (WAC 352-20-010)	\$24	Failure To Give Accident Information to Law Enforcement (RCW 79A.60.200(1))	\$112
Motor Vehicles on Roads and Trails (WAC 352-20-020)	\$62	Motor Propelled Vessels Without Effective Muffler in Good Working Order and Constant Use (RCW 79A.60.130(1))	\$37
Speed Limits (WAC 352-20-030)	\$37	Sound Level in Excess of 90 Decibels for Engines Made Before 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$37
Vehicles in Snow Areas (WAC 352-20-040)	\$62	Sound Level in Excess of 88 Decibels for Engines Made on or After 1/1/94 Using Stationary Test (RCW 79A.60.130(1))	\$37
Trucks and Commercial Vehicles (WAC 352-20-050)	\$37	Sound Level in Excess of 75 Decibels Using Shoreline Test (RCW 79A.60.130(3))	\$37
Camping (WAC 352-32-030)	\$62	Removing, Altering or Modifying Muffler or Muffler System (RCW 79A.60.130(7))	\$37
Campsite Reservation (WAC 352-32-035)	\$37	Manufacturing, Selling, or Offering for Sale Any Vessel Equipped With Noncomplying Muffler or Muffler System (RCW 79A.60.130(8))	\$62
Picnicking (WAC 352-32-040)	\$37	Vessel Exemption/Exception for Competing in Racing Events Carried on Board Operating Vessel (RCW 79A.60.130(8))	\$37
Park Periods (Unlawful Entry) (WAC 352-32-050)	\$62	Personal Flotation Devices (PFDs) (WAC 352-60-030)	\$37
Park Capacities (WAC 352-32-053)	\$37	Visual Distress Signals (WAC 352-60-040)	\$37
Peace and Quiet (WAC 352-32-056)	\$62	Ventilation (WAC 352-60-050)	\$37
Pets (WAC 352-32-060)	\$37	Navigation Lights and Sound Signals (WAC 352-60-060)	\$37
Horseback Riding (WAC 352-32-070)	\$37	Steering and Sailing (WAC 352-60-070)	\$37
Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)	\$37	Fire Extinguishing Equipment (WAC 352-60-080)	\$37
Swimming (WAC 352-32-080)	\$37	Backfire Flame Control (WAC 352-60-090)	\$37
Games (WAC 352-32-090)	\$37	Liquefied Petroleum Gas (WAC 352-60-100)	\$37
Disrobing (WAC 352-32-100)	\$37	Canadian Vessels (WAC 352-60-110)	\$37
Tents, etc., on Beaches (WAC 352-32-110)	\$37		
Lakes Located Wholly Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-155)	\$37		
Lakes located Partially Within State Park Boundaries—Internal Combustion Engines Prohibited (WAC 352-32-157)	\$37		
Solicitation (WAC 352-32-195)	\$62		
Intoxication in State Park Areas (WAC 352-32-220)	\$137		
Food and Beverage Containers on Swimming Beaches (WAC 352-32-230)	\$37		
Use of Metal Detectors in State Parks (WAC 352-32-235)	\$37		
Self-Registration (WAC 352-32-255)	\$62		
Sno-Park Permit (WAC 352-32-260)	\$37		
Sno-Park Permit Display (WAC 352-32-265)	\$37		
Vehicular Traffic—Where Permitted—Generally (WAC 352-37-030)	\$62		
Equestrian Traffic (WAC 352-37-080)	\$37		
Pedestrians To Be Granted Right of Way (WAC 352-37-090)	\$37		
Beach Parking (WAC 352-37-100)	\$24		
Overnight Parking or Camping Prohibited (WAC 352-37- 110)	\$62		
Speed Limits (WAC 352-37-130)	\$37		
(4) Boating Infractions			
Operating Vessel in Negligent Manner (RCW 79A.60.030)	\$162		
No Personal Flotation Device (PFD) on Vessel for Each Per- son (RCW 79A.60.160(1))	\$37		
Personal Flotation Device Not the Appropriate Size (RCW 79A.60.160(1))	\$37		
Personal Flotation Device Not Readily Accessible (RCW 79A.60.160(1))	\$37		
Observer Required on Board Vessel (RCW 79A.60.170(2))	\$37		
Observer To Continuously Observe (RCW 79A.60.170(2))	\$37		
Failure To Display Skier Down Flag (RCW 79A.60.170(2))	\$37		
Flag/Pole Not to Specifications (RCW 79A.60.170(2))	\$37		

[Adopted effective September 1, 1992; amended effective June 25, 1993; May 1, 1994; August 15, 1995; June 5, 1996; December 28, 1999; July 22, 2001.]

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 05-15-114
POLICY STATEMENT
UNIVERSITY OF WASHINGTON
[Filed July 18, 2005, 12:11 p.m.]

The University of Washington has recently created or revised the following policy statements:
"Acceptance of Transfer Credit," revised effective January 24, 2005 (*University Handbook*, Vol. 4, Part III, Chapter 1, Section 6).

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"Use and Maintenance of Equipment," revised effective February 25, 2005 (Administrative Policy Statement 61.6).

"University-Wide Organization List," revised effective April 8, 2005 (Administrative Policy Statement 1.2).

"Classified, Proprietary, and Restricted Research," revised effective June 8, 2005 (*University Handbook*, Vol. 4, Part II, Chapter 1).

"Use of Human Subject," revised effective June 8, 2005 (*University Handbook*, Vol. 4, Part II, Chapter 2).

"The Faculty Councils," revised effective June 9, 2005 (*University Handbook*, Vol. 2, Part IV, Chapter 42, Section 42-31).

"Faculty Council for Women in Academia," effective June 9, 2005 (*University Handbook*, Vol. 2, Part IV, Chapter 42, Section 42-47).

"Faculty Council for Multicultural Affairs," effective June 9, 2005 (*University Handbook*, Vol. 2, Part IV, Chapter 42, Section 42-48).

To view any current policy statement from the *University Handbook*, go to the *University Handbook* web site <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>; to view a UW Administrative Policy Statement, go to the *Administrative Policy Statements* web site <http://www.washington.edu/admin/rules/APS/APSIndex.html>. Or, to request a paper copy of any from Rebecca Goodwin Deardorff, Director, Rules Coordination Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203, e-mail rules@u.washington.edu, or by fax at (206) 616-6294.

WSR 05-15-116
INTERPRETIVE STATEMENT
DEPARTMENT OF HEALTH

[Filed July 18, 2005, 12:18 p.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT

Title of Statement: HB 1237, relating to specialized commercial vehicles used for patient transportation.

Issuing Entity: Department of Health, Office of Emergency Medical Services and Trauma System.

Subject Matter: HB 1237 adds a definition for the term "stretcher," to RCW 18.73.030. The requirements outlined in RCW 18.73.180 "Other transportation vehicles" remain unchanged. This interpretive statement clarifies the provisions of HB 1237 and its interpretation of the issue.

Effective Date: June 20, 2005.

Contact Persons: Janet Kastl, Director, Washington State Department of Health, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, (360) 236-2832; or Michael Lopez, Education, Training, and Regional Support Manager, Washington State Department of Health, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, (360) 236-2841.

WSR 05-15-117
POLICY STATEMENT
DEPARTMENT OF HEALTH

[Filed July 18, 2005, 12:19 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Statement: Cross-Border Ambulance Reciprocity.

Issuing Entity: Department of Health, Office of Emergency Medical Services and Trauma System.

Subject Matter: This policy statement provides requirements and limitations for transporting patients across Washington state borders by ground or air ambulance.

Effective Date: November 30, 2003.

Contact Persons: Janet Kastl, Director, Washington State Department of Health, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, (360) 236-2832; or Jack Cvitanovic, Licensing and Certification Manager, Washington State Department of Health, Office of Emergency Medical Services and Trauma System, P.O. Box 47853, Olympia, WA 98504-7853, (360) 236-2848.

WSR 05-15-118
PUBLIC RECORDS OFFICER
DEPARTMENT OF HEALTH

[Filed July 18, 2005, 12:20 p.m.]

As required by section 3, chapter 483, Laws of 2005, effective July 1, 2005, the Department of Health is designating Kathy Stout, Washington State Department of Health, Office of the Secretary, P.O. Box 47890, Olympia, WA 98504-7890, phone (360) 236-4221, fax (360) 236-3706, e-mail Kathy.Stout@doh.wa.gov, as the agency's public records officer.

Bill White
Deputy Secretary

WSR 05-15-124
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 18, 2005, 4:02 p.m.]

ISSUANCE OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2003-6s—Cancellation of Excise Tax Advisories
(Sixth Supplement to ETA 2003)

This announcement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted Excise Tax Advisory (ETA) 2003-6s (Cancellation of excise tax advisories). This advisory is the sixth supplement to ETA 2003. It provides a list of excise tax advisories that have been can-

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celled subsequent to those advisories identified in the fifth supplement, ETA 2003-5s.

A copy of this document is available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 05-15-129

PUBLIC RECORDS OFFICER WASHINGTON STATE PATROL

[Filed July 19, 2005, 9:23 a.m.]

Ms. Gretchen Dolan, WSP Public Disclosure Section, P.O. Box 42631, Olympia, WA 98504-2631, mailstop 42631, (360) 438-5866, fax (360) 407-0175, Gretchen.Dolan@wsp.wa.gov, is the public records officer for the Washington State Patrol (WSP), in accordance with the requirements of 2SHB 1758, effective July 24, 2005.

Deputy Chief David J. Karnitz
for Chief John R. Batiste
Investigative Services Bureau

WSR 05-15-130

NOTICE OF PUBLIC MEETINGS EASTERN WASHINGTON UNIVERSITY

[Memorandum—July 14, 2005]

The board of trustees of Eastern Washington University will hold a meeting on the Cheney campus on Monday, July 18, 2005, at 4:00 p.m. in Showalter Hall, Room 214. Action will be taken on the selection of a presidential search consultant.

WSR 05-15-131

PUBLIC RECORDS OFFICER HIGHLINE COMMUNITY COLLEGE

[Filed July 19, 2005, 9:24 a.m.]

The public records officer for Highline Community College is Office of the Registrar, Highline Community College, Mailstop 6-4, P.O. Box 98000, Des Moines, WA 98198-9800, phone (206) 878-3710 ext. 3244, fax (206) 870-4855.

Connie Johnson, Director
Contracts, Leases and
Special Projects

WSR 05-15-132 PUBLIC RECORDS OFFICER WASHINGTON STATE SCHOOL FOR THE BLIND

[Filed July 19, 2005, 9:24 a.m.]

Our agency's public records officer will be Janet Merz, Administrative Assistant, Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661, mailstop S-27, (360) 696-6321 ext. 120, fax (360) 737-2120, janet.merz@wssb.wa.gov.

Dean O. Stenehjelm, Ed.D.
Superintendent

WSR 05-15-135

INTERPRETIVE AND POLICY STATEMENT DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 19, 2005, 9:27 a.m.]

In accordance with RCW 34.05.230(12), enclosed are the policy and interpretive statements issued by the department for May-June 2005.

If you have any questions or need additional information, please call Carmen Moore at (360) 902-4206.

POLICY AND INTERPRETIVE STATEMENTS

WISHA

WISHA Regional Directive (WRD) 21.90, "Charter Vessel Inspections"

WISHA Regional Directive (WRD) 21.90, "Charter Vessel Inspections," applies to all WISHA enforcement and consultation activities involving maritime inspections and/or consultations. It is substantively the same as WISHA Interim Operations Memorandum (WIOM) 99-1-H issued on January 29, 1999, which it replaces and rescinds. This new policy was issued May 9, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 22.80, "Qualifications of Maritime Inspectors"

WISHA Regional Directive (WRD) 22.80, "Qualifications of Maritime Inspectors," applies to all WISHA enforcement and consultation activities involving maritime inspections and/or consultations. It is substantively the same as WISHA Interim Operations Memorandum (WIOM) 99-1-G, issued on January 29, 1999, which it replaces and rescinds. This new policy was issued May 9, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 29.50, "Warning Lines Used for Fall Protection in Construction"

WISHA Regional Directive (WRD) 29.50, "Warning Lines Used for Fall Protection in Construction," provides guidance to WISHA staff regarding the use of warning line systems for fall protection in construction. This WRD, which will remain in effect indefinitely, replaces all previous guid-

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ance on the subject, whether formal or informal. This new policy was issued May 24, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 2.07, "Closing Conferences"

WISHA Regional Directive (WRD) 2.07, "Closing Conferences," which will remain in effect indefinitely, provides guidance to WISHA enforcement staff on the use of the "Closing Conference Highlights" form during an inspection. This WRD replaces all previous guidance on the issue whether formal or informal. This new policy was issued May 17, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 2.25, "Focused Inspections in Construction & Third Party Recognition Programs"

WISHA Regional Directive (WRD) 2.25, "Focused Inspections in Construction & Third-Party Recognition Programs," provides guidance for all WISHA enforcement activities involving employers who participate in construction association programs, specifically the ABC of Western Washington and the AGC of Washington. This WRD, which will remain in effect indefinitely, replaces and rescinds WISHA Interpretative Operations Memorandum 97-2-G, "Focused Safety Inspections in Construction." This new policy was issued May 26, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 7.07, "Powered Industrial Trucks Used to Load and Unload Trucks and Trailers"

WISHA Regional Directive (WRD) 7.07, "Powered Industrial Trucks Used to Load and Unload Trucks and Trailers," which will remain in effect indefinitely, applies to all WISHA enforcement and consultation activities involving WAC 296-863-40050, loading or unloading highway trucks with PITs. It replaces all previous guidance on the subject whether formal or informal. This new policy was issued May 17, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 7.30, "Storing and Handling Flammable and Combustible Liquids and Spray Finishing"

WISHA Regional Directive (WRD) 7.30, "Storing and Handling Flammable and Combustible Liquids and Spray Finishing," provides guidance to WISHA enforcement & consultation staff conducting inspections of spray-finishing operations. It is substantively the same as WRD 82-8 issued on April 7, 1982, which it replaces and rescinds. This WRD will remain in effect until the flammable and combustible requirements in WAC 296-24-330, 296-24-370, and 296-62-11019 are updated. This new policy was issued May 11, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 21.55, "Boatbuilding of Vessels 65 Feet or Less"

WISHA Regional Directive (WRD) 21.55, "Boatbuilding of Vessels 65 Feet or Less," provides guidance to WISHA enforcement and consultation staff, whenever they encounter boatbuilding activities. This WRD updates WRD 21.55 issued on March 8, 2005, and will remain in effect until rescinded. This policy was amended May 17, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

WISHA Regional Directive (WRD) 30.25 "Fall Protection during Excavation & Trenching Operations"

This regional directive provides guidance to WISHA consultation and enforcement staff regarding the appropriate application of the fall protection requirements in relation to excavation and trenching. It replaces all previous guidance on the topic, whether formal or informal, and will remain in effect indefinitely. This new policy was effective June 29, 2005.

Contact Marcia Benn, Mailstop 44648, phone (360) 902-5503.

SPECIALTY COMPLIANCE SERVICES

Driving by Minors in Non-Agricultural Jobs, ES.C.4.3

To implement a driving policy for minors that is compatible with the FLSA where it is more restrictive, and to clarify differences between state and federal law in order to remove jeopardy for employers. This new policy was issued May 23, 2005.

Contact Carlena Anderson or Mary Miller, Mailstop 44510, phone (360) 902-4692/(360) 902-6041.

Carmen Moore
Rules Coordinator

WSR 05-15-136

**NOTICE OF PUBLIC MEETINGS
CASCADIA COMMUNITY COLLEGE**

[Memorandum—July 18, 2005]

Board of Trustees Meetings for 2005-2006 Academic Year
Approved by the Board July 29, 2005

Many board meetings begin with an executive session. Please contact the president's office, (415) 352-8252, for official start time for the public session.

The board meetings are held on the 3rd Wednesday of each month starting at 4:00 p.m. at Cascadia Community College, Board Room, Room 260, 18345 Campus Way N.E., Bothell, WA 98011.

2005-06 Board Meeting Dates

September 21, 2005
October 19, 2005
November 16, 2005
December 21, 2005
January 18, 2006

February 15, 2006
 March 15, 2006
 April 19, 2006
 May 17, 2006
 June 21, 2006

Please note: No regular meetings will be held during July and August.

WSR 05-15-143
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 19, 2005, 4:14 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title and Subject: 05-68 MAA Certified Public Expenditures.

Effective Date: July 1, 2005.

Document Description: Effective with dates of service on and after July 1, 2005, HRSA (formerly MAA) updated fee schedules in various provider billing instructions. The update included changes to fees and procedure codes.

To receive a copy of the interpretive or policy statement, contact Rebecca McAferty, Office of Rules and Publications, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1348 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mcaferl@dshs.wa.gov.

July 19, 2005

Rebecca McAferty

for Ann Myers, Manager

Rules and Publications Section

WSR 05-15-144
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 19, 2005, 4:15 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Public Notice.

Subject: Medicaid state plan amendment 05-006.

Effective Date: August 1, 2005.

Document Description: The Department of Social and Health Services (department), Medical Assistance Administration (MAA), is updating the Medicaid state plan through state plan amendment (SPA) 05-006 to further describe policy and methods for hospital payment explained in Attachment 4.19-A, Part I of the state plan. These changes to pay-

ment method are justified to clarify the payment methods described and comply with the state's current policy.

This update lists programs where changes to the plan are being made. Significant changes include:

Attachment 4.19-A, Part I:

- Establish a community psychiatric hospitalization base payment rate for payments for certain psychiatric services provided in some hospitals.
- Update disproportionate share hospital (DSH) and upper payment limit (UPL) payment programs.
- Clarify text for the full cost/certified public expenditure payment program.

Written comments may be sent to Doug Porter, Assistant Secretary, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45080, Olympia, WA 98504-5080.

For more information regarding this clarification of language, please write to Larry Linn, Office of Hospital and Managed Care Rates, Medical Assistance Administration, Department of Social and Health Services, P.O. Box 45510, Olympia, WA 98504-5510.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Medical Assistance Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, web link <http://maa.dshs.wa.gov>, [T]DD (800) 848-5429, fax (360) 586-9727, e-mail Myersea@dshs.wa.gov.

Ann Myers

WSR 05-15-155
AGENDA
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH

[Filed July 20, 2005, 8:47 a.m.]

JULY 2005 RULES AGENDA

This report details the anticipated rule-making activities of the Department of Health and the State Board of Health for the next six months. If you have any questions regarding this report or Department of Health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding State Board of Health rule-making activities please contact Craig McLaughlin at (360) 236-4106.

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State Board of Health Rules

Pre CR-101, (State Board of Health (SBOH) Rules-Anticipated Rule Making)					
WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-217	69.060	State Board of Health	Food worker cards	Ned Therien, (360) 236-4103, State Board of Health. Dave Gifford, (360) 236-3074, Department of Health.	Anticipate filing CR-101 8/05
246-282-005	69.30	State Board of Health, delegated to secretary	Sanitary control of shellfish	Ned Therien, (360) 236-4103, State Board of Health. Nancy Napolilli, (360) 236-3325, Department of Health.	Pending
246-490-040	43.20.050	State Board of Health	Human remains	Ned Therien, (360) 236-4103, State Board of Health. Jennifer Tebaldi, (360) 236-4225, Department of Health.	Anticipate filing CR-101 10/05
CR-101 filed, SBOH Rules					
246-XXX	70.83 43.20	State Board of Health/Department of Health joint rules	Storage, retention and use of specimens in public health lab	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	03-02-101 1/2/03
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school children	Tara Wolff, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	04-15-148 7/21/04
246-203-120	43.20.050(2)	State Board of Health	Disposal of garbage, trash, rubbish, offal, dead animals, and manure	Ned Therien, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	05-10-096 5/4/05
246-272B and 246-272C	43.20.050	State Board of Health	Large on-site sewage systems and sewage tank standards Group C	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	04-03-010 1/9/04
246-290	43.20.050	State Board of Health, delegated to secretary	Water-system requirements Group A	Ned Therien, (360) 236-4103, State Board of Health. Theresa Phillips, (360) 236-3147, Environmental Health.	05-01-096 12/14/04 Anticipate filing CR-102 9/05

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-291	43.20.050	State Board of Health	Public water system Group B	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	02-19-060 9/12/02
246-366	43.20.050	State Board of Health/Department of Health	Primary and secondary schools	Ned Therien, (360) 236-4103, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	04-20-050 10/1/04
246-650	70.83.050 43.20.050	State Board of Health	Newborn screening—Cystic fibrosis	Tara Wolff, (360) 236-4101, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	05-06-030 2/24/05

Department of Health Rules

Pre CR-101					
WAC	RCW	Authority	Subject	Contact/Program	WSR/Date
246-100-166	28A.210.140	State Board of Health	Immunization of child care and school age children—Varicella	Craig McLaughlin, (360) 236-4106, State Board of Health. Michelle Davis, (360) 236-4044, Department of Health.	05-12-139 6/1/05 Anticipate filing CR-103 9/05
246-205-990	43.70.250	Secretary	Decontamination of illegal drug manufacturing sites—Contractor fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 9/05
246-254	43.70.250	Secretary	Radiation protection—Fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 9/05
246-260-990	43.70.110	Secretary	Water recreation facilities—Fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 9/05
246-262-990	43.70.110	Secretary	Recreational contact facilities—Fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 9/05
246-272A-990	43.70.110	Secretary	On-site sewage systems—Fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 10/05
246-272B-990	43.70.110	Secretary	Large on-site sewage systems—Fees	Kelly Cooper, (360) 236-3012, Environmental Health.	*Anticipate filing CR-102 by 10/05
246-322	71.12 43.60.040	Secretary	Private psychiatric hospitals	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	Anticipate filing CR-101 by 1/06

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-320	70.41.030	Secretary	Hospitals	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	Anticipate filing CR-101 by 1/06
246-358	70.114A.065 70.114A.100	Secretary	Temporary worker housing	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	Anticipate filing CR-101 by 1/06
246-359	70.114A.081	Secretary	Temporary worker housing construction	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	Anticipate filing CR-101 by 1/06
246-361	70.114A.065 70.114A.100	Secretary	Cherry camps	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	Anticipate filing CR-101 by 1/06
246-455	43.70.040	Secretary	Hospital discharge data information reporting	Jennifer Tebaldi, (360) 236-4225, Department of Health.	Anticipate filing CR-101 11/05
246-924-040, 246-924-055, 246-924-060, 246-924-065, 246-924-070, 246-924-080, 246-924-095, 246-924-100	18.83.050 Chapter 262, Laws of 2004	Psychology Board	Eliminate barriers to licensing	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	Anticipate filing CR-101 by 6/05
246-976-420 and 246-976-430	70.168	Secretary	EMS and trauma system trauma registry	Tami Thompson, (360) 236-2859, EMS and Trauma System.	Anticipate filing CR-101 by 10/05
CR-101 filed					
246-XXX	43.170.460 and 43.170.470	Secretary	Retired provider mal-practice program	Diana Ehri, (360) 236-2813, Health Systems Quality Assurance.	04-12-121 6/2/04 Anticipate filing CR-102 1/06
246-01, 246-08	34.05.220 42.17.250 43.70, 70.02	Secretary	Description and organization, practice and procedure	Jovi Swanson, (360) 236-4028, Department of Health.	04-06-043 3/1/04 Anticipate filing CR-102 by 10/05
246-12-040	18.135.030	Secretary	Health care assistant return to active status after credential has expired	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-13-183 6/22/05
246-50	43.70.510 70.41.200	Secretary	Coordinated quality improvement program	Jovi Swanson, (360) 236-4028, Department of Health.	04-23-089 11/17/04 Anticipate filing CR-102 by 10/05
246-224, 246-225, 246-227, 246-228	70.98	Secretary	Radiation protection x-ray	Kelly Cooper, (360) 236-3012, Environmental Health.	00-16-106 8/2/03

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-247	70.98.50 [70.98.050]	Secretary	Clarification of air emissions	Kelly Cooper, (360) 236-3012, Environmental Health.	05-12-140 6/1/05
246-249-080	70.98.050 70.98.080	Secretary	Naturally occurring radioactive materials	Kelly Cooper, (360) 236-3012, Environmental Health.	96-11-129 5/22/96
246-290	70.119A	Secretary	Group A—Water use efficiency	Theresa Phillips, (360) 236-3147, Environmental Health.	Anticipate filing CR-102 9/05
246-294	70.119A	Secretary	Water use efficiency surcharge	Theresa Phillips, (360) 236-3147, Environmental Health.	04-15-147 7/21/04 Anticipate filing CR-102 9/05
246-310-010, 246-310-210, 246-310-220, 246-310-230	70.38.135	Secretary	Certificate of need methodology for kidney dialysis centers	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	04-13-150 7/21/04 Anticipate filing CR-102 11/05
246-329	18.46.060	Secretary	Childbirth centers	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	04-18-092 9/1/04 Anticipate filing CR-102 1/06
246-562	70.185	Secretary	Physician visa waiver	Jennell Prentice, (360) 236-2814, Office of Community and Rural Health.	05-03-010 1/6/05
246-808	18.130.050	Chiropractic Commission	Independent chiropractic exams	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	00-22-123 11/1/00 Anticipate filing CR-102 1/06
246-808-010	18.25	Chiropractic Commission	Definitions	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-10-096 5/4/05
246-808-150, 246-808-155, 246-808-165, 246-808-170	18.25.0171 and 18.25.070	Chiropractic Commission	Chiropractic continuing education requirements	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-01-198 12/24/03 Anticipate filing CR-102 9/05
246-808-190 and 246-808-535	18.25.0171	Chiropractic Commission	Chiropractic program preceptor and delegation	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-02-064 1/7/03 Anticipate filing CR-102 9/05
246-809	18.225 Chapter 251, Laws of 2001	Secretary	Licensed counselor—Experience requirements	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	01-22-068 11/01/01 Anticipate filing CR-102 9/05

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-809	18.225.040 18.130.050	Secretary	Sexual misconduct definitions and standards for licensed mental health counselors, marriage and family therapists, and social workers	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-17-053 8/10/04 Anticipate filing CR-102 9/05
246-812	18.30.065	Secretary	Denturist program	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-12-120 6/2/04 Anticipate filing CR-102 9/05
246-817-110, 246-817-120	18.32.365 18.32.040	Dental Quality Assurance Commission	Dental licensure—Initial eligibility and application requirements	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	02-15-160 7/23/02 Anticipate filing CR-102 1/06
246-817-135	18.32.365 18.32.215	Dental Quality Assurance Commission	Licensure without examination for dentists—Application procedures	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-08-096 4/6/04 Anticipate filing CR-102 1/06
246-817-180	18.32.365 18.32.640	Dental Quality Assurance Commission	General anesthesia (including deep sedation) education and training	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-15-151 7/21/04 Anticipate filing CR-102 1/06
246-817-560	Chapter 257, Laws of 2003	Dental Quality Assurance Commission	Dental hygienists replacing anti-microbial	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-09-055 4/16/04 Anticipate filing CR-102 1/06
246-817-440	18.32.180 18.32.365	Dental Quality Assurance Commission	Continuing education requirements	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-08-095 4/6/04 Anticipate filing CR-102 1/06
246-817-700, 246-817-701 thru 246-817-780	18.32.0365 18.32.640	Dental Quality Assurance Commission	Administration of anesthesia agents for dental procedures	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-09-001 4/7/05 Anticipate filing CR-102 1/06
246-828	18.35.040	Board of Hearing and Speech	Fitter/dispenser program approval	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	02-02-043 12/27/01 Anticipate filing CR-102 10/05
246-828-500, 246-828-510, 246-828-530, 246-828-550	18.35.40 [18.35.040]	Hearing and Speech Board	Continuing education requirements for licensed hearing instrument fitter/dispenser program	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-13-050 6/11/04 Anticipate filing CR-102 1/06

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-834	18.130.050	Secretary	Midwifery standards of practice	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	02-17-052 8/18/02 Anticipate filing CR-102 1/06
246-834-220, 246-834-230 and 246-834-240	18.50.040	Secretary	Educational requirements for nonlicensed midwives	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	97-22-024 10/29/97 Anticipate filing CR-102 1/06
246-836-XXX	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy education and training requirements	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-14-152 7/6/05
246-836-XXX	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy injections	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-14-155 7/6/05
246-836-210	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy prescribing, dispensing, ordering	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-14-153 7/6/05
246-840-010, 246-840-840, 246-840-850 through 246-840-900	Chapter 246, Laws of 2003	Nursing Commission	Nursing technician registration	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-12-087 6/4/03 Anticipate filing CR-102 10/05
246-840-840 through 246-840-900	18.79.110	Nursing Commission	Nursing technicians	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	99-14-002 6/23/99 Anticipate filing CR-102 1/06
246-840-010 through 246-840-090, 246-840-865, 246-840-870	18.79	Nursing Commission	Requirements for licensure	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-21-079 10/20/04 Anticipate filing CR-102 1/06
246-841-400 through 246-841-510	18.88A	Secretary	Nursing assistants	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	00-03-072 1/19/00 Anticipate filing CR-102 1/06
246-845-020, 246-845-080, 246-845-090	18.57A.020	Osteopathic Board	Osteopathic physician assistant program	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-17-056 8/18/03 Anticipate filing CR-102 1/06
246-847-010	18.59.130	Occupational Therapy	Occupational therapy definitions	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-08-031 3/27/03 Anticipate filing CR-102 1/06

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-847-065	18.59.130	Occupational Therapy	Occupational therapy continuing competency	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-08-029 3/27/03 Anticipate filing CR-102 9/05
246-847-120	18.59.130	Occupational Therapy	Foreign trained applicants	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-08-092 4/2/03 Anticipate filing CR-102 9/05
246-847-170	18.59.130	Occupational Therapy	Occupational therapy code of ethics	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-08-030 3/27/03 Anticipate filing CR-102 9/05
246-847-210	18.130.180	Occupational Therapy Board	Sexual misconduct	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-11-094 5/19/04 Anticipate filing CR-102 9/05
246-847-190	18.59.130 70.24.270	Occupational Therapy Board	AIDS education and training	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-11-095 5/19/04 Anticipate filing CR-102 9/05
246-847-080, 246-847-115	18.59.130	Occupational Therapy Board	Examinations and limited permits	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-11-096 5/19/04 Anticipate filing CR-102 1/06
246-851-160, 246-851-170	18.54.070	Optometry Board	Optometry—Continue education	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-04-043 1/28/03 Anticipate filing CR-102 1/06
246-853	18.57.080 18.57.005 18.130.050	Osteopathic Board	COMSPEX—USA exam	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	99-11-035 5/13/99 Anticipate filing CR-102 1/06
246-853	18.57.005 18.57.020	Osteopathic Board	Approved schools of osteopathic medicine	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	99-13-020 6/7/99 Anticipate filing CR-102 1/06
246-853-225	18.57.005 18.57.020	Osteopathic Board	Osteopathic pain management guidelines	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	98-22-086 11/3/98 Anticipate filing CR-102 9/05

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-854	18.57A.020	Osteopathic Board	Review of controlled substances issued by physician assistants	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	98-02-078 3/17/98 Anticipate filing CR-102 1/06
246-865-060	18.64.005	Pharmacy Board	Controlled substance registration— Extended care facility	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-21-078 10/20/04 Anticipate filing CR-102 1/06
246-869-220	18.54.005	Pharmacy Board	Patient counseling required	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-15-067 7/15/03 Anticipate filing CR-102 1/06
246-872	18.64.005	Pharmacy Board	Automated drug distribution devices	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-18-117 9/3/03 Anticipate filing CR-102 1/06
246-887	18.64.005 69.50.201	Pharmacy Board	Uniform Controlled Substance Act—Carisoprodol	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-09-124 4/23/03 Anticipate filing CR-102 1/06
246-889-050	18.64.005 69.43	Pharmacy Board	Precursor substance control	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-18-091 9/1/04
246-915-020, 246-915-030, 246-915-120	18.74.023 18.74.035	Physical Therapy Board	Application requirements—Physical therapists	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	98-13-107 6/17/98
246-915-085	18.74.023	Physical Therapy Board	Continuing competency—Physical therapists	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-03-104 1/21/04 Anticipate filing CR-102 1/06
246-919	18.71.017 18.130.050	Medical Commission	Use of lasers	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-01-097 12/1/04 Anticipate filing CR-102 1/06
246-922-195	18.22.015	Podiatry Board	Podiatry pain management	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	98-22-084 11/3/98 Anticipate filing CR-102 9/05
246-924	18.83.121 18.83.050 18.83.050	Psychology Board	Ethical conduct	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-20-048 10/1/04 Anticipate filing CR-102 by 1/06

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
246-924	18.83.050 18.83.070	Psychology Board	Requirements for education training and experience for psychologists	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	98-22-088 11/3/98 Anticipate filing CR-102 1/06
246-924-510, 246-924-515	18.83.050 18.83.121	Psychology Board	Parenting evaluation standards	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-08-098 4/6/04
246-926-020, 246-926-140, 246-926-180, 246-926-190	18.84.040	Secretary	Radiologic technologist housekeeping/supervision	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	03-14-032 6/23/03 Anticipate filing CR-102 9/05
246-930-010, 246-930-060, 246-930-320	Chapter 38, Laws of 2004	Secretary	Sex offender treatment providers—Credential and examination (packet 2 standards)	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-13-158 6/23/04 Anticipate filing CR-102 1/06
246-930-050, 246-930-060, 246-930-075, 246-930-330	Chapter 38, Laws of 2004	Secretary	Sex offender treatment providers—Education and exam, experience and supervision (packet 1 education)	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	04-13-159 6/23/04 Anticipate filing CR-102 1/06
246-976-010 through 246- 976-400 and 246-976-920	18.71, 18.73, and 70.168	Secretary	Prehospital EMS and trauma standards	Tami Thompson, (360) 236-2859, Emergency Medical Services and Trauma System.	05-14-154 7/6/05
246-976-830 through 246- 976-860 and 246-976-881	70.168	Secretary	Standards for designated trauma rehab services	Tami Thompson, (360) 236-2859, Emergency Medical Services and Trauma System.	05-12-015 5/20/05
Pending Hearing, CR-102 Filed					
246-924-354	18.83	Psychology Board	Maintenance and retention of records	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-13-187 6/22/05 Hearing 7/29/05
246-808-135	18.25.0171 and 18.25.040	Chiropractic Commission	Licensure by endorsement	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-13-186 6/22/05 Hearing 9/8/05
246-282-990	43.70.250	Secretary	Shellfish fees	Kelly Cooper, (360) 236-3012, Environmental Health.	05-04-158 7/6/05 Hearing 8/9/05
246-320-990	43.70.110 43.70.250 70.41.100 71.12.470	Secretary	Acute care hospitals	Yvette Fox, (360) 236-2928, Facilities and Services Licensing.	05-14-156 7/6/05 Hearing 8/10/05
246-887-220 through 246- 887-280	Chapter 175, Laws of 2003 18.64.005	Pharmacy Board	Chemical capture programs	Leann Yount, (360) 236-4997, Health Professions Quality Assurance.	05-04-157 7/6/05 Hearing 8/10/05

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WAC	RCW	Authority	Subject	SBOH and DOH Staff	WSR/Date
Pending Adoption, CR-103					
246-323, 246-325, 246-326	71.12	Secretary	Residential treatment facilities	Allen Spaulding, (360) 236-2929, Facilities and Services Licensing.	05-10-063 5/2/05 Anticipate filing CR-103 Adoption 8/05

KEY

- Pre CR-101: Anticipated rule making.
- CR-101 Filed: The statement of inquiry has been filed with the Code Reviser's Office.
- Pending Hearing: The CR-102 has been filed but the hearing has not been held.
- Pending Adoption: The hearing has been held OR the rule qualifies under the expedited repeal or adoption processes (RCW 34.05.354 and 34.05.356), and the public comment period is closed, but the CR-103 has not been filed.
- * The proposed rule is exempt under RCW 34.05.310(4).

WSR 05-15-160
PUBLIC RECORDS OFFICER
YAKIMA VALLEY
COMMUNITY COLLEGE
 [Filed July 20, 2005, 10:52 a.m.]

In compliance with section 3, chapter 483, Laws of 2005, Yakima Valley Community College designates its public records officer as Suzanne M. West, President's Office, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2520, voice (509) 574-4635, fax (509) 574-4638, swest@yvcc.edu.

Linda J. Kaminski, Ed.D.
 President

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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.

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16-240-010	NEW	05-11-058	16-303-200	AMD-P	05-08-142	16-406-012	NEW	05-12-036
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16-240-034	NEW	05-11-058	16-303-310	PREP	05-05-050	16-406-030	AMD	05-12-036
16-240-036	NEW-P	05-07-120	16-303-310	AMD-P	05-08-142	16-406-040	REP-X	05-07-153
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67- 25-070	AMD	05-08-097	67- 25-400	AMD	05-08-097	82- 60-100	RECOD	05-04-072
67- 25-075	REP-P	05-03-116	67- 25-404	AMD-P	05-03-116	82- 60-200	RECOD	05-04-072
67- 25-075	REP	05-08-097	67- 25-404	AMD	05-08-097	82- 60-210	RECOD	05-04-072
67- 25-077	AMD-P	05-03-116	67- 25-408	AMD-P	05-03-116	98	PREP	05-04-107
67- 25-077	AMD	05-08-097	67- 25-408	AMD	05-08-097	106- 72	AMD	05-05-057
67- 25-080	REP-P	05-03-116	67- 25-412	AMD-P	05-03-116	106- 72-005	AMD	05-05-057
67- 25-080	REP	05-08-097	67- 25-412	AMD	05-08-097	106- 72-015	AMD	05-05-057
67- 25-085	REP-P	05-03-116	67- 25-416	AMD-P	05-03-116	106- 72-025	AMD	05-05-057
67- 25-085	REP	05-08-097	67- 25-416	AMD	05-08-097	106- 72-130	AMD	05-05-057
67- 25-090	REP-P	05-03-116	67- 25-418	AMD-P	05-03-116	106- 72-150	REP	05-05-057
67- 25-090	REP	05-08-097	67- 25-418	AMD	05-08-097	106- 72-200	REP	05-05-057
67- 25-095	REP-P	05-03-116	67- 25-432	AMD-P	05-03-116	106- 72-220	REP	05-05-057
67- 25-095	REP	05-08-097	67- 25-432	AMD	05-08-097	106- 72-400	AMD	05-05-057
67- 25-100	REP-P	05-03-116	67- 25-436	AMD-P	05-03-116	106- 72-410	REP	05-05-057
67- 25-100	REP	05-08-097	67- 25-436	AMD	05-08-097	106- 72-420	REP	05-05-057
67- 25-110	REP-P	05-03-116	67- 25-440	AMD-P	05-03-116	106- 72-430	REP	05-05-057
67- 25-110	REP	05-08-097	67- 25-440	AMD	05-08-097	106- 72-440	REP	05-05-057
67- 25-255	AMD-P	05-03-116	67- 25-444	AMD-P	05-03-116	106- 72-450	REP	05-05-057
67- 25-255	AMD	05-08-097	67- 25-444	AMD	05-08-097	106- 72-460	REP	05-05-057
67- 25-257	AMD-P	05-03-116	67- 25-446	AMD-P	05-03-116	106- 72-470	REP	05-05-057
67- 25-257	AMD	05-08-097	67- 25-446	AMD	05-08-097	106- 72-480	REP	05-05-057
67- 25-260	AMD-P	05-03-116	67- 25-448	AMD-P	05-03-116	106- 72-490	REP	05-05-057
67- 25-260	AMD	05-08-097	67- 25-448	AMD	05-08-097	106- 72-500	REP	05-05-057
67- 25-270	AMD-P	05-03-116	67- 25-452	AMD-P	05-03-116	106- 72-510	REP	05-05-057
67- 25-270	AMD	05-08-097	67- 25-452	AMD	05-08-097	106- 72-520	REP	05-05-057
67- 25-275	AMD-P	05-03-116	67- 25-460	AMD-P	05-03-116	106- 72-530	REP	05-05-057
67- 25-275	AMD	05-08-097	67- 25-460	AMD	05-08-097	106- 72-540	REP	05-05-057
67- 25-280	AMD-P	05-03-116	67- 25-470	REP-P	05-03-116	106- 72-550	REP	05-05-057
67- 25-280	AMD	05-08-097	67- 25-470	REP	05-08-097	106- 72-560	REP	05-05-057
67- 25-284	AMD-P	05-03-116	67- 25-480	REP-P	05-03-116	106- 72-570	REP	05-05-057
67- 25-284	AMD	05-08-097	67- 25-480	REP	05-08-097	106- 72-580	REP	05-05-057
67- 25-288	REP-P	05-03-116	67- 25-540	AMD-P	05-03-116	106- 72-590	REP	05-05-057
67- 25-288	REP	05-08-097	67- 25-540	AMD	05-08-097	106- 72-600	REP	05-05-057
67- 25-300	REP-P	05-03-116	67- 25-545	AMD-P	05-03-116	106- 72-610	REP	05-05-057
67- 25-300	REP	05-08-097	67- 25-545	AMD	05-08-097	131	PREP	05-05-018
67- 25-325	AMD-P	05-03-116	67- 25-550	AMD-P	05-03-116	131	PREP	05-05-019
67- 25-325	AMD	05-08-097	67- 25-550	AMD	05-08-097	131- 28-026	AMD-P	05-09-018
67- 25-326	REP-P	05-03-116	67- 25-560	REP-P	05-03-116	131- 28-026	AMD	05-14-070
67- 25-326	REP	05-08-097	67- 25-560	REP	05-08-097	132A-156	PREP	05-07-015
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67- 25-350	AMD	05-08-097	67- 25-570	AMD	05-08-097	132A-156-006	REP	05-14-142
67- 25-360	AMD-P	05-03-116	67- 25-590	AMD-P	05-03-116	132A-156-011	REP-P	05-11-041
67- 25-360	AMD	05-08-097	67- 25-590	AMD	05-08-097	132A-156-011	REP	05-14-142
67- 25-380	AMD-P	05-03-116	82- 50-021	AMD-X	05-06-067	132A-156-016	REP-P	05-11-041
67- 25-380	AMD	05-08-097	82- 50-021	AMD	05-11-038	132A-156-016	REP	05-14-142
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67- 25-384	AMD	05-08-097	82- 60-020	RECOD	05-04-072	132A-350-015	AMD-P	05-11-041
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67- 25-390	AMD	05-08-097	82- 60-033	RECOD	05-04-072	132C-120-030	REP-P	05-06-029
67- 25-394	AMD-P	05-03-116	82- 60-034	RECOD	05-04-072	132C-120-030	REP	05-10-052
67- 25-394	AMD	05-08-097	82- 60-035	RECOD	05-04-072	132C-120-040	AMD-P	05-06-029
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67- 25-395	REP	05-08-097	82- 60-037	RECOD	05-04-072	132C-120-050	AMD-P	05-06-029
67- 25-396	AMD-P	05-03-116	82- 60-038	RECOD	05-04-072	132C-120-050	AMD	05-10-052
67- 25-396	AMD	05-08-097	82- 60-039	NEW	05-04-072	132C-120-060	AMD-P	05-06-029
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67- 25-398	AMD	05-08-097	82- 60-050	RECOD	05-04-072	132C-120-065	AMD-P	05-06-029
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132C-120-076	NEW	05-10-052	132H-142-040	NEW	05-07-069	132Z-112-120	NEW	05-06-003
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132C-120-125	AMD	05-10-052	132P- 33-100	AMD-P	05-10-059	132Z-115-130	AMD	05-06-003
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132C-120-130	AMD	05-10-052	132S- 50-020	PREP	05-13-072	132Z-115-150	AMD	05-06-003
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132C-120-145	AMD-P	05-06-029	132S- 50-030	PREP	05-13-072	132Z-115-240	NEW	05-06-003
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132C-120-150	AMD-P	05-06-029	132S- 50-050	PREP	05-13-072	132Z-134-010	AMD	05-06-003
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139-02-120	NEW-P	05-03-025	173-167-020	NEW-E	05-12-103	173-333-110	NEW-P	05-11-095
139-02-130	NEW-P	05-03-025	173-167-030	NEW-E	05-12-103	173-333-120	NEW-P	05-11-095
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139-03-040	REP	05-07-049	173-167-140	NEW-E	05-12-103	173-333-330	NEW-P	05-11-095
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139-05-940	NEW-P	05-15-108	173-218-070	AMD-P	05-14-159	173-400-175	NEW	05-03-033
139-10-210	PREP	05-12-064	173-218-080	AMD-P	05-14-159	173-400-200	AMD	05-03-033
139-10-210	AMD-P	05-15-106	173-218-090	AMD-P	05-14-159	173-400-560	NEW	05-03-033
139-10-212	PREP	05-12-063	173-218-100	AMD-P	05-14-159	173-400-700	NEW	05-03-033
139-10-212	AMD-P	05-15-107	173-218-110	AMD-P	05-14-159	173-400-710	NEW	05-03-033
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139-10-530	NEW-P	05-08-076	173-322-030	AMD	05-07-104	173-415	PREP	05-08-141
139-10-530	NEW	05-13-078	173-322-040	AMD	05-07-104	173-415-015	NEW-P	05-13-112
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139-10-540	NEW-P	05-08-077	173-322-070	AMD	05-07-104	173-415-040	REP-P	05-13-112
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173-415-080	REP-P	05-13-112	173-546-120	NEW-P	05-06-117	180- 20-021	AMD-P	05-15-057
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173-481-020	AMD-P	05-13-112	173-546-150	NEW-P	05-06-117	180- 20-101	AMD	05-08-014
173-481-030	AMD-P	05-13-112	173-563-010	AMD-W	05-14-128	180- 20-101	AMD-P	05-15-057
173-481-100	AMD-P	05-13-112	173-563-020	AMD-W	05-14-128	180- 20-102	NEW-P	05-15-057
173-481-110	AMD-P	05-13-112	173-565-100	NEW-W	05-14-128	180- 20-103	NEW-P	05-15-057
173-481-150	AMD-P	05-13-112	173-565-110	NEW-W	05-14-128	180- 20-111	AMD-P	05-15-057
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173-503-020	AMD-P	05-04-108	173-565-140	NEW-W	05-14-128	180- 20-120	AMD-P	05-15-057
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173-503-074	NEW-P	05-04-108	173-565-215	NEW-W	05-14-128	180- 24-195	AMD-P	05-15-139
173-503-075	NEW-P	05-04-108	173-565-220	NEW-W	05-14-128	180- 24-207	NEW-P	05-15-139
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173-503-081	NEW-P	05-04-108	173-565-300	NEW-W	05-14-128	180- 24-210	AMD-P	05-15-139
173-503-090	AMD-P	05-04-108	173-565-310	NEW-W	05-14-128	180- 24-213	NEW-P	05-15-139
173-503-100	AMD-P	05-04-108	173-565-320	NEW-W	05-14-128	180- 24-215	REP-P	05-15-139
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173-503-120	NEW-P	05-04-108	173-565-340	NEW-W	05-14-128	180- 24-410	DECOD	05-13-061
173-503-130	NEW-P	05-04-108	173-565-342	NEW-W	05-14-128	180- 24-415	DECOD	05-13-061
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173-503-150	NEW-P	05-04-108	173-565-350	NEW-W	05-14-128	180- 26	PREP	05-12-154
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173-505-040	NEW-P	05-05-094	173-565-370	NEW-W	05-14-128	180- 32	PREP	05-12-154
173-505-050	NEW-P	05-05-094	173-565-372	NEW-W	05-14-128	180- 33	PREP	05-12-154
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173-505-070	NEW-P	05-05-094	173-565-400	NEW-W	05-14-128	180- 33-025	AMD-P	05-15-059
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173-505-090	NEW-P	05-05-094	173-565-420	NEW-W	05-14-128	180- 33-035	AMD-P	05-15-061
173-505-100	NEW-P	05-05-094	173-565-430	NEW-W	05-14-128	180- 33-040	AMD-E	05-15-049
173-505-110	NEW-P	05-05-094	173-565-440	NEW-W	05-14-128	180- 33-040	AMD-P	05-15-065
173-505-120	NEW-P	05-05-094	173-565-450	NEW-W	05-14-128	180- 34	PREP	05-12-154
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173-505-150	NEW-P	05-05-094	173-565-520	NEW-W	05-14-128	180- 38	PREP	05-12-155
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180- 46-030	REP	05-08-013	180- 79A-130	AMD-C	05-10-015	182- 12-265	AMD-C	05-13-093
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180- 46-050	REP	05-08-013	180- 79A-250	AMD-C	05-10-017	182- 16-050	PREP	05-07-158
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180- 46-065	REP	05-08-013	180- 82	PREP	05-12-162	182- 25-010	AMD-E	05-13-106
180- 50	PREP	05-12-159	180- 82-105	AMD-P	05-04-015	182- 25-040	AMD-P	05-13-105
180- 51	PREP	05-12-159	180- 82-105	AMD-W	05-08-069	182- 25-040	AMD-E	05-13-106
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180- 51-035	AMD-P	05-08-012	180- 83	PREP	05-12-163	192- 32-010	REP	05-13-155
180- 51-035	AMD-C	05-10-011	180- 85	PREP	05-12-149	192- 32-035	REP-X	05-07-143
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180- 52	PREP	05-12-159	180- 85-025	AMD-C	05-10-023	192- 32-050	REP-X	05-07-143
180- 55	PREP	05-12-159	180- 85-033	AMD-P	05-08-046	192- 32-050	REP	05-13-155
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180- 55-005	AMD	05-08-015	180- 85-033	AMD-C	05-15-062	192- 32-085	REP	05-13-155
180- 55-015	AMD-P	05-04-075	180- 85-034	NEW-P	05-08-044	192- 32-095	REP-X	05-07-143
180- 55-015	AMD	05-08-015	180- 85-034	NEW-C	05-10-021	192- 32-095	REP	05-13-155
180- 55-017	NEW-P	05-04-075	180- 85-034	NEW-C	05-15-097	192- 32-100	REP-X	05-07-143
180- 55-017	NEW	05-08-015	180- 85-075	AMD-P	05-08-045	192- 32-100	REP	05-13-155
180- 55-034	REP	05-04-016	180- 85-075	AMD-C	05-10-010	192- 32-115	REP-X	05-07-143
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180- 57-070	AMD-E	05-12-144	180- 88	PREP	05-12-149	192- 32-130	REP	05-13-155
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180- 78A-100	AMD-P	05-08-037	180-105-060	RECOD	05-15-036	192- 35-050	NEW	05-02-094
180- 78A-100	AMD-E	05-08-049	181- 01	PREP	05-12-115	192- 35-060	NEW	05-02-094
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180- 78A-535	AMD-C	05-10-013	182- 12-116	NEW-P	05-12-050	192-110-017	NEW-E	05-11-017
180- 78A-535	AMD	05-15-051	182- 12-116	NEW-C	05-13-093	192-110-017	NEW-P	05-13-158
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180- 79A-011	AMD-C	05-10-018	182- 12-171	AMD-P	05-12-050	192-150-113	NEW-P	05-07-144
180- 79A-011	AMD	05-15-054	182- 12-171	AMD-C	05-13-093	192-150-113	NEW	05-13-156
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180- 79A-123	AMD-C	05-10-014	182- 12-205	AMD-C	05-13-093	192-170-060	NEW	05-13-156
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192-180-013	NEW-P	05-13-158	199- 08-450	NEW	05-07-045	212- 17-125	AMD-P	05-07-102
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192-300-050	AMD-E	05-11-017	199- 08-470	NEW	05-07-045	212- 17-198	AMD-P	05-07-102
192-300-050	AMD-P	05-13-157	199- 08-475	NEW	05-07-045	212- 17-198	AMD	05-12-033
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192-310-010	AMD-P	05-13-157	199- 08-485	NEW	05-07-045	212- 17-21503	AMD	05-12-033
192-310-030	AMD-E	05-03-011	199- 08-490	NEW	05-07-045	212- 17-21505	AMD-P	05-07-102
192-310-030	AMD-E	05-11-017	199- 08-495	NEW	05-07-045	212- 17-21505	AMD	05-12-033
192-310-030	AMD-P	05-13-157	199- 08-500	NEW	05-07-045	212- 17-21507	AMD-P	05-07-102
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192-320-005	NEW-P	05-13-157	199- 08-515	NEW	05-07-045	212- 17-21509	AMD	05-12-033
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192-320-010	NEW-E	05-11-017	199- 08-525	NEW	05-07-045	212- 17-21511	AMD	05-12-033
192-320-010	NEW-P	05-13-157	199- 08-535	NEW-W	05-07-079	212- 17-21513	AMD-P	05-07-102
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192-320-060	REP-P	05-13-157	204- 41-080	NEW-P	05-12-048	212- 17-220	AMD	05-12-033
196- 25-002	AMD-P	05-07-142	204- 50	PREP	05-08-116	212- 17-230	AMD-P	05-07-102
196- 25-040	AMD-P	05-07-142	204- 50-030	AMD-P	05-12-049	212- 17-230	AMD	05-12-033
199- 08-300	NEW	05-07-045	204- 50-040	AMD-P	05-12-049	212- 17-235	AMD-P	05-07-102
199- 08-305	NEW	05-07-045	204- 50-050	AMD-P	05-12-049	212- 17-235	AMD	05-12-033
199- 08-310	NEW	05-07-045	204- 50-070	AMD-P	05-12-049	212- 17-250	AMD-P	05-07-102
199- 08-315	NEW	05-07-045	204- 50-080	AMD-P	05-12-049	212- 17-250	AMD	05-12-033
199- 08-320	NEW	05-07-045	204- 50-090	AMD-P	05-12-049	212- 17-255	AMD-P	05-07-102
199- 08-325	NEW	05-07-045	204- 50-110	AMD-P	05-12-049	212- 17-255	AMD	05-12-033
199- 08-330	NEW	05-07-045	204- 50-120	AMD-P	05-12-049	212- 17-260	AMD-P	05-07-102
199- 08-335	NEW	05-07-045	204- 50-130	AMD-P	05-12-049	212- 17-260	AMD	05-12-033
199- 08-340	NEW	05-07-045	204- 90-120	PREP	05-14-126	212- 17-265	REP-P	05-07-102
199- 08-345	NEW	05-07-045	208-680A-040	AMD	05-03-038	212- 17-265	REP	05-12-033
199- 08-350	NEW	05-07-045	208-680E-025	NEW	05-03-038	212- 17-270	AMD-P	05-07-102
199- 08-355	NEW	05-07-045	208-680F-020	AMD	05-03-038	212- 17-270	AMD	05-12-033
199- 08-360	NEW	05-07-045	208-680G-050	AMD	05-03-037	212- 17-275	AMD-P	05-07-102
199- 08-365	NEW	05-07-045	212- 17-025	AMD-P	05-07-102	212- 17-275	AMD	05-12-033
199- 08-370	NEW	05-07-045	212- 17-025	AMD	05-12-033	212- 17-280	AMD-P	05-07-102
199- 08-375	NEW	05-07-045	212- 17-030	AMD-P	05-07-102	212- 17-280	AMD	05-12-033
199- 08-380	NEW	05-07-045	212- 17-030	AMD	05-12-033	212- 17-285	AMD-P	05-07-102
199- 08-385	NEW	05-07-045	212- 17-032	NEW-P	05-07-102	212- 17-285	AMD	05-12-033
199- 08-390	NEW	05-07-045	212- 17-032	NEW	05-12-033	212- 17-290	AMD-P	05-07-102
199- 08-395	NEW	05-07-045	212- 17-035	AMD-P	05-07-102	212- 17-290	AMD	05-12-033
199- 08-400	NEW	05-07-045	212- 17-035	AMD	05-12-033	212- 17-295	AMD-P	05-07-102
199- 08-405	NEW-W	05-07-079	212- 17-040	AMD-P	05-07-102	212- 17-295	AMD	05-12-033
199- 08-410	NEW-W	05-07-079	212- 17-040	AMD	05-12-033	212- 17-300	AMD-P	05-07-102
199- 08-415	NEW-W	05-07-079	212- 17-042	NEW-P	05-07-102	212- 17-300	AMD	05-12-033
199- 08-420	NEW-W	05-07-079	212- 17-042	NEW	05-12-033	212- 17-310	AMD-P	05-07-102
199- 08-425	NEW	05-07-045	212- 17-050	AMD-P	05-07-102	212- 17-310	AMD	05-12-033
199- 08-426	NEW-W	05-07-079	212- 17-050	AMD	05-12-033	212- 17-317	AMD-P	05-07-102
199- 08-427	NEW-W	05-07-079	212- 17-055	AMD-P	05-07-102	212- 17-317	AMD	05-12-033
199- 08-428	NEW-W	05-07-079	212- 17-055	AMD	05-12-033	212- 17-335	AMD-P	05-07-102
199- 08-429	NEW-W	05-07-079	212- 17-060	AMD-P	05-07-102	212- 17-335	AMD	05-12-033
199- 08-430	NEW	05-07-045	212- 17-060	AMD	05-12-033	212- 17-342	NEW-P	05-07-102
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212- 17-350	AMD	05-12-033	212- 17-505	NEW-P	05-07-102	212- 80-085	DECOD	05-05-006
212- 17-352	AMD-P	05-07-102	212- 17-505	NEW	05-12-033	212- 80-088	RECOD	05-05-006
212- 17-355	AMD-P	05-07-102	212- 17-510	NEW-P	05-07-102	212- 80-090	AMD	05-05-006
212- 17-355	AMD	05-12-033	212- 17-510	NEW	05-12-033	212- 80-090	DECOD	05-05-006
212- 17-360	AMD-P	05-07-102	212- 17-515	NEW-P	05-07-102	212- 80-093	RECOD	05-05-006
212- 17-360	AMD	05-12-033	212- 17-515	NEW	05-12-033	212- 80-093	AMD-P	05-11-107
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212- 17-370	NEW-P	05-07-102	212- 80	PREP	05-07-101	212- 80-098	RECOD	05-05-006
212- 17-370	NEW	05-12-033	212- 80-001	AMD	05-05-006	212- 80-100	DECOD	05-05-006
212- 17-375	NEW-P	05-07-102	212- 80-005	AMD	05-05-006	212- 80-103	RECOD	05-05-006
212- 17-375	NEW	05-12-033	212- 80-010	AMD	05-05-006	212- 80-105	AMD	05-05-006
212- 17-380	NEW-P	05-07-102	212- 80-010	AMD-P	05-11-107	212- 80-105	DECOD	05-05-006
212- 17-380	NEW	05-12-033	212- 80-015	AMD	05-05-006	212- 80-108	RECOD	05-05-006
212- 17-385	NEW-P	05-07-102	212- 80-015	AMD-P	05-11-107	212- 80-110	AMD	05-05-006
212- 17-385	NEW	05-12-033	212- 80-018	NEW	05-05-006	212- 80-110	DECOD	05-05-006
212- 17-390	NEW-P	05-07-102	212- 80-018	AMD-P	05-11-107	212- 80-113	RECOD	05-05-006
212- 17-390	NEW	05-12-033	212- 80-020	AMD-P	05-11-107	212- 80-113	AMD-P	05-11-107
212- 17-395	NEW-P	05-07-102	212- 80-023	RECOD	05-05-006	212- 80-115	AMD	05-05-006
212- 17-395	NEW	05-12-033	212- 80-025	AMD	05-05-006	212- 80-115	DECOD	05-05-006
212- 17-400	NEW-P	05-07-102	212- 80-025	DECOD	05-05-006	212- 80-118	RECOD	05-05-006
212- 17-400	NEW	05-12-033	212- 80-028	RECOD	05-05-006	212- 80-120	AMD	05-05-006
212- 17-405	NEW-P	05-07-102	212- 80-028	AMD-P	05-11-107	212- 80-120	DECOD	05-05-006
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212- 17-410	NEW	05-12-033	212- 80-033	RECOD	05-05-006	212- 80-125	DECOD	05-05-006
212- 17-415	NEW-P	05-07-102	212- 80-035	AMD	05-05-006	212- 80-128	RECOD	05-05-006
212- 17-415	NEW	05-12-033	212- 80-035	DECOD	05-05-006	212- 80-130	AMD	05-05-006
212- 17-420	NEW-P	05-07-102	212- 80-038	RECOD	05-05-006	212- 80-130	DECOD	05-05-006
212- 17-420	NEW	05-12-033	212- 80-038	AMD-P	05-11-107	212- 80-133	NEW-P	05-11-107
212- 17-425	NEW-P	05-07-102	212- 80-040	AMD	05-05-006	212- 80-135	AMD	05-05-006
212- 17-425	NEW	05-12-033	212- 80-040	DECOD	05-05-006	212- 80-135	DECOD	05-05-006
212- 17-430	NEW-P	05-07-102	212- 80-043	RECOD	05-05-006	212- 80-138	NEW-P	05-11-107
212- 17-430	NEW	05-12-033	212- 80-043	AMD-P	05-11-107	212- 80-140	NEW-P	05-11-107
212- 17-435	NEW-P	05-07-102	212- 80-045	AMD	05-05-006	212- 80-145	NEW-P	05-11-107
212- 17-435	NEW	05-12-033	212- 80-045	DECOD	05-05-006	212- 80-150	NEW-P	05-11-107
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212- 17-445	NEW-P	05-07-102	212- 80-050	DECOD	05-05-006	212- 80-165	NEW-P	05-11-107
212- 17-445	NEW	05-12-033	212- 80-053	RECOD	05-05-006	212- 80-170	NEW-P	05-11-107
212- 17-450	NEW-P	05-07-102	212- 80-053	AMD-P	05-11-107	212- 80-175	NEW-P	05-11-107
212- 17-450	NEW	05-12-033	212- 80-055	AMD	05-05-006	212- 80-180	NEW-P	05-11-107
212- 17-455	NEW-P	05-07-102	212- 80-055	DECOD	05-05-006	212- 80-185	NEW-P	05-11-107
212- 17-455	NEW	05-12-033	212- 80-058	RECOD	05-05-006	212- 80-188	NEW-P	05-11-107
212- 17-460	NEW-P	05-07-102	212- 80-060	AMD	05-05-006	212- 80-190	NEW-P	05-11-107
212- 17-460	NEW	05-12-033	212- 80-060	DECOD	05-05-006	212- 80-195	NEW-P	05-11-107
212- 17-465	NEW-P	05-07-102	212- 80-063	RECOD	05-05-006	212- 80-200	RECOD	05-05-006
212- 17-465	NEW	05-12-033	212- 80-065	AMD	05-05-006	212- 80-200	AMD-P	05-11-107
212- 17-470	NEW-P	05-07-102	212- 80-065	DECOD	05-05-006	212- 80-205	RECOD	05-05-006
212- 17-470	NEW	05-12-033	212- 80-068	RECOD	05-05-006	212- 80-205	AMD-P	05-11-107
212- 17-475	NEW-P	05-07-102	212- 80-070	AMD	05-05-006	212- 80-210	NEW	05-05-006
212- 17-475	NEW	05-12-033	212- 80-070	DECOD	05-05-006	212- 80-215	NEW	05-05-006
212- 17-480	NEW-P	05-07-102	212- 80-073	RECOD	05-05-006	212- 80-220	NEW	05-05-006
212- 17-480	NEW	05-12-033	212- 80-075	AMD	05-05-006	212- 80-225	NEW	05-05-006
212- 17-485	NEW-P	05-07-102	212- 80-075	DECOD	05-05-006	212- 80-230	NEW	05-05-006
212- 17-485	NEW	05-12-033	212- 80-078	RECOD	05-05-006	212- 80-235	NEW	05-05-006
212- 17-490	NEW-P	05-07-102	212- 80-078	AMD-P	05-11-107	212- 80-240	NEW	05-05-006
212- 17-490	NEW	05-12-033	212- 80-080	AMD	05-05-006	212- 80-245	NEW	05-05-006
212- 17-495	NEW-P	05-07-102	212- 80-080	DECOD	05-05-006	212- 80-250	NEW	05-05-006
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212- 80-265	NEW	05-05-006	220- 33-01000X	REP-E	05-07-082	220- 52-04600R	REP-E	05-03-063
212- 80-265	AMD-P	05-11-107	220- 33-01000Y	NEW-E	05-07-082	220- 52-04600T	REP-E	05-04-065
220- 16-007	NEW-W	05-14-132	220- 33-01000Y	REP-E	05-08-021	220- 52-04600W	REP-E	05-02-048
220- 16-470	AMD-X	05-10-107	220- 33-01000Z	NEW-E	05-08-021	220- 52-04600X	NEW-E	05-03-063
220- 16-47000C	NEW-E	05-10-042	220- 33-01000Z	REP-E	05-08-073	220- 52-04600X	REP-E	05-05-041
220- 16-820	NEW	05-09-009	220- 33-03000V	NEW-E	05-11-031	220- 52-04600Y	NEW-E	05-04-065
220- 16-830	NEW	05-09-009	220- 33-03000V	REP-E	05-11-031	220- 52-04600Z	NEW-E	05-05-041
220- 16-840	NEW	05-09-009	220- 33-03000V	REP-E	05-12-003	220- 52-04600Z	REP-E	05-06-034
220- 16-850	NEW	05-09-009	220- 33-03000W	NEW-E	05-12-003	220- 52-05100K	NEW-E	05-09-039
220- 16-860	NEW	05-09-009	220- 33-03000W	REP-E	05-12-003	220- 52-05100K	REP-E	05-10-049
220- 16-870	NEW	05-09-009	220- 33-03000W	REP-E	05-13-195	220- 52-05100L	NEW-E	05-10-049
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220- 20-010	AMD	05-08-056	220- 33-03000X	REP-E	05-13-195	220- 52-05100M	NEW-E	05-11-091
220- 20-05100A	REP-E	05-03-013	220- 33-03000Y	NEW-E	05-14-059	220- 52-05100M	REP-E	05-13-052
220- 20-05100B	NEW-E	05-03-013	220- 33-03000Y	REP-E	05-14-059	220- 52-05100N	NEW-E	05-13-052
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220- 20-100	AMD	05-09-009	220- 33-04000X	NEW-E	05-06-042	220- 52-05100P	NEW-E	05-13-196
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220- 24-04000U	REP-E	05-12-021	220- 40-027	AMD-X	05-10-106	220- 52-05100Q	REP-E	05-15-048
220- 24-04000V	NEW-E	05-12-021	220- 44-035	AMD-X	05-11-089	220- 52-05100R	NEW-E	05-15-048
220- 24-04000V	REP-E	05-13-002	220- 44-03500A	NEW-E	05-12-016	220- 52-07100L	NEW-E	05-05-040
220- 24-04000W	NEW-E	05-13-002	220- 44-05000D	REP-E	05-08-055	220- 52-07100L	REP-E	05-06-009
220- 24-04000W	REP-E	05-13-068	220- 44-05000E	NEW-E	05-08-055	220- 52-07100M	NEW-E	05-06-009
220- 24-04000X	NEW-E	05-13-068	220- 44-05000E	REP-E	05-11-026	220- 52-07100M	REP-E	05-07-010
220- 32-05100G	REP-E	05-04-068	220- 44-05000F	NEW-E	05-11-026	220- 52-07100N	NEW-E	05-07-010
220- 32-05100H	NEW-E	05-03-061	220- 44-05000F	REP-E	05-15-016	220- 52-07100N	REP-E	05-07-062
220- 32-05100H	REP-E	05-03-061	220- 44-05000G	NEW-E	05-15-016	220- 52-07100P	NEW-E	05-07-062
220- 32-05100H	REP-E	05-04-068	220- 47-001	AMD-X	05-12-143	220- 52-07100P	REP-E	05-07-083
220- 32-05100I	NEW-E	05-04-068	220- 47-302	AMD-X	05-12-143	220- 52-07100Q	NEW-E	05-07-083
220- 32-05100I	REP-E	05-04-068	220- 47-311	AMD-X	05-12-143	220- 52-07100Q	REP-E	05-07-083
220- 32-05100I	REP-E	05-07-084	220- 47-325	AMD-X	05-12-143	220- 52-07300Q	REP-E	05-03-068
220- 32-05100J	NEW-E	05-07-084	220- 47-401	AMD-X	05-12-143	220- 52-07300R	NEW-E	05-03-068
220- 32-05100J	REP-E	05-14-117	220- 47-411	AMD-X	05-12-143	220- 52-07300R	REP-E	05-05-039
220- 32-05100K	NEW-E	05-14-117	220- 47-428	AMD-X	05-12-143	220- 52-07300S	NEW-E	05-05-039
220- 32-05100K	REP-E	05-14-117	220- 48-00500I	NEW-E	05-11-027	220- 52-07300S	REP-E	05-07-009
220- 32-05100K	REP-E	05-15-033	220- 48-01500V	NEW-E	05-05-090	220- 52-07300T	NEW-E	05-07-009
220- 32-05100L	NEW-E	05-15-033	220- 48-01500V	REP-E	05-11-027	220- 52-07300T	REP-E	05-07-103
220- 32-05100L	REP-E	05-15-033	220- 48-01500W	NEW-E	05-11-027	220- 56-100	AMD-X	05-10-107
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220- 33-01000B	NEW-E	05-11-005	220- 52-018	AMD-W	05-14-133	220- 56-118	AMD	05-05-035
220- 33-01000B	REP-E	05-11-005	220- 52-020	AMD-P	05-12-142	220- 56-118	AMD-X	05-10-107
220- 33-01000C	NEW-E	05-11-032	220- 52-020	AMD-W	05-14-133	220- 56-123	AMD-X	05-10-107
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220- 33-01000D	NEW-E	05-13-194	220- 52-03000Z	NEW-E	05-15-015	220- 56-12800I	NEW-E	05-14-063
220- 33-01000D	REP-E	05-13-194	220- 52-03000Z	REP-E	05-15-015	220- 56-129	AMD	05-05-035
220- 33-01000E	NEW-E	05-15-032	220- 52-04000F	REP-E	05-03-039	220- 56-130	AMD	05-05-035
220- 33-01000E	REP-E	05-15-032	220- 52-04000H	NEW-E	05-03-039	220- 56-156	AMD	05-05-046
220- 33-01000F	NEW-E	05-15-100	220- 52-04000H	REP-E	05-06-034	220- 56-180	AMD-X	05-10-107
220- 33-01000F	REP-E	05-15-100	220- 52-04000I	NEW-E	05-04-065	220- 56-18000D	NEW-E	05-10-042
220- 33-01000S	NEW-E	05-05-091	220- 52-04000I	REP-E	05-04-065	220- 56-195	AMD-X	05-10-107
220- 33-01000S	REP-E	05-06-010	220- 52-04000J	NEW-E	05-06-034	220- 56-19500N	NEW-E	05-10-042
220- 33-01000T	NEW-E	05-06-010	220- 52-04000J	REP-E	05-07-060	220- 56-25000H	NEW-E	05-06-008
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220- 33-01000U	NEW-E	05-06-072	220- 52-04000K	REP-E	05-13-092	220- 56-255	AMD	05-14-035
220- 33-01000U	REP-E	05-07-005	220- 52-04000L	NEW-E	05-13-092	220- 56-25500S	NEW-E	05-09-025
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220- 33-01000V	REP-E	05-07-026	220- 52-04600A	REP-E	05-07-060	220- 56-25500T	NEW-E	05-11-102
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220-56-25500W	REP-E	05-13-069	220-56-35000W	NEW-E	05-09-026	222-12-040	AMD-P	05-06-096
220-56-25500X	NEW-E	05-13-069	220-56-35000W	REP-E	05-09-026	222-12-040	AMD	05-12-119
220-56-25500Y	REP-E	05-15-083	220-56-36000E	NEW-E	05-02-047	222-12-045	AMD-P	05-06-096
220-56-25500Z	NEW-E	05-15-083	220-56-36000E	REP-E	05-02-047	222-12-045	AMD	05-12-119
220-56-27000A	REP-E	05-06-043	220-56-36000F	NEW-E	05-04-064	222-12-046	AMD-P	05-06-096
220-56-27000B	NEW-E	05-06-043	220-56-36000F	REP-E	05-04-064	222-12-046	AMD-S	05-08-085
220-56-27000C	REP-E	05-06-043	220-56-36000G	NEW-E	05-06-071	222-12-046	AMD	05-12-119
220-56-282	AMD	05-05-035	220-56-36000G	REP-E	05-06-071	222-12-080	AMD-P	05-06-096
220-56-28200G	REP-E	05-08-071	220-56-36000H	NEW-E	05-08-006	222-12-080	AMD	05-12-119
220-56-28200H	NEW-E	05-06-006	220-56-36000H	REP-E	05-08-006	222-12-090	AMD-P	05-06-096
220-56-28200I	NEW-E	05-08-071	220-56-36000I	NEW-E	05-08-119	222-12-090	AMD-S	05-08-085
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220-56-28500E	NEW-E	05-11-042	220-56-36000J	NEW-E	05-09-068	222-16-010	AMD-P	05-06-096
220-56-28500F	REP-E	05-11-092	220-56-36000J	REP-E	05-09-068	222-16-010	AMD-S	05-08-085
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220-56-31000X	REP-E	05-12-004	220-56-38000I	NEW-E	05-09-026	222-16-031	AMD	05-12-119
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220-56-31500D	REP-E	05-12-004	220-69-310	NEW-W	05-14-132	222-16-080	AMD	05-12-119
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220-56-32500B	NEW-E	05-12-008	220-88C-030	AMD	05-08-056	222-20-040	AMD-P	05-06-096
220-56-32500B	REP-E	05-12-039	220-88C-040	AMD-P	05-03-117	222-20-040	AMD	05-12-119
220-56-32500C	NEW-E	05-12-039	220-88C-040	AMD	05-08-056	222-20-050	AMD-P	05-06-096
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222- 30-025	AMD	05-12-119	232- 28-248	AMD-P	05-06-108	232- 28-61900I	REP-E	05-07-148
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222- 30-110	AMD	05-12-119	232- 28-271	AMD	05-02-046	232- 28-61900J	REP-E	05-13-035
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222- 34-010	AMD	05-12-119	232- 28-273	AMD	05-11-022	232- 28-61900K	NEW-E	05-08-072
222- 34-020	AMD-P	05-06-096	232- 28-282	AMD-P	05-06-108	232- 28-61900K	REP-E	05-08-072
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230- 02-505	AMD-S	05-11-087	232- 28-299	AMD-P	05-13-193	232- 28-61900M	REP-E	05-09-016
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230- 04	PREP	05-13-042	232- 28-333	AMD-P	05-06-108	232- 28-61900N	REP-E	05-09-037
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230- 04-255	AMD-P	05-07-115	232- 28-337	AMD-P	05-06-108	232- 28-61900Q	REP-E	05-09-067
230- 04-255	AMD	05-11-086	232- 28-337	AMD	05-11-023	232- 28-61900R	NEW-E	05-09-097
230- 04-270	AMD-P	05-07-117	232- 28-341	AMD-P	05-06-108	232- 28-61900R	REP-E	05-11-006
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230- 08-150	AMD-P	05-07-119	232- 28-428	REP-P	05-13-197	232- 28-61900V	NEW-E	05-11-051
230- 08-150	AMD	05-11-088	232- 28-429	NEW-P	05-13-197	232- 28-61900V	REP-E	05-11-051
230- 08-160	AMD-P	05-07-119	232- 28-619	AMD	05-03-005	232- 28-61900W	NEW-E	05-11-042
230- 08-160	AMD	05-11-088	232- 28-619	AMD	05-05-035	232- 28-61900W	REP-E	05-11-092
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230- 08-165	AMD	05-11-088	232- 28-61900A	NEW-E	05-13-031	232- 28-61900X	REP-E	05-11-043
230- 12	PREP	05-13-042	232- 28-61900A	REP-E	05-13-031	232- 28-61900Y	REP-E	05-03-062
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230- 12-305	AMD	05-11-088	232- 28-61900B	REP-E	05-07-061	232- 28-61900Y	REP-E	05-12-027
230- 12-310	AMD-P	05-07-119	232- 28-61900B	NEW-E	05-13-009	232- 28-61900Z	NEW-E	05-12-105
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230- 12-320	REP-P	05-13-116	232- 28-61900C	NEW-E	05-04-003	232- 28-620	AMD-X	05-10-107
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230- 12-350	AMD-P	05-13-116	232- 28-61900D	REP-E	05-05-002	236- 22-010	AMD	05-04-072
230- 20-115	AMD-P	05-03-115	232- 28-61900D	REP-E	05-08-072	236- 22-010	DECOD	05-04-072
230- 20-115	AMD	05-07-106	232- 28-61900D	NEW-E	05-13-035	236- 22-020	AMD	05-04-072
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236-22-032	DECOD	05-04-072	246-140-001	NEW	05-04-112	246-272-21501	REP-P	05-02-082
236-22-033	DECOD	05-04-072	246-140-010	NEW	05-04-112	246-272-21501	REP	05-15-119
236-22-034	AMD	05-04-072	246-140-020	NEW	05-04-112	246-272-22501	REP-P	05-02-082
236-22-034	DECOD	05-04-072	246-203-120	PREP	05-10-096	246-272-22501	REP	05-15-119
236-22-035	DECOD	05-04-072	246-247	PREP	05-12-140	246-272-23501	REP-P	05-02-082
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236-22-036	DECOD	05-04-072	246-247-035	NEW	05-12-059	246-272-24001	REP-P	05-02-082
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236-22-037	DECOD	05-04-072	246-260-031	AMD	05-09-004	246-272-25001	REP-P	05-02-082
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236-22-038	DECOD	05-04-072	246-260-041	AMD	05-09-004	246-272-26001	REP-P	05-02-082
236-22-040	DECOD	05-04-072	246-260-061	AMD-X	05-03-057	246-272-26001	REP	05-15-119
236-22-050	AMD	05-04-072	246-260-061	AMD	05-09-004	246-272-27001	REP-P	05-02-082
236-22-050	DECOD	05-04-072	246-260-091	AMD-X	05-03-057	246-272-27001	REP	05-15-119
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236-22-060	DECOD	05-04-072	246-260-131	AMD-X	05-03-057	246-272-28001	REP	05-15-119
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236-22-070	DECOD	05-04-072	246-260-171	AMD-X	05-03-057	246-272A-0001	NEW-P	05-02-082
236-22-080	AMD	05-04-072	246-260-171	AMD	05-09-004	246-272A-0001	NEW-S	05-11-109
236-22-080	DECOD	05-04-072	246-272-00101	REP-P	05-02-082	246-272A-0001	NEW	05-15-119
236-22-100	AMD	05-04-072	246-272-00101	REP	05-15-119	246-272A-0005	NEW-P	05-02-082
236-22-100	DECOD	05-04-072	246-272-00501	REP-P	05-02-082	246-272A-0005	NEW-S	05-11-109
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246-100-166	AMD-P	05-04-113	246-272-07001	REP	05-15-119	246-272A-0025	NEW	05-15-119
246-100-166	AMD	05-08-094	246-272-08001	REP-P	05-02-082	246-272A-0100	NEW-P	05-02-082
246-100-166	AMD-P	05-12-139	246-272-08001	REP	05-15-119	246-272A-0100	NEW-S	05-11-109
246-100-202	NEW-P	05-06-123	246-272-09001	REP-P	05-02-082	246-272A-0100	NEW	05-15-119
246-100-202	NEW	05-11-110	246-272-09001	REP	05-15-119	246-272A-0110	NEW-P	05-02-082
246-100-203	NEW-P	05-06-123	246-272-09501	REP-P	05-02-082	246-272A-0110	NEW-S	05-11-109
246-100-203	NEW	05-11-110	246-272-09501	REP	05-15-119	246-272A-0110	NEW	05-15-119
246-100-204	NEW-P	05-06-123	246-272-11001	REP-P	05-02-082	246-272A-0120	NEW-P	05-02-082
246-100-204	NEW	05-11-110	246-272-11001	REP	05-15-119	246-272A-0120	NEW-S	05-11-109
246-100-205	NEW-P	05-06-123	246-272-11501	REP	05-15-119	246-272A-0120	NEW	05-15-119
246-100-205	NEW	05-11-110	246-272-12501	REP-P	05-02-082	246-272A-0125	NEW-P	05-02-082
246-100-206	AMD-P	05-06-123	246-272-12501	REP	05-15-119	246-272A-0125	NEW-S	05-11-109
246-100-206	AMD	05-11-110	246-272-13501	REP-P	05-02-082	246-272A-0125	NEW	05-15-119
246-100-207	AMD-P	05-06-123	246-272-13501	REP	05-15-119	246-272A-0130	NEW-P	05-02-082
246-100-207	AMD	05-11-110	246-272-14501	REP-P	05-02-082	246-272A-0130	NEW-S	05-11-109
246-100-208	AMD-P	05-06-123	246-272-14501	REP	05-15-119	246-272A-0130	NEW	05-15-119
246-100-208	AMD	05-11-110	246-272-15501	REP-P	05-02-082	246-272A-0135	NEW-P	05-02-082
246-100-209	AMD-P	05-06-123	246-272-15501	REP	05-15-119	246-272A-0135	NEW-S	05-11-109
246-100-209	AMD	05-11-110	246-272-16501	REP-P	05-02-082	246-272A-0135	NEW	05-15-119
246-101-015	AMD	05-03-055	246-272-16501	REP	05-15-119	246-272A-0140	NEW-P	05-02-082
246-101-101	AMD	05-03-055	246-272-17501	REP-P	05-02-082	246-272A-0140	NEW-S	05-11-109
246-101-201	AMD	05-03-055	246-272-17501	REP	05-15-119	246-272A-0140	NEW	05-15-119
246-101-301	AMD	05-03-055	246-272-18501	REP-P	05-02-082	246-272A-0145	NEW-P	05-02-082
246-101-505	AMD-P	05-06-123	246-272-18501	REP	05-15-119	246-272A-0145	NEW-S	05-11-109
246-101-505	AMD	05-11-110	246-272-19501	REP-P	05-02-082	246-272A-0145	NEW	05-15-119

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246-272A-0170	NEW-P	05-02-082	246-272A-0340	NEW	05-15-119	246-325-012	REP-P	05-10-063
246-272A-0170	NEW-S	05-11-109	246-272A-0400	NEW-P	05-02-082	246-325-012	REP	05-15-157
246-272A-0170	NEW	05-15-119	246-272A-0400	NEW-S	05-11-109	246-325-015	REP-P	05-10-063
246-272A-0175	NEW-P	05-02-082	246-272A-0400	NEW	05-15-119	246-325-015	REP	05-15-157
246-272A-0175	NEW-S	05-11-109	246-272A-0410	NEW-P	05-02-082	246-325-020	REP-P	05-10-063
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246-272A-0200	NEW-S	05-11-109	246-272A-0420	NEW-P	05-02-082	246-325-022	REP	05-15-157
246-272A-0200	NEW	05-15-119	246-272A-0420	NEW-S	05-11-109	246-325-025	REP-P	05-10-063
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246-272A-0210	NEW-S	05-11-109	246-272A-0425	NEW-P	05-02-082	246-325-030	REP-P	05-10-063
246-272A-0210	NEW	05-15-119	246-272A-0425	NEW-S	05-11-109	246-325-030	REP	05-15-157
246-272A-0220	NEW-P	05-02-082	246-272A-0425	NEW	05-15-119	246-325-035	REP-P	05-10-063
246-272A-0220	NEW-S	05-11-109	246-272A-0430	NEW-P	05-02-082	246-325-035	REP	05-15-157
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246-272A-0232	NEW-P	05-02-082	246-272A-0440	NEW	05-15-119	246-325-050	REP-P	05-10-063
246-272A-0232	NEW-S	05-11-109	246-272A-0450	NEW-P	05-02-082	246-325-050	REP	05-15-157
246-272A-0232	NEW	05-15-119	246-272A-0450	NEW-S	05-11-109	246-325-060	REP-P	05-10-063
246-272A-0234	NEW-P	05-02-082	246-272A-0450	NEW	05-15-119	246-325-060	REP	05-15-157
246-272A-0234	NEW-S	05-11-109	246-272A-990	NEW-P	05-02-082	246-325-070	REP-P	05-10-063
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246-272A-0238	NEW-P	05-02-082	246-272A-990	NEW	05-15-119	246-325-100	REP-P	05-10-063
246-272A-0238	NEW-S	05-11-109	246-282-990	AMD-P	05-14-158	246-325-100	REP	05-15-157
246-272A-0238	NEW	05-15-119	246-292-010	AMD	05-06-122	246-325-120	REP-P	05-10-063
246-272A-0240	NEW-P	05-02-082	246-292-031	NEW	05-06-122	246-325-120	REP	05-15-157
246-272A-0240	NEW-S	05-11-109	246-292-085	AMD	05-06-122	246-325-990	REP-P	05-10-063
246-272A-0240	NEW	05-15-119	246-292-090	AMD	05-06-122	246-325-990	REP	05-15-157
246-272A-0250	NEW-P	05-02-082	246-292-100	AMD	05-06-122	246-326-010	REP-P	05-10-063
246-272A-0250	NEW-S	05-11-109	246-310-132	REP-W	05-13-085	246-326-010	REP	05-15-157
246-272A-0250	NEW	05-15-119	246-310-261	AMD-W	05-13-051	246-326-020	REP-P	05-10-063
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246-272A-0260	NEW-S	05-11-109	246-310-990	AMD-W	05-13-085	246-326-030	REP-P	05-10-063
246-272A-0260	NEW	05-15-119	246-320-990	AMD-P	05-14-156	246-326-030	REP	05-15-157
246-272A-0265	NEW-P	05-02-082	246-322-990	AMD-P	05-14-156	246-326-035	REP-P	05-10-063
246-272A-0265	NEW-S	05-11-109	246-323-010	REP-P	05-10-063	246-326-035	REP	05-15-157
246-272A-0265	NEW	05-15-119	246-323-010	REP	05-15-157	246-326-040	REP-P	05-10-063
246-272A-0270	NEW-P	05-02-082	246-323-020	REP-P	05-10-063	246-326-040	REP	05-15-157
246-272A-0270	NEW-S	05-11-109	246-323-020	REP	05-15-157	246-326-050	REP-P	05-10-063
246-272A-0270	NEW	05-15-119	246-323-022	REP-P	05-10-063	246-326-050	REP	05-15-157
246-272A-0275	NEW-P	05-02-082	246-323-022	REP	05-15-157	246-326-060	REP-P	05-10-063
246-272A-0275	NEW-S	05-11-109	246-323-030	REP-P	05-10-063	246-326-060	REP	05-15-157
246-272A-0275	NEW	05-15-119	246-323-030	REP	05-15-157	246-326-070	REP-P	05-10-063
246-272A-0280	NEW-P	05-02-082	246-323-040	REP-P	05-10-063	246-326-070	REP	05-15-157
246-272A-0280	NEW-S	05-11-109	246-323-040	REP	05-15-157	246-326-080	REP-P	05-10-063
246-272A-0280	NEW	05-15-119	246-323-050	REP-P	05-10-063	246-326-080	REP	05-15-157
246-272A-0290	NEW-P	05-02-082	246-323-050	REP	05-15-157	246-326-090	REP-P	05-10-063
246-272A-0290	NEW-S	05-11-109	246-323-060	REP-P	05-10-063	246-326-090	REP	05-15-157
246-272A-0290	NEW	05-15-119	246-323-060	REP	05-15-157	246-326-100	REP-P	05-10-063
246-272A-0300	NEW-P	05-02-082	246-323-070	REP-P	05-10-063	246-326-100	REP	05-15-157
246-272A-0300	NEW-S	05-11-109	246-323-070	REP	05-15-157	246-326-990	REP-P	05-10-063
246-272A-0300	NEW	05-15-119	246-323-080	REP-P	05-10-063	246-326-990	REP	05-15-157
246-272A-0310	NEW-P	05-02-082	246-323-080	REP	05-15-157	246-329-990	AMD-P	05-10-064
246-272A-0310	NEW-S	05-11-109	246-323-090	REP-P	05-10-063	246-329-990	AMD	05-13-189
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246-272A-0320	NEW-P	05-02-082	246-323-990	REP-P	05-10-063	246-337-001	NEW	05-15-157
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246-337-010	NEW	05-15-157	246-338-028	AMD	05-04-040	246-826-990	AMD	05-12-012
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246-337-025	NEW-P	05-10-063	246-338-080	AMD	05-04-040	246-828-990	AMD	05-12-012
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246-337-030	NEW-P	05-10-063	246-360-990	AMD	05-05-072	246-830-990	AMD	05-12-012
246-337-030	NEW	05-15-157	246-360-990	AMD-P	05-10-064	246-834-250	AMD	05-06-118
246-337-035	NEW-P	05-10-063	246-360-990	AMD	05-13-189	246-834-990	AMD-P	05-07-109
246-337-035	NEW	05-15-157	246-380-990	AMD-P	05-10-064	246-834-990	PREP-W	05-10-095
246-337-040	NEW-P	05-10-063	246-380-990	AMD	05-13-189	246-834-990	AMD	05-12-012
246-337-040	NEW	05-15-157	246-562	PREP	05-03-010	246-836	PREP	05-14-152
246-337-045	NEW-P	05-10-063	246-564-001	NEW-P	05-03-007	246-836	PREP	05-14-155
246-337-045	NEW	05-15-157	246-564-001	NEW	05-10-094	246-836-210	PREP	05-14-153
246-337-050	NEW-P	05-10-063	246-564-010	NEW-P	05-03-007	246-836-990	AMD-P	05-07-109
246-337-050	NEW	05-15-157	246-564-010	NEW	05-10-094	246-836-990	AMD	05-12-012
246-337-055	NEW-P	05-10-063	246-650	PREP	05-06-030	246-840-505	AMD	05-12-058
246-337-055	NEW	05-15-157	246-650-991	AMD-P	05-15-156	246-840-510	AMD	05-12-058
246-337-060	NEW-P	05-10-063	246-790	PREP	05-03-056	246-840-515	NEW	05-12-058
246-337-060	NEW	05-15-157	246-802-060	AMD-P	05-06-120	246-840-520	AMD	05-12-058
246-337-065	NEW-P	05-10-063	246-802-060	AMD	05-13-188	246-840-525	AMD	05-12-058
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246-337-070	NEW-P	05-10-063	246-802-130	AMD	05-13-188	246-840-535	AMD	05-12-058
246-337-070	NEW	05-15-157	246-802-990	AMD-P	05-07-109	246-840-545	AMD	05-12-058
246-337-075	NEW-P	05-10-063	246-802-990	AMD	05-12-012	246-840-548	NEW	05-12-058
246-337-075	NEW	05-15-157	246-808-135	AMD-P	05-13-186	246-840-550	AMD	05-12-058
246-337-080	NEW-P	05-10-063	246-808-510	PREP	05-10-062	246-840-555	AMD	05-12-058
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246-337-085	NEW-P	05-10-063	246-808-990	AMD	05-12-012	246-840-565	AMD	05-12-058
246-337-085	NEW	05-15-157	246-809	PREP-W	05-10-095	246-840-570	AMD	05-12-058
246-337-090	NEW-P	05-10-063	246-809-990	AMD-P	05-07-109	246-840-575	AMD	05-12-058
246-337-090	NEW	05-15-157	246-809-990	AMD	05-12-012	246-840-840	PREP-W	05-10-095
246-337-095	NEW-P	05-10-063	246-810-990	AMD-P	05-07-109	246-840-850	PREP-W	05-10-095
246-337-095	NEW	05-15-157	246-810-990	AMD	05-12-012	246-840-860	PREP-W	05-10-095
246-337-100	NEW-P	05-10-063	246-811-990	AMD-P	05-07-109	246-840-870	PREP-W	05-10-095
246-337-100	NEW	05-15-157	246-811-990	AMD	05-12-012	246-840-880	PREP-W	05-10-095
246-337-105	NEW-P	05-10-063	246-812-990	AMD-P	05-07-109	246-840-890	PREP-W	05-10-095
246-337-105	NEW	05-15-157	246-812-990	AMD	05-12-012	246-840-990	AMD-P	05-07-109
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246-337-110	NEW	05-15-157	246-812-995	REP	05-12-012	246-840-990	AMD	05-12-012
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246-337-115	NEW	05-15-157	246-815-990	AMD	05-12-012	246-841-990	AMD-P	05-07-109
246-337-120	NEW-P	05-10-063	246-817-701	PREP	05-09-001	246-841-990	AMD	05-12-012
246-337-120	NEW	05-15-157	246-817-710	PREP	05-09-001	246-843-990	AMD-P	05-07-109
246-337-125	NEW-P	05-10-063	246-817-720	PREP	05-09-001	246-843-990	AMD	05-12-012
246-337-125	NEW	05-15-157	246-817-730	PREP	05-09-001	246-845-990	AMD-P	05-07-109
246-337-130	NEW-P	05-10-063	246-817-740	PREP	05-09-001	246-845-990	AMD	05-12-012
246-337-130	NEW	05-15-157	246-817-750	PREP	05-09-001	246-847-990	AMD-P	05-07-109
246-337-135	NEW-P	05-10-063	246-817-760	PREP	05-09-001	246-847-990	AMD	05-12-012
246-337-135	NEW	05-15-157	246-817-770	PREP	05-09-001	246-849-990	AMD-P	05-07-109
246-337-140	NEW-P	05-10-063	246-817-780	PREP	05-09-001	246-849-990	AMD	05-12-012
246-337-140	NEW	05-15-157	246-817-990	AMD-P	05-07-109	246-849-995	REP-P	05-07-109
246-337-145	NEW-P	05-10-063	246-817-990	AMD	05-12-012	246-849-995	REP	05-12-012
246-337-145	NEW	05-15-157	246-822-990	AMD-P	05-07-109	246-850-990	AMD-P	05-07-109
246-337-150	NEW-P	05-10-063	246-822-990	AMD	05-12-012	246-850-990	AMD	05-12-012
246-337-150	NEW	05-15-157	246-824-075	PREP	05-13-185	246-851-990	AMD-P	05-07-109
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246-887-230	NEW-P	05-14-157	246-939-990	AMD-P	05-07-109	251-01-055	REP	05-12-067
246-887-240	NEW-P	05-14-157	246-939-990	AMD	05-12-012	251-01-056	REP-P	05-09-099
246-887-250	NEW-P	05-14-157	246-976-010	PREP	05-14-154	251-01-056	REP	05-12-067
246-887-260	NEW-P	05-14-157	246-976-021	PREP	05-14-154	251-01-057	REP-P	05-09-099
246-887-270	NEW-P	05-14-157	246-976-031	PREP	05-14-154	251-01-057	REP	05-12-067
246-887-280	NEW-P	05-14-157	246-976-041	PREP	05-14-154	251-01-060	REP-P	05-09-099
246-887-290	NEW-P	05-14-157	246-976-141	PREP	05-14-154	251-01-060	REP	05-12-067
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246-907-030	AMD	05-12-012	246-976-161	PREP	05-14-154	251-01-065	REP	05-12-067
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246-915-040	AMD	05-06-022	246-976-191	PREP	05-14-154	251-01-072	REP-P	05-09-099
246-915-050	AMD	05-03-009	246-976-260	PREP	05-14-154	251-01-072	REP	05-12-067
246-915-100	AMD	05-06-020	246-976-270	PREP	05-14-154	251-01-075	REP-P	05-09-099
246-915-105	NEW	05-06-021	246-976-290	PREP	05-14-154	251-01-075	REP	05-12-067
246-915-150	REP	05-09-046	246-976-300	PREP	05-14-154	251-01-077	REP-P	05-09-099
246-915-170	REP	05-09-046	246-976-310	PREP	05-14-154	251-01-077	REP	05-12-067
246-915-180	AMD	05-06-023	246-976-320	PREP	05-14-154	251-01-080	REP-P	05-09-099
246-915-350	NEW-P	05-03-008	246-976-330	PREP	05-14-154	251-01-080	REP	05-12-067
246-915-350	NEW	05-09-003	246-976-340	PREP	05-14-154	251-01-085	REP-P	05-09-099
246-915-990	AMD-P	05-03-008	246-976-390	PREP	05-14-154	251-01-085	REP	05-12-067
246-915-990	AMD-P	05-07-109	246-976-400	PREP	05-14-154	251-01-100	REP-P	05-09-099
246-915-990	AMD	05-09-003	246-976-830	PREP	05-12-015	251-01-100	REP	05-12-067
246-915-990	AMD	05-12-012	246-976-840	PREP	05-12-015	251-01-105	REP-P	05-09-099
246-918-990	AMD-P	05-07-109	246-976-850	PREP	05-12-015	251-01-105	REP	05-12-067
246-918-990	AMD	05-12-012	246-976-860	PREP	05-12-015	251-01-110	REP-P	05-09-099
246-919-330	AMD	05-07-024	246-976-881	PREP	05-12-015	251-01-110	REP	05-12-067
246-919-600	REP	05-10-065	246-976-920	PREP	05-14-154	251-01-115	REP-P	05-09-099
246-919-990	AMD-P	05-07-109	247-02-050	AMD-X	05-06-045	251-01-115	REP	05-12-067
246-919-990	AMD	05-12-012	247-02-050	AMD	05-11-048	251-01-120	REP-P	05-09-099
246-922-990	AMD-P	05-07-109	250-83-010	NEW-P	05-05-073	251-01-120	REP	05-12-067
246-922-990	AMD	05-12-012	250-83-020	NEW-P	05-05-073	251-01-125	REP-P	05-09-099
246-922-995	REP-P	05-07-109	250-83-030	NEW-P	05-05-073	251-01-125	REP	05-12-067
246-922-995	REP	05-12-012	250-83-040	NEW-P	05-05-073	251-01-129	REP-P	05-09-099
246-924-354	AMD-P	05-13-187	250-83-050	NEW-P	05-05-073	251-01-129	REP	05-12-067
246-924-990	AMD-P	05-07-109	250-83-060	NEW-P	05-05-073	251-01-130	REP-P	05-09-099
246-924-990	AMD	05-12-012	250-83-070	NEW-P	05-05-073	251-01-130	REP	05-12-067
246-926-990	AMD-P	05-07-109	251-01-005	REP-P	05-09-099	251-01-135	REP-P	05-09-099
246-926-990	AMD	05-12-012	251-01-005	REP	05-12-067	251-01-135	REP	05-12-067
246-927-990	AMD-P	05-07-109	251-01-014	REP-P	05-09-099	251-01-140	REP-P	05-09-099
246-927-990	AMD	05-12-012	251-01-014	REP	05-12-067	251-01-140	REP	05-12-067
246-928-990	AMD-P	05-07-109	251-01-015	REP-P	05-09-099	251-01-145	REP-P	05-09-099
246-928-990	AMD	05-12-012	251-01-015	REP	05-12-067	251-01-145	REP	05-12-067
246-930-020	AMD	05-12-014	251-01-018	REP-P	05-09-099	251-01-147	REP-P	05-09-099
246-930-200	AMD	05-12-014	251-01-018	REP	05-12-067	251-01-147	REP	05-12-067
246-930-220	AMD	05-12-014	251-01-020	REP-P	05-09-099	251-01-150	REP-P	05-09-099
246-930-301	AMD	05-12-014	251-01-020	REP	05-12-067	251-01-150	REP	05-12-067
246-930-431	AMD	05-12-014	251-01-025	REP-P	05-09-099	251-01-160	REP-P	05-09-099
246-930-490	AMD	05-12-014	251-01-025	REP	05-12-067	251-01-160	REP	05-12-067
246-930-990	AMD-P	05-07-109	251-01-028	REP-P	05-09-099	251-01-165	REP-P	05-09-099
246-930-990	AMD	05-12-012	251-01-028	REP	05-12-067	251-01-165	REP	05-12-067
246-930-990	AMD	05-12-014	251-01-030	REP-P	05-09-099	251-01-170	REP-P	05-09-099
246-930-995	REP-P	05-07-109	251-01-030	REP	05-12-067	251-01-170	REP	05-12-067
246-930-995	REP	05-12-014	251-01-035	REP-P	05-09-099	251-01-172	REP-P	05-09-099
246-933-590	AMD-P	05-07-109	251-01-035	REP	05-12-067	251-01-172	REP	05-12-067
246-933-590	AMD	05-12-012	251-01-040	REP-P	05-09-099	251-01-175	REP-P	05-09-099
246-933-990	AMD-P	05-07-109	251-01-040	REP	05-12-067	251-01-175	REP	05-12-067
246-933-990	AMD	05-12-012	251-01-045	REP-P	05-09-099	251-01-185	REP-P	05-09-099
246-935-990	AMD-P	05-07-109	251-01-045	REP	05-12-067	251-01-185	REP	05-12-067
246-935-990	AMD	05-12-012	251-01-050	REP-P	05-09-099	251-01-190	REP-P	05-09-099

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-01-190	REP	05-12-067	251-01-345	REP	05-12-067	251-04-105	REP	05-12-067
251-01-195	REP-P	05-09-099	251-01-350	REP-P	05-09-099	251-04-110	REP-P	05-09-099
251-01-195	REP	05-12-067	251-01-350	REP	05-12-067	251-04-110	REP	05-12-067
251-01-200	REP-P	05-09-099	251-01-355	REP-P	05-09-099	251-04-160	REP-P	05-09-099
251-01-200	REP	05-12-067	251-01-355	REP	05-12-067	251-04-160	REP	05-12-067
251-01-201	REP-P	05-09-099	251-01-360	REP-P	05-09-099	251-04-170	REP-P	05-09-099
251-01-201	REP	05-12-067	251-01-360	REP	05-12-067	251-04-170	REP	05-12-067
251-01-210	REP-P	05-09-099	251-01-365	REP-P	05-09-099	251-05-010	REP-P	05-09-099
251-01-210	REP	05-12-067	251-01-365	REP	05-12-067	251-05-010	REP	05-12-067
251-01-215	REP-P	05-09-099	251-01-367	REP-P	05-09-099	251-05-030	REP-P	05-09-099
251-01-215	REP	05-12-067	251-01-367	REP	05-12-067	251-05-030	REP	05-12-067
251-01-220	REP-P	05-09-099	251-01-370	REP-P	05-09-099	251-05-040	REP-P	05-09-099
251-01-220	REP	05-12-067	251-01-370	REP	05-12-067	251-05-040	REP	05-12-067
251-01-225	REP-P	05-09-099	251-01-375	REP-P	05-09-099	251-05-050	REP-P	05-09-099
251-01-225	REP	05-12-067	251-01-375	REP	05-12-067	251-05-050	REP	05-12-067
251-01-230	REP-P	05-09-099	251-01-380	REP-P	05-09-099	251-05-060	REP-P	05-09-099
251-01-230	REP	05-12-067	251-01-380	REP	05-12-067	251-05-060	REP	05-12-067
251-01-235	REP-P	05-09-099	251-01-382	REP-P	05-09-099	251-05-070	REP-P	05-09-099
251-01-235	REP	05-12-067	251-01-382	REP	05-12-067	251-05-070	REP	05-12-067
251-01-240	REP-P	05-09-099	251-01-385	REP-P	05-09-099	251-05-080	REP-P	05-09-099
251-01-240	REP	05-12-067	251-01-385	REP	05-12-067	251-05-080	REP	05-12-067
251-01-245	REP-P	05-09-099	251-01-390	REP-P	05-09-099	251-06-010	REP-P	05-09-099
251-01-245	REP	05-12-067	251-01-390	REP	05-12-067	251-06-010	REP	05-12-067
251-01-250	REP-P	05-09-099	251-01-392	REP-P	05-09-099	251-06-020	REP-P	05-09-099
251-01-250	REP	05-12-067	251-01-392	REP	05-12-067	251-06-020	REP	05-12-067
251-01-255	REP-P	05-09-099	251-01-395	REP-P	05-09-099	251-06-030	REP-P	05-09-099
251-01-255	REP	05-12-067	251-01-395	REP	05-12-067	251-06-030	REP	05-12-067
251-01-258	REP-P	05-09-099	251-01-400	REP-P	05-09-099	251-06-050	REP-P	05-09-099
251-01-258	REP	05-12-067	251-01-400	REP	05-12-067	251-06-050	REP	05-12-067
251-01-260	REP-P	05-09-099	251-01-405	REP-P	05-09-099	251-06-060	REP-P	05-09-099
251-01-260	REP	05-12-067	251-01-405	REP	05-12-067	251-06-060	REP	05-12-067
251-01-265	REP-P	05-09-099	251-01-410	REP-P	05-09-099	251-06-065	REP-P	05-09-099
251-01-265	REP	05-12-067	251-01-410	REP	05-12-067	251-06-065	REP	05-12-067
251-01-268	REP-P	05-09-099	251-01-415	REP-P	05-09-099	251-06-070	AMD	05-04-042
251-01-268	REP	05-12-067	251-01-415	REP	05-12-067	251-06-070	REP-P	05-09-099
251-01-270	REP-P	05-09-099	251-01-425	REP-P	05-09-099	251-06-070	REP	05-12-067
251-01-270	REP	05-12-067	251-01-425	REP	05-12-067	251-06-072	NEW	05-04-042
251-01-275	REP-P	05-09-099	251-01-430	REP-P	05-09-099	251-06-072	REP-P	05-09-099
251-01-275	REP	05-12-067	251-01-430	REP	05-12-067	251-06-072	REP	05-12-067
251-01-280	REP-P	05-09-099	251-01-435	REP-P	05-09-099	251-06-080	REP-P	05-09-099
251-01-280	REP	05-12-067	251-01-435	REP	05-12-067	251-06-080	REP	05-12-067
251-01-285	REP-P	05-09-099	251-01-440	REP-P	05-09-099	251-06-090	REP-P	05-09-099
251-01-285	REP	05-12-067	251-01-440	REP	05-12-067	251-06-090	REP	05-12-067
251-01-290	REP-P	05-09-099	251-01-445	REP-P	05-09-099	251-06-091	REP-P	05-09-099
251-01-290	REP	05-12-067	251-01-445	REP	05-12-067	251-06-091	REP	05-12-067
251-01-295	REP-P	05-09-099	251-01-450	REP-P	05-09-099	251-07-010	REP-P	05-09-099
251-01-295	REP	05-12-067	251-01-450	REP	05-12-067	251-07-010	REP	05-12-067
251-01-300	REP-P	05-09-099	251-01-460	REP-P	05-09-099	251-07-020	REP-P	05-09-099
251-01-300	REP	05-12-067	251-01-460	REP	05-12-067	251-07-020	REP	05-12-067
251-01-305	REP-P	05-09-099	251-04-010	REP-P	05-09-099	251-07-030	REP-P	05-09-099
251-01-305	REP	05-12-067	251-04-010	REP	05-12-067	251-07-030	REP	05-12-067
251-01-310	REP-P	05-09-099	251-04-030	REP-P	05-09-099	251-07-040	REP-P	05-09-099
251-01-310	REP	05-12-067	251-04-030	REP	05-12-067	251-07-040	REP	05-12-067
251-01-315	REP-P	05-09-099	251-04-035	REP-P	05-09-099	251-07-050	REP-P	05-09-099
251-01-315	REP	05-12-067	251-04-035	REP	05-12-067	251-07-050	REP	05-12-067
251-01-325	REP-P	05-09-099	251-04-060	REP-P	05-09-099	251-07-060	REP-P	05-09-099
251-01-325	REP	05-12-067	251-04-060	REP	05-12-067	251-07-060	REP	05-12-067
251-01-335	REP-P	05-09-099	251-04-070	REP-P	05-09-099	251-07-100	REP-P	05-09-099
251-01-335	REP	05-12-067	251-04-070	REP	05-12-067	251-07-100	REP	05-12-067
251-01-340	REP-P	05-09-099	251-04-100	REP-P	05-09-099	251-08-005	REP-P	05-09-099
251-01-340	REP	05-12-067	251-04-100	REP	05-12-067	251-08-005	REP	05-12-067
251-01-345	REP-P	05-09-099	251-04-105	REP-P	05-09-099	251-08-007	REP-P	05-09-099

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-08-007	REP	05-12-067	251-10-030	REP	05-12-067	251-12-102	REP	05-12-067
251-08-021	REP-P	05-09-099	251-10-034	REP-P	05-09-099	251-12-103	REP-P	05-09-099
251-08-021	REP	05-12-067	251-10-034	REP	05-12-067	251-12-103	REP	05-12-067
251-08-031	REP-P	05-09-099	251-10-035	REP-P	05-09-099	251-12-104	REP-P	05-09-099
251-08-031	REP	05-12-067	251-10-035	REP	05-12-067	251-12-104	REP	05-12-067
251-08-070	REP-P	05-09-099	251-10-045	REP-P	05-09-099	251-12-105	REP-P	05-09-099
251-08-070	REP	05-12-067	251-10-045	REP	05-12-067	251-12-105	REP	05-12-067
251-08-075	REP-P	05-09-099	251-10-055	REP-P	05-09-099	251-12-106	REP-P	05-09-099
251-08-075	REP	05-12-067	251-10-055	REP	05-12-067	251-12-106	REP	05-12-067
251-08-080	REP-P	05-09-099	251-10-060	REP-P	05-09-099	251-12-110	REP-P	05-09-099
251-08-080	REP	05-12-067	251-10-060	REP	05-12-067	251-12-110	REP	05-12-067
251-08-090	REP-P	05-09-099	251-10-061	REP-P	05-09-099	251-12-120	REP-P	05-09-099
251-08-090	REP	05-12-067	251-10-061	REP	05-12-067	251-12-120	REP	05-12-067
251-08-100	REP-P	05-09-099	251-10-070	REP-P	05-09-099	251-12-140	REP-P	05-09-099
251-08-100	REP	05-12-067	251-10-070	REP	05-12-067	251-12-140	REP	05-12-067
251-08-110	REP-P	05-09-099	251-10-080	REP-P	05-09-099	251-12-170	REP-P	05-09-099
251-08-110	REP	05-12-067	251-10-080	REP	05-12-067	251-12-170	REP	05-12-067
251-08-112	REP-P	05-09-099	251-10-090	REP-P	05-09-099	251-12-180	REP-P	05-09-099
251-08-112	REP	05-12-067	251-10-090	REP	05-12-067	251-12-180	REP	05-12-067
251-08-115	REP-P	05-09-099	251-10-112	REP-P	05-09-099	251-12-190	REP-P	05-09-099
251-08-115	REP	05-12-067	251-10-112	REP	05-12-067	251-12-190	REP	05-12-067
251-08-120	REP-P	05-09-099	251-11-010	REP-P	05-09-099	251-12-200	REP-P	05-09-099
251-08-120	REP	05-12-067	251-11-010	REP	05-12-067	251-12-200	REP	05-12-067
251-08-130	REP-P	05-09-099	251-11-020	REP-P	05-09-099	251-12-210	REP-P	05-09-099
251-08-130	REP	05-12-067	251-11-020	REP	05-12-067	251-12-210	REP	05-12-067
251-08-150	REP-P	05-09-099	251-11-030	REP-P	05-09-099	251-12-220	REP-P	05-09-099
251-08-150	REP	05-12-067	251-11-030	REP	05-12-067	251-12-220	REP	05-12-067
251-08-160	REP-P	05-09-099	251-11-040	REP-P	05-09-099	251-12-230	REP-P	05-09-099
251-08-160	REP	05-12-067	251-11-040	REP	05-12-067	251-12-230	REP	05-12-067
251-09-010	REP-P	05-09-099	251-11-050	REP-P	05-09-099	251-12-231	REP-P	05-09-099
251-09-010	REP	05-12-067	251-11-050	REP	05-12-067	251-12-231	REP	05-12-067
251-09-020	REP-P	05-09-099	251-11-060	REP-P	05-09-099	251-12-232	REP-P	05-09-099
251-09-020	REP	05-12-067	251-11-060	REP	05-12-067	251-12-232	REP	05-12-067
251-09-025	REP-P	05-09-099	251-11-070	REP-P	05-09-099	251-12-240	REP-P	05-09-099
251-09-025	REP	05-12-067	251-11-070	REP	05-12-067	251-12-240	REP	05-12-067
251-09-030	REP-P	05-09-099	251-11-080	REP-P	05-09-099	251-12-250	REP-P	05-09-099
251-09-030	REP	05-12-067	251-11-080	REP	05-12-067	251-12-250	REP	05-12-067
251-09-035	REP-P	05-09-099	251-11-090	REP-P	05-09-099	251-12-260	REP-P	05-09-099
251-09-035	REP	05-12-067	251-11-090	REP	05-12-067	251-12-260	REP	05-12-067
251-09-040	REP-P	05-09-099	251-11-100	REP-P	05-09-099	251-12-500	REP-P	05-09-099
251-09-040	REP	05-12-067	251-11-100	REP	05-12-067	251-12-500	REP	05-12-067
251-09-060	REP-P	05-09-099	251-11-110	REP-P	05-09-099	251-12-600	REP-P	05-09-099
251-09-060	REP	05-12-067	251-11-110	REP	05-12-067	251-12-600	REP	05-12-067
251-09-070	REP-P	05-09-099	251-11-120	REP-P	05-09-099	251-14-005	REP-P	05-09-099
251-09-070	REP	05-12-067	251-11-120	REP	05-12-067	251-14-005	REP	05-12-067
251-09-080	REP-P	05-09-099	251-11-130	REP-P	05-09-099	251-14-010	REP-P	05-09-099
251-09-080	REP	05-12-067	251-11-130	REP	05-12-067	251-14-010	REP	05-12-067
251-09-090	REP-P	05-09-099	251-12-071	REP-P	05-09-099	251-14-020	REP-P	05-09-099
251-09-090	REP	05-12-067	251-12-071	REP	05-12-067	251-14-020	REP	05-12-067
251-09-092	REP-P	05-09-099	251-12-072	REP-P	05-09-099	251-14-035	REP-P	05-09-099
251-09-092	REP	05-12-067	251-12-072	REP	05-12-067	251-14-035	REP	05-12-067
251-09-094	REP-P	05-09-099	251-12-075	REP-P	05-09-099	251-14-052	REP-P	05-09-099
251-09-094	REP	05-12-067	251-12-075	REP	05-12-067	251-14-052	REP	05-12-067
251-09-100	REP-P	05-09-099	251-12-076	REP-P	05-09-099	251-14-054	REP-P	05-09-099
251-09-100	REP	05-12-067	251-12-076	REP	05-12-067	251-14-054	REP	05-12-067
251-09-110	REP-P	05-09-099	251-12-080	REP-P	05-09-099	251-14-056	REP-P	05-09-099
251-09-110	REP	05-12-067	251-12-080	REP	05-12-067	251-14-056	REP	05-12-067
251-10-020	REP-P	05-09-099	251-12-099	REP-P	05-09-099	251-14-057	REP-P	05-09-099
251-10-020	REP	05-12-067	251-12-099	REP	05-12-067	251-14-057	REP	05-12-067
251-10-025	REP-P	05-09-099	251-12-100	REP-P	05-09-099	251-14-058	REP-P	05-09-099
251-10-025	REP	05-12-067	251-12-100	REP	05-12-067	251-14-058	REP	05-12-067
251-10-030	REP-P	05-09-099	251-12-102	REP-P	05-09-099	251-14-060	REP-P	05-09-099

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-14-060	REP	05-12-067	251-18-265	REP	05-12-067	251-20-060	REP	05-12-067
251-14-100	REP-P	05-09-099	251-18-280	REP-P	05-09-099	251-22-040	REP-P	05-09-099
251-14-100	REP	05-12-067	251-18-280	REP	05-12-067	251-22-040	REP	05-12-067
251-14-110	REP-P	05-09-099	251-18-285	REP-P	05-09-099	251-22-045	REP-P	05-09-099
251-14-110	REP	05-12-067	251-18-285	REP	05-12-067	251-22-045	REP	05-12-067
251-14-120	REP-P	05-09-099	251-19-010	REP-P	05-09-099	251-22-048	REP-P	05-09-099
251-14-120	REP	05-12-067	251-19-010	REP	05-12-067	251-22-048	REP	05-12-067
251-14-130	REP-P	05-09-099	251-19-020	REP-P	05-09-099	251-22-050	REP-P	05-09-099
251-14-130	REP	05-12-067	251-19-020	REP	05-12-067	251-22-050	REP	05-12-067
251-17-010	REP-P	05-09-099	251-19-050	REP-P	05-09-099	251-22-053	REP-P	05-09-099
251-17-010	REP	05-12-067	251-19-050	REP	05-12-067	251-22-053	REP	05-12-067
251-17-020	REP-P	05-09-099	251-19-060	REP-P	05-09-099	251-22-056	REP-P	05-09-099
251-17-020	REP	05-12-067	251-19-060	REP	05-12-067	251-22-056	REP	05-12-067
251-17-030	REP-P	05-09-099	251-19-070	REP-P	05-09-099	251-22-059	REP-P	05-09-099
251-17-030	REP	05-12-067	251-19-070	REP	05-12-067	251-22-059	REP	05-12-067
251-17-040	REP-P	05-09-099	251-19-080	REP-P	05-09-099	251-22-060	REP-P	05-09-099
251-17-040	REP	05-12-067	251-19-080	REP	05-12-067	251-22-060	REP	05-12-067
251-17-050	REP-P	05-09-099	251-19-085	REP-P	05-09-099	251-22-070	REP-P	05-09-099
251-17-050	REP	05-12-067	251-19-085	REP	05-12-067	251-22-070	REP	05-12-067
251-17-060	REP-P	05-09-099	251-19-090	REP-P	05-09-099	251-22-080	REP-P	05-09-099
251-17-060	REP	05-12-067	251-19-090	REP	05-12-067	251-22-080	REP	05-12-067
251-17-070	REP-P	05-09-099	251-19-100	REP-P	05-09-099	251-22-090	REP-P	05-09-099
251-17-070	REP	05-12-067	251-19-100	REP	05-12-067	251-22-090	REP	05-12-067
251-17-080	REP-P	05-09-099	251-19-105	REP-P	05-09-099	251-22-100	REP-P	05-09-099
251-17-080	REP	05-12-067	251-19-105	REP	05-12-067	251-22-100	REP	05-12-067
251-17-090	REP-P	05-09-099	251-19-110	REP-P	05-09-099	251-22-110	REP-P	05-09-099
251-17-090	REP	05-12-067	251-19-110	REP	05-12-067	251-22-110	REP	05-12-067
251-17-100	REP-P	05-09-099	251-19-120	REP-P	05-09-099	251-22-111	REP-P	05-09-099
251-17-100	REP	05-12-067	251-19-120	REP	05-12-067	251-22-111	REP	05-12-067
251-17-110	REP-P	05-09-099	251-19-122	REP-P	05-09-099	251-22-112	REP-P	05-09-099
251-17-110	REP	05-12-067	251-19-122	REP	05-12-067	251-22-112	REP	05-12-067
251-17-120	REP-P	05-09-099	251-19-130	REP-P	05-09-099	251-22-116	REP-P	05-09-099
251-17-120	REP	05-12-067	251-19-130	REP	05-12-067	251-22-116	REP	05-12-067
251-17-130	REP-P	05-09-099	251-19-140	REP-P	05-09-099	251-22-117	REP-P	05-09-099
251-17-130	REP	05-12-067	251-19-140	REP	05-12-067	251-22-117	REP	05-12-067
251-17-150	REP-P	05-09-099	251-19-150	REP-P	05-09-099	251-22-124	REP-P	05-09-099
251-17-150	REP	05-12-067	251-19-150	REP	05-12-067	251-22-124	REP	05-12-067
251-17-160	REP-P	05-09-099	251-19-154	REP-P	05-09-099	251-22-125	REP-P	05-09-099
251-17-160	REP	05-12-067	251-19-154	REP	05-12-067	251-22-125	REP	05-12-067
251-17-165	REP-P	05-09-099	251-19-155	REP-P	05-09-099	251-22-127	REP-P	05-09-099
251-17-165	REP	05-12-067	251-19-155	REP	05-12-067	251-22-127	REP	05-12-067
251-17-170	REP-P	05-09-099	251-19-156	REP-P	05-09-099	251-22-165	REP-P	05-09-099
251-17-170	REP	05-12-067	251-19-156	REP	05-12-067	251-22-165	REP	05-12-067
251-17-180	REP-P	05-09-099	251-19-157	REP-P	05-09-099	251-22-167	REP-P	05-09-099
251-17-180	REP	05-12-067	251-19-157	REP	05-12-067	251-22-167	REP	05-12-067
251-17-190	REP-P	05-09-099	251-19-158	REP-P	05-09-099	251-22-170	REP-P	05-09-099
251-17-190	REP	05-12-067	251-19-158	REP	05-12-067	251-22-170	REP	05-12-067
251-17-200	REP-P	05-09-099	251-19-160	REP-P	05-09-099	251-22-180	REP-P	05-09-099
251-17-200	REP	05-12-067	251-19-160	REP	05-12-067	251-22-180	REP	05-12-067
251-18-180	REP-P	05-09-099	251-19-180	REP-P	05-09-099	251-22-190	REP-P	05-09-099
251-18-180	REP	05-12-067	251-19-180	REP	05-12-067	251-22-190	REP	05-12-067
251-18-190	REP-P	05-09-099	251-20-010	REP-P	05-09-099	251-22-195	REP-P	05-09-099
251-18-190	REP	05-12-067	251-20-010	REP	05-12-067	251-22-195	REP	05-12-067
251-18-200	REP-P	05-09-099	251-20-020	REP-P	05-09-099	251-22-200	REP-P	05-09-099
251-18-200	REP	05-12-067	251-20-020	REP	05-12-067	251-22-200	REP	05-12-067
251-18-240	REP-P	05-09-099	251-20-030	REP-P	05-09-099	251-22-210	REP-P	05-09-099
251-18-240	REP	05-12-067	251-20-030	REP	05-12-067	251-22-210	REP	05-12-067
251-18-255	REP-P	05-09-099	251-20-040	REP-P	05-09-099	251-22-220	REP-P	05-09-099
251-18-255	REP	05-12-067	251-20-040	REP	05-12-067	251-22-220	REP	05-12-067
251-18-260	REP-P	05-09-099	251-20-050	REP-P	05-09-099	251-22-240	REP-P	05-09-099
251-18-260	REP	05-12-067	251-20-050	REP	05-12-067	251-22-240	REP	05-12-067
251-18-265	REP-P	05-09-099	251-20-060	REP-P	05-09-099	251-22-245	REP-P	05-09-099

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-22-245	REP	05-12-067	257-10-020	NEW	05-14-113	260-08-820	REP	05-05-049
251-22-250	REP-P	05-09-099	257-10-040	NEW-P	05-09-126	260-08-830	REP	05-05-049
251-22-250	REP	05-12-067	257-10-040	NEW	05-14-113	260-12-160	REP	05-14-058
251-22-260	REP-P	05-09-099	257-10-060	NEW-P	05-09-126	260-12-250	PREP	05-07-094
251-22-260	REP	05-12-067	257-10-060	NEW	05-14-113	260-12-250	AMD-P	05-13-107
251-22-270	REP-P	05-09-099	257-10-080	NEW-P	05-09-126	260-20	PREP	05-14-069
251-22-270	REP	05-12-067	257-10-080	NEW	05-14-113	260-24-500	AMD-P	05-04-084
251-22-280	REP-P	05-09-099	257-10-100	NEW-P	05-09-126	260-24-500	AMD	05-07-065
251-22-280	REP	05-12-067	257-10-100	NEW	05-14-113	260-24-510	AMD-P	05-04-084
251-22-290	REP-P	05-09-099	257-10-120	NEW-P	05-09-126	260-24-510	AMD	05-07-065
251-22-290	REP	05-12-067	257-10-120	NEW	05-14-113	260-28	PREP	05-09-008
251-22-300	REP-P	05-09-099	257-10-140	NEW-P	05-09-126	260-28-290	NEW-P	05-13-108
251-22-300	REP	05-12-067	257-10-140	NEW	05-14-113	260-32-160	PREP	05-09-007
251-23-010	REP-P	05-09-099	257-10-160	NEW-P	05-09-126	260-32-160	AMD-P	05-13-109
251-23-010	REP	05-12-067	257-10-160	NEW	05-14-113	260-34	AMD-P	05-04-085
251-23-015	REP-P	05-09-099	257-10-180	NEW-P	05-09-126	260-34	AMD	05-07-066
251-23-015	REP	05-12-067	257-10-180	NEW	05-14-113	260-34-010	AMD-P	05-04-085
251-23-020	REP-P	05-09-099	257-10-200	NEW-P	05-09-126	260-34-010	AMD	05-07-066
251-23-020	REP	05-12-067	257-10-200	NEW	05-14-113	260-34-020	AMD-P	05-04-085
251-23-030	REP-P	05-09-099	257-10-220	NEW-P	05-09-126	260-34-020	AMD	05-07-066
251-23-030	REP	05-12-067	257-10-220	NEW	05-14-113	260-34-030	AMD-P	05-04-085
251-23-040	REP-P	05-09-099	257-10-240	NEW-P	05-09-126	260-34-030	AMD	05-07-066
251-23-040	REP	05-12-067	257-10-240	NEW	05-14-113	260-34-035	NEW-P	05-04-085
251-23-050	REP-P	05-09-099	257-10-260	NEW-P	05-09-126	260-34-035	NEW	05-07-066
251-23-050	REP	05-12-067	257-10-260	NEW	05-14-113	260-34-040	REP-P	05-04-085
251-23-060	REP-P	05-09-099	257-10-280	NEW-P	05-09-126	260-34-040	REP	05-07-066
251-23-060	REP	05-12-067	257-10-280	NEW	05-14-113	260-34-045	NEW-P	05-04-085
251-24-010	REP-P	05-09-099	257-10-300	NEW-P	05-09-126	260-34-045	NEW	05-07-066
251-24-010	REP	05-12-067	257-10-300	NEW	05-14-113	260-34-050	REP-P	05-04-085
251-24-030	REP-P	05-09-099	257-10-320	NEW-P	05-09-126	260-34-050	REP	05-07-066
251-24-030	REP	05-12-067	257-10-320	NEW	05-14-113	260-34-060	AMD-P	05-04-085
251-24-035	REP-P	05-09-099	257-10-340	NEW-P	05-09-126	260-34-060	AMD	05-07-066
251-24-035	REP	05-12-067	257-10-340	NEW	05-14-113	260-34-070	AMD-P	05-04-085
251-24-050	REP-P	05-09-099	257-10-360	NEW-P	05-09-126	260-34-070	AMD	05-07-066
251-24-050	REP	05-12-067	257-10-360	NEW	05-14-113	260-34-080	AMD-P	05-04-085
251-24-200	REP-P	05-09-099	257-10-380	NEW-P	05-09-126	260-34-080	AMD	05-07-066
251-24-200	REP	05-12-067	257-10-380	NEW	05-14-113	260-34-090	AMD-P	05-04-085
251-25-010	REP-P	05-09-099	257-10-400	NEW-P	05-09-126	260-34-090	AMD	05-07-066
251-25-010	REP	05-12-067	257-10-400	NEW	05-14-113	260-34-090	PREP	05-14-011
251-25-020	REP-P	05-09-099	257-10-420	NEW-P	05-09-126	260-34-090	AMD-E	05-15-101
251-25-020	REP	05-12-067	257-10-420	NEW	05-14-113	260-34-100	AMD-P	05-04-085
251-25-030	REP-P	05-09-099	260	PREP	05-09-007	260-34-100	AMD	05-07-066
251-25-030	REP	05-12-067	260-08-005	AMD	05-05-049	260-34-110	REP-P	05-04-085
251-25-040	REP-P	05-09-099	260-08-670	REP	05-05-049	260-34-110	REP	05-07-066
251-25-040	REP	05-12-067	260-08-671	NEW	05-05-049	260-34-120	REP-P	05-04-085
251-25-050	REP-P	05-09-099	260-08-673	NEW	05-05-049	260-34-120	REP	05-07-066
251-25-050	REP	05-12-067	260-08-675	NEW	05-05-049	260-34-130	REP-P	05-04-085
251-30-010	REP-P	05-09-099	260-08-677	NEW	05-05-049	260-34-130	REP	05-07-066
251-30-010	REP	05-12-067	260-08-680	REP	05-05-049	260-34-140	REP-P	05-04-085
251-30-020	REP-P	05-09-099	260-08-690	REP	05-05-049	260-34-140	REP	05-07-066
251-30-020	REP	05-12-067	260-08-700	REP	05-05-049	260-34-150	REP-P	05-04-085
251-30-030	REP-P	05-09-099	260-08-710	REP	05-05-049	260-34-150	REP	05-07-066
251-30-030	REP	05-12-067	260-08-720	REP	05-05-049	260-34-160	REP-P	05-04-085
251-30-032	REP-P	05-09-099	260-08-730	REP	05-05-049	260-34-160	REP	05-07-066
251-30-032	REP	05-12-067	260-08-740	REP	05-05-049	260-34-170	REP-P	05-04-085
251-30-034	REP-P	05-09-099	260-08-750	REP	05-05-049	260-34-170	REP	05-07-066
251-30-034	REP	05-12-067	260-08-760	REP	05-05-049	260-34-180	AMD-P	05-04-085
251-30-055	REP-P	05-09-099	260-08-770	REP	05-05-049	260-34-180	AMD	05-07-066
251-30-055	REP	05-12-067	260-08-780	REP	05-05-049	260-34-190	REP-P	05-04-085
251-30-057	REP-P	05-09-099	260-08-790	REP	05-05-049	260-34-190	REP	05-07-066
251-30-057	REP	05-12-067	260-08-800	REP	05-05-049	260-36	PREP	05-07-093
257-10-020	NEW-P	05-09-126	260-08-810	REP	05-05-049	260-36-085	AMD-W	05-02-052

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-36-085	PREP	05-05-011	260-70-660	AMD	05-07-067	284-17-222	NEW-P	05-03-110
260-36-120	AMD	05-05-047	260-70-660	AMD-E	05-07-068	284-17-222	NEW	05-07-091
260-36-180	AMD-P	05-02-078	260-70-670	REP-P	05-04-086	284-17-224	NEW-P	05-03-110
260-36-180	AMD	05-05-043	260-70-670	REP	05-07-067	284-17-224	NEW	05-07-091
260-36-200	AMD-P	05-05-048	260-70-670	REP-E	05-07-068	284-17-226	NEW-P	05-03-110
260-36-200	AMD	05-09-045	260-70-675	NEW-E	05-09-096	284-17-226	NEW	05-07-091
260-40	PREP	05-09-006	260-70-675	NEW-P	05-14-139	284-17-228	NEW-P	05-03-110
260-48-800	PREP	05-15-027	260-70-680	AMD-P	05-04-086	284-17-228	NEW	05-07-091
260-49	PREP	05-11-113	260-70-680	AMD	05-07-067	284-17-230	AMD-P	05-03-110
260-56-030	REP	05-05-044	260-70-680	AMD-E	05-07-068	284-17-230	AMD	05-07-091
260-60-300	AMD-P	05-03-028	260-70-690	REP-P	05-04-086	284-17-232	NEW-P	05-03-110
260-60-300	AMD	05-07-063	260-70-690	REP	05-07-067	284-17-232	NEW	05-07-091
260-60-320	REP-P	05-03-028	260-70-690	REP-E	05-07-068	284-17-234	NEW-P	05-03-110
260-60-320	REP	05-07-063	260-70-700	REP-P	05-04-086	284-17-234	NEW	05-07-091
260-70	PREP	05-07-035	260-70-700	REP	05-07-067	284-17-235	REP-P	05-03-110
260-70-520	AMD-P	05-04-086	260-70-700	REP-E	05-07-068	284-17-235	REP	05-07-091
260-70-520	AMD	05-07-067	260-70-720	AMD-P	05-04-086	284-17-236	NEW-P	05-03-110
260-70-520	AMD-E	05-07-068	260-70-720	AMD	05-07-067	284-17-236	NEW	05-07-091
260-70-520	PREP	05-15-140	260-70-720	AMD-E	05-07-068	284-17-238	NEW-P	05-03-110
260-70-530	AMD-P	05-04-086	260-70-730	AMD-P	05-04-086	284-17-238	NEW	05-07-091
260-70-530	AMD	05-07-067	260-70-730	AMD	05-07-067	284-17-240	AMD-P	05-03-110
260-70-530	AMD-E	05-07-068	260-70-730	AMD-E	05-07-068	284-17-240	AMD	05-07-091
260-70-540	AMD-P	05-04-086	260-72-050	NEW-P	05-02-077	284-17-242	NEW-P	05-03-110
260-70-540	AMD	05-07-067	260-72-050	NEW	05-05-045	284-17-242	NEW	05-07-091
260-70-540	AMD-E	05-07-068	260-75-030	AMD	05-05-042	284-17-244	NEW-P	05-03-110
260-70-545	AMD-P	05-04-086	260-75-040	NEW	05-05-042	284-17-244	NEW	05-07-091
260-70-545	AMD	05-07-067	260-84	AMD-P	05-04-083	284-17-246	NEW-P	05-03-110
260-70-545	AMD-E	05-07-068	260-84	PREP	05-07-035	284-17-246	NEW	05-07-091
260-70-550	AMD-P	05-04-086	260-84	AMD	05-07-064	284-17-248	NEW-P	05-03-110
260-70-550	AMD	05-07-067	260-84	PREP	05-07-093	284-17-248	NEW	05-07-091
260-70-550	AMD-E	05-07-068	260-84	PREP	05-07-094	284-17-250	AMD-P	05-03-110
260-70-560	AMD-P	05-04-086	260-84-010	REP-P	05-04-083	284-17-250	AMD	05-07-091
260-70-560	AMD	05-07-067	260-84-010	REP	05-07-064	284-17-252	NEW-P	05-03-110
260-70-560	AMD-E	05-07-068	260-84-020	REP-P	05-04-083	284-17-252	NEW	05-07-091
260-70-570	AMD-P	05-04-086	260-84-020	REP	05-07-064	284-17-254	NEW-P	05-03-110
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296-78-665	AMD-X	05-07-125	296-150T	PREP	05-05-066	296-307-69005	NEW-W	05-05-070
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296-78-71015	AMD-X	05-07-125	296-150T-3000	AMD	05-12-032	296-307-69015	NEW-W	05-05-070
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296-79-29007	AMD	05-03-093	296-155	PREP	05-08-113	296-307-694	NEW-W	05-05-070
296-79-29007	AMD-X	05-07-125	296-155	PREP-W	05-09-060	296-307-69405	NEW-W	05-05-070
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296-96-00922	AMD-P	05-08-111	296-155-160	AMD	05-03-093	296-307-69415	NEW-W	05-05-070
296-96-00922	AMD	05-12-032	296-155-17317	AMD	05-03-093	296-307-69420	NEW-W	05-05-070
296-96-01010	AMD-P	05-08-111	296-155-174	AMD	05-03-093	296-307-69425	NEW-W	05-05-070
296-96-01010	AMD	05-12-032	296-155-17613	AMD	05-03-093	296-307-69430	NEW-W	05-05-070
296-96-01012	AMD-P	05-08-111	296-155-17625	AMD	05-03-093	296-307-69435	NEW-W	05-05-070
296-96-01012	AMD	05-12-032	296-155-17625	AMD-X	05-07-125	296-307-69440	NEW-W	05-05-070
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296-96-01027	AMD	05-12-032	296-155-20301	AMD	05-03-093	296-307-69605	NEW-W	05-05-070
296-96-01030	AMD-P	05-08-111	296-155-220	AMD	05-03-093	296-307-69610	NEW-W	05-05-070
296-96-01030	AMD	05-12-032	296-155-367	AMD	05-03-093	296-307-69615	NEW-W	05-05-070
296-96-01035	AMD-P	05-08-111	296-155-475	AMD-P	05-12-030	296-307-69620	NEW-W	05-05-070
296-96-01035	AMD	05-12-032	296-155-47501	AMD-P	05-12-030	296-307-69625	NEW-W	05-05-070
296-96-01040	AMD-P	05-08-111	296-155-480	AMD-P	05-12-030	296-307-69630	NEW-W	05-05-070
296-96-01040	AMD	05-12-032	296-155-48080	AMD-P	05-12-030	296-307-698	NEW-W	05-05-070
296-96-01045	AMD-P	05-08-111	296-155-525	AMD	05-03-093	296-307-69805	NEW-W	05-05-070
296-96-01045	AMD	05-12-032	296-155-525	AMD-X	05-07-125	296-307-69810	NEW-W	05-05-070
296-96-01050	AMD-P	05-08-111	296-155-655	AMD	05-03-093	296-307-69815	NEW-W	05-05-070
296-96-01050	AMD	05-12-032	296-155-655	AMD-X	05-07-125	296-307-69820	NEW-W	05-05-070
296-96-01055	AMD-P	05-08-111	296-155-730	AMD	05-03-093	296-307-69825	NEW-W	05-05-070
296-96-01055	AMD	05-12-032	296-200A	PREP	05-05-066	296-307-69830	NEW-W	05-05-070
296-96-01060	AMD-P	05-08-111	296-200A-900	AMD-P	05-08-111	296-307-700	NEW-W	05-05-070
296-96-01060	AMD	05-12-032	296-200A-900	AMD	05-12-032	296-307-70005	NEW-W	05-05-070
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296-855-20020	NEW-P	05-10-076	308- 18-240	AMD	05-09-036	308- 19-430	AMD	05-08-027
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296-855-20070	NEW-P	05-10-076	308- 18-305	NEW	05-09-036	308- 19-450	NEW	05-08-027
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296-855-30010	NEW-P	05-10-076	308- 19-020	AMD	05-08-027	308- 19-460	NEW	05-08-027
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296-855-40030	NEW-P	05-10-076	308- 19-101	NEW-P	05-04-105	308- 30-100	AMD-P	05-09-028
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308-56A-415	AMD	05-14-092	308-108-150	NEW-P	05-11-099	314-16-190	REP-P	05-12-141
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308-108-090	NEW-W	05-08-106	314-07-095	NEW	05-07-012	315-33A-040	AMD-E	05-04-019
308-108-090	NEW-P	05-11-099	314-07-100	NEW	05-07-012	315-33A-040	AMD-P	05-04-080
308-108-100	AMD-W	05-08-106	314-07-110	NEW	05-07-012	315-33A-040	AMD	05-07-100
308-108-100	AMD-P	05-11-099	314-07-120	NEW	05-07-012	315-33A-050	AMD-E	05-04-019
308-108-110	NEW-W	05-08-106	314-09-010	AMD	05-07-011	315-33A-050	AMD-P	05-04-080

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315-33A-050	AMD	05-07-100	315-36-100	REP-X	05-05-059	332-130	PREP	05-02-073
315-33A-060	AMD-E	05-04-019	315-36-110	REP-X	05-05-059	332-130-020	AMD-P	05-08-067
315-33A-060	AMD-P	05-04-080	315-36-120	REP-X	05-05-059	332-130-020	AMD	05-13-104
315-33A-060	AMD	05-07-100	315-36-130	REP-X	05-05-059	332-130-060	AMD-P	05-08-067
315-33A-070	REP-E	05-04-019	315-36-140	REP-X	05-05-059	332-130-060	AMD	05-13-104
315-33A-070	REP-P	05-04-080	315-36-150	REP-X	05-05-059	332-130-070	AMD-P	05-08-067
315-33A-070	REP	05-07-100	315-37-010	REP-X	05-03-060	332-130-070	AMD	05-13-104
315-34-010	AMD-E	05-04-010	315-37-020	REP-X	05-03-060	352-11	PREP	05-10-070
315-34-010	AMD-P	05-04-081	315-37-030	REP-X	05-03-060	352-12	PREP	05-13-044
315-34-010	AMD-C	05-08-095	315-37-040	REP-X	05-03-060	352-20	PREP	05-13-044
315-34-010	AMD	05-12-005	315-37-050	REP-X	05-03-060	352-28	PREP	05-06-125
315-34-020	AMD-E	05-04-010	315-37-060	REP-X	05-03-060	352-28	AMD-C	05-11-114
315-34-020	AMD-P	05-04-081	315-37-070	REP-X	05-03-060	352-28-010	AMD-P	05-10-071
315-34-020	AMD-C	05-08-095	315-37-080	REP-X	05-03-060	352-28-030	NEW-P	05-10-071
315-34-020	AMD	05-12-005	315-37-090	REP-X	05-03-060	352-32	PREP	05-13-044
315-34-030	AMD-E	05-04-010	315-37-100	REP-X	05-03-060	352-32-252	REP-W	05-10-066
315-34-030	AMD-P	05-04-081	315-37-110	REP-X	05-03-060	352-37	PREP	05-13-044
315-34-030	AMD-C	05-08-095	315-37-120	REP-X	05-03-060	356-03-010	REP-P	05-09-100
315-34-030	AMD	05-12-005	315-38	PREP	05-06-026	356-03-010	REP	05-12-066
315-34-040	AMD-E	05-04-010	315-38-010	AMD-P	05-08-100	356-05-001	REP-P	05-09-100
315-34-040	AMD-P	05-04-081	315-38-010	AMD	05-11-050	356-05-001	REP	05-12-066
315-34-040	AMD-C	05-08-095	315-38-020	AMD-P	05-08-100	356-05-010	REP-P	05-09-100
315-34-040	AMD-E	05-11-069	315-38-020	AMD	05-11-050	356-05-010	REP	05-12-066
315-34-040	AMD	05-12-005	315-38-080	AMD-P	05-08-100	356-05-012	REP-P	05-09-100
315-34-050	AMD-E	05-04-010	315-38-080	AMD	05-11-050	356-05-012	REP	05-12-066
315-34-050	AMD-P	05-04-081	315-38-090	AMD-P	05-08-100	356-05-013	REP-P	05-09-100
315-34-050	AMD-C	05-08-095	315-38-090	AMD	05-11-050	356-05-013	REP	05-12-066
315-34-050	AMD	05-12-005	315-38-100	AMD-P	05-08-100	356-05-015	REP-P	05-09-100
315-34-057	AMD-E	05-04-010	315-38-100	AMD	05-11-050	356-05-015	REP	05-12-066
315-34-057	AMD-P	05-04-081	316-75-001	AMD-X	05-14-051	356-05-020	REP-P	05-09-100
315-34-057	AMD-C	05-08-095	316-75-010	AMD-X	05-14-051	356-05-020	REP	05-12-066
315-34-057	AMD	05-12-005	316-75-030	AMD-X	05-14-051	356-05-025	REP-P	05-09-100
315-34-060	AMD-E	05-04-010	316-75-050	AMD-X	05-14-051	356-05-025	REP	05-12-066
315-34-060	AMD-P	05-04-081	316-75-090	AMD-X	05-14-051	356-05-030	REP-P	05-09-100
315-34-060	AMD-C	05-08-095	316-75-110	AMD-X	05-14-051	356-05-030	REP	05-12-066
315-34-060	AMD-E	05-11-069	316-75-130	AMD-X	05-14-051	356-05-035	REP-P	05-09-100
315-34-060	AMD	05-12-005	316-75-150	AMD-X	05-14-051	356-05-035	REP	05-12-066
315-34-070	REP-E	05-04-010	316-75-170	AMD-X	05-14-051	356-05-040	REP-P	05-09-100
315-34-070	REP-P	05-04-081	316-75-190	AMD-X	05-14-051	356-05-040	REP	05-12-066
315-34-070	REP-C	05-08-095	316-75-210	AMD-X	05-14-051	356-05-045	REP-P	05-09-100
315-34-070	REP	05-12-005	316-75-230	AMD-X	05-14-051	356-05-045	REP	05-12-066
315-34-080	REP-E	05-04-010	316-75-250	AMD-X	05-14-051	356-05-050	REP-P	05-09-100
315-34-080	REP-P	05-04-081	316-75-270	AMD-X	05-14-051	356-05-050	REP	05-12-066
315-34-080	REP-C	05-08-095	316-75-310	AMD-X	05-14-051	356-05-055	REP-P	05-09-100
315-34-080	REP	05-12-005	316-85-001	AMD-X	05-14-051	356-05-055	REP	05-12-066
315-34-090	REP-E	05-04-010	316-85-010	AMD-X	05-14-051	356-05-060	REP-P	05-09-100
315-34-090	REP-P	05-04-081	316-85-020	AMD-X	05-14-051	356-05-060	REP	05-12-066
315-34-090	REP-C	05-08-095	316-85-030	AMD-X	05-14-051	356-05-065	REP-P	05-09-100
315-34-090	REP	05-12-005	316-85-040	AMD-X	05-14-051	356-05-065	REP	05-12-066
315-34-100	REP-E	05-04-010	316-85-050	AMD-X	05-14-051	356-05-070	REP-P	05-09-100
315-34-100	REP-P	05-04-081	316-85-060	AMD-X	05-14-051	356-05-070	REP	05-12-066
315-34-100	REP-C	05-08-095	316-85-070	AMD-X	05-14-051	356-05-072	REP-P	05-09-100
315-34-100	REP	05-12-005	316-85-080	AMD-X	05-14-051	356-05-072	REP	05-12-066
315-36-010	REP-X	05-05-059	316-85-090	AMD-X	05-14-051	356-05-075	REP-P	05-09-100
315-36-020	REP-X	05-05-059	316-85-100	AMD-X	05-14-051	356-05-075	REP	05-12-066
315-36-030	REP-X	05-05-059	332-30-128	PREP	05-14-115	356-05-080	REP-P	05-09-100
315-36-040	REP-X	05-05-059	332-30-151	PREP	05-06-098	356-05-080	REP	05-12-066
315-36-050	REP-X	05-05-059	332-30-151	AMD-P	05-11-067	356-05-085	REP-P	05-09-100
315-36-060	REP-X	05-05-059	332-100-040	PREP	05-14-114	356-05-085	REP	05-12-066
315-36-070	REP-X	05-05-059	332-120	PREP	05-02-073	356-05-090	REP-P	05-09-100
315-36-080	REP-X	05-05-059	332-120-040	AMD-P	05-08-067	356-05-090	REP	05-12-066
315-36-090	REP-X	05-05-059	332-120-040	AMD	05-13-104	356-05-095	REP-P	05-09-100

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356-05-495	REP	05-12-066	356-10-040	REP	05-12-066	356-14-230	REP	05-12-066
356-05-500	REP-P	05-09-100	356-10-045	REP-P	05-09-100	356-14-240	REP-P	05-09-100
356-05-500	REP	05-12-066	356-10-045	REP	05-12-066	356-14-240	REP	05-12-066
356-05-505	REP-P	05-09-100	356-10-050	REP-P	05-09-100	356-14-250	REP-P	05-09-100
356-05-505	REP	05-12-066	356-10-050	REP	05-12-066	356-14-250	REP	05-12-066
356-06-001	REP-P	05-09-100	356-10-060	AMD	05-04-043	356-14-260	REP-P	05-09-100
356-06-001	REP	05-12-066	356-10-060	REP-P	05-09-100	356-14-260	REP	05-12-066
356-06-002	REP-P	05-09-100	356-10-060	REP	05-12-066	356-14-265	REP-P	05-09-100
356-06-002	REP	05-12-066	356-10-065	NEW	05-04-043	356-14-265	REP	05-12-066
356-06-003	REP-P	05-09-100	356-10-065	REP-P	05-09-100	356-14-300	REP-P	05-09-100
356-06-003	REP	05-12-066	356-10-065	REP	05-12-066	356-14-300	REP	05-12-066
356-06-030	REP-P	05-09-100	356-14-010	REP-P	05-09-100	356-15-010	REP-P	05-09-100
356-06-030	REP	05-12-066	356-14-010	REP	05-12-066	356-15-010	REP	05-12-066
356-06-040	REP-P	05-09-100	356-14-026	REP-P	05-09-100	356-15-020	REP-P	05-09-100
356-06-040	REP	05-12-066	356-14-026	REP	05-12-066	356-15-020	REP	05-12-066
356-06-045	REP-P	05-09-100	356-14-031	REP-P	05-09-100	356-15-030	REP-P	05-09-100
356-06-045	REP	05-12-066	356-14-031	REP	05-12-066	356-15-030	REP	05-12-066
356-06-050	REP-P	05-09-100	356-14-045	REP-P	05-09-100	356-15-035	REP-P	05-09-100
356-06-050	REP	05-12-066	356-14-045	REP	05-12-066	356-15-035	REP	05-12-066
356-06-055	REP-P	05-09-100	356-14-062	REP-P	05-09-100	356-15-040	REP-P	05-09-100
356-06-055	REP	05-12-066	356-14-062	REP	05-12-066	356-15-040	REP	05-12-066
356-06-065	REP-P	05-09-100	356-14-065	REP-P	05-09-100	356-15-050	REP-P	05-09-100
356-06-065	REP	05-12-066	356-14-065	REP	05-12-066	356-15-050	REP	05-12-066
356-06-100	REP-P	05-09-100	356-14-067	REP-P	05-09-100	356-15-060	REP-P	05-09-100
356-06-100	REP	05-12-066	356-14-067	REP	05-12-066	356-15-060	REP	05-12-066
356-06-110	REP-P	05-09-100	356-14-070	REP-P	05-09-100	356-15-061	REP-P	05-09-100
356-06-110	REP	05-12-066	356-14-070	REP	05-12-066	356-15-061	REP	05-12-066
356-06-120	REP-P	05-09-100	356-14-075	REP-P	05-09-100	356-15-063	REP-P	05-09-100
356-06-120	REP	05-12-066	356-14-075	REP	05-12-066	356-15-063	REP	05-12-066
356-07-010	REP-P	05-09-100	356-14-080	REP-P	05-09-100	356-15-070	REP-P	05-09-100
356-07-010	REP	05-12-066	356-14-080	REP	05-12-066	356-15-070	REP	05-12-066
356-07-020	REP-P	05-09-100	356-14-085	REP-P	05-09-100	356-15-080	REP-P	05-09-100
356-07-020	REP	05-12-066	356-14-085	REP	05-12-066	356-15-080	REP	05-12-066
356-07-030	REP-P	05-09-100	356-14-090	REP-P	05-09-100	356-15-085	REP-P	05-09-100
356-07-030	REP	05-12-066	356-14-090	REP	05-12-066	356-15-085	REP	05-12-066
356-07-040	REP-P	05-09-100	356-14-100	REP-P	05-09-100	356-15-090	REP-P	05-09-100
356-07-040	REP	05-12-066	356-14-100	REP	05-12-066	356-15-090	REP	05-12-066
356-07-050	REP-P	05-09-100	356-14-110	REP-P	05-09-100	356-15-095	REP-P	05-09-100
356-07-050	REP	05-12-066	356-14-110	REP	05-12-066	356-15-095	REP	05-12-066
356-07-055	REP-P	05-09-100	356-14-120	REP-P	05-09-100	356-15-100	REP-P	05-09-100
356-07-055	REP	05-12-066	356-14-120	REP	05-12-066	356-15-100	REP	05-12-066
356-07-060	REP-P	05-09-100	356-14-130	REP-P	05-09-100	356-15-110	REP-P	05-09-100
356-07-060	REP	05-12-066	356-14-130	REP	05-12-066	356-15-110	REP	05-12-066
356-07-070	REP-P	05-09-100	356-14-140	REP-P	05-09-100	356-15-125	REP-P	05-09-100
356-07-070	REP	05-12-066	356-14-140	REP	05-12-066	356-15-125	REP	05-12-066
356-09-010	REP-P	05-09-100	356-14-150	REP-P	05-09-100	356-15-130	REP-P	05-09-100
356-09-010	REP	05-12-066	356-14-150	REP	05-12-066	356-15-130	REP	05-12-066
356-09-020	REP-P	05-09-100	356-14-160	REP-P	05-09-100	356-15-140	REP-P	05-09-100
356-09-020	REP	05-12-066	356-14-160	REP	05-12-066	356-15-140	REP	05-12-066
356-09-030	REP-P	05-09-100	356-14-170	REP-P	05-09-100	356-18-020	REP-P	05-09-100
356-09-030	REP	05-12-066	356-14-170	REP	05-12-066	356-18-020	REP	05-12-066
356-09-040	REP-P	05-09-100	356-14-180	REP-P	05-09-100	356-18-025	REP-P	05-09-100
356-09-040	REP	05-12-066	356-14-180	REP	05-12-066	356-18-025	REP	05-12-066
356-09-050	REP-P	05-09-100	356-14-190	REP-P	05-09-100	356-18-030	REP-P	05-09-100
356-09-050	REP	05-12-066	356-14-190	REP	05-12-066	356-18-030	REP	05-12-066
356-10-010	REP-P	05-09-100	356-14-200	REP-P	05-09-100	356-18-040	REP-P	05-09-100
356-10-010	REP	05-12-066	356-14-200	REP	05-12-066	356-18-040	REP	05-12-066
356-10-020	REP-P	05-09-100	356-14-210	REP-P	05-09-100	356-18-050	REP-P	05-09-100
356-10-020	REP	05-12-066	356-14-210	REP	05-12-066	356-18-050	REP	05-12-066
356-10-030	REP-P	05-09-100	356-14-220	REP-P	05-09-100	356-18-060	REP-P	05-09-100
356-10-030	REP	05-12-066	356-14-220	REP	05-12-066	356-18-060	REP	05-12-066
356-10-040	REP-P	05-09-100	356-14-230	REP-P	05-09-100	356-18-070	REP-P	05-09-100

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356-18-070	REP	05-12-066	356-22-120	REP	05-12-066	356-30-007	REP	05-12-066
356-18-075	REP-P	05-09-100	356-22-125	REP-P	05-09-100	356-30-010	REP-P	05-09-100
356-18-075	REP	05-12-066	356-22-125	REP	05-12-066	356-30-010	REP	05-12-066
356-18-080	REP-P	05-09-100	356-22-130	REP-P	05-09-100	356-30-012	REP-P	05-09-100
356-18-080	REP	05-12-066	356-22-130	REP	05-12-066	356-30-012	REP	05-12-066
356-18-090	REP-P	05-09-100	356-22-132	REP-P	05-09-100	356-30-015	REP-P	05-09-100
356-18-090	REP	05-12-066	356-22-132	REP	05-12-066	356-30-015	REP	05-12-066
356-18-095	REP-P	05-09-100	356-22-135	REP-P	05-09-100	356-30-025	REP-P	05-09-100
356-18-095	REP	05-12-066	356-22-135	REP	05-12-066	356-30-025	REP	05-12-066
356-18-100	REP-P	05-09-100	356-22-140	REP-P	05-09-100	356-30-050	REP-P	05-09-100
356-18-100	REP	05-12-066	356-22-140	REP	05-12-066	356-30-050	REP	05-12-066
356-18-110	REP-P	05-09-100	356-22-150	REP-P	05-09-100	356-30-060	REP-P	05-09-100
356-18-110	REP	05-12-066	356-22-150	REP	05-12-066	356-30-060	REP	05-12-066
356-18-112	REP-P	05-09-100	356-22-160	REP-P	05-09-100	356-30-065	REP-P	05-09-100
356-18-112	REP	05-12-066	356-22-160	REP	05-12-066	356-30-065	REP	05-12-066
356-18-115	REP-P	05-09-100	356-22-180	REP-P	05-09-100	356-30-067	REP-P	05-09-100
356-18-115	REP	05-12-066	356-22-180	REP	05-12-066	356-30-067	REP	05-12-066
356-18-116	REP-P	05-09-100	356-22-190	REP-P	05-09-100	356-30-075	REP-P	05-09-100
356-18-116	REP	05-12-066	356-22-190	REP	05-12-066	356-30-075	REP	05-12-066
356-18-120	REP-P	05-09-100	356-22-200	REP-P	05-09-100	356-30-090	REP-P	05-09-100
356-18-120	REP	05-12-066	356-22-200	REP	05-12-066	356-30-090	REP	05-12-066
356-18-140	REP-P	05-09-100	356-22-210	REP-P	05-09-100	356-30-100	REP-P	05-09-100
356-18-140	REP	05-12-066	356-22-210	REP	05-12-066	356-30-100	REP	05-12-066
356-18-145	REP-P	05-09-100	356-22-220	REP-P	05-09-100	356-30-110	REP-P	05-09-100
356-18-145	REP	05-12-066	356-22-220	REP	05-12-066	356-30-110	REP	05-12-066
356-18-150	REP-P	05-09-100	356-22-230	REP-P	05-09-100	356-30-120	REP-P	05-09-100
356-18-150	REP	05-12-066	356-22-230	REP	05-12-066	356-30-120	REP	05-12-066
356-18-160	REP-P	05-09-100	356-22-240	REP-P	05-09-100	356-30-130	REP-P	05-09-100
356-18-160	REP	05-12-066	356-22-240	REP	05-12-066	356-30-130	REP	05-12-066
356-18-170	REP-P	05-09-100	356-26-010	REP-P	05-09-100	356-30-135	REP-P	05-09-100
356-18-170	REP	05-12-066	356-26-010	REP	05-12-066	356-30-135	REP	05-12-066
356-18-200	REP-P	05-09-100	356-26-020	REP-P	05-09-100	356-30-140	REP-P	05-09-100
356-18-200	REP	05-12-066	356-26-020	REP	05-12-066	356-30-140	REP	05-12-066
356-18-220	REP-P	05-09-100	356-26-030	REP-P	05-09-100	356-30-143	REP-P	05-09-100
356-18-220	REP	05-12-066	356-26-030	REP	05-12-066	356-30-143	REP	05-12-066
356-22-010	REP-P	05-09-100	356-26-040	REP-P	05-09-100	356-30-145	REP-P	05-09-100
356-22-010	REP	05-12-066	356-26-040	REP	05-12-066	356-30-145	REP	05-12-066
356-22-020	REP-P	05-09-100	356-26-050	REP-P	05-09-100	356-30-150	REP-P	05-09-100
356-22-020	REP	05-12-066	356-26-050	REP	05-12-066	356-30-150	REP	05-12-066
356-22-030	REP-P	05-09-100	356-26-060	REP-P	05-09-100	356-30-160	REP-P	05-09-100
356-22-030	REP	05-12-066	356-26-060	REP	05-12-066	356-30-160	REP	05-12-066
356-22-035	REP-P	05-09-100	356-26-070	REP-P	05-09-100	356-30-170	REP-P	05-09-100
356-22-035	REP	05-12-066	356-26-070	REP	05-12-066	356-30-170	REP	05-12-066
356-22-036	REP-P	05-09-100	356-26-075	REP-P	05-09-100	356-30-180	REP-P	05-09-100
356-22-036	REP	05-12-066	356-26-075	REP	05-12-066	356-30-180	REP	05-12-066
356-22-040	REP-P	05-09-100	356-26-080	REP-P	05-09-100	356-30-180	REP-P	05-09-100
356-22-040	REP	05-12-066	356-26-080	REP	05-12-066	356-30-190	REP	05-12-066
356-22-050	REP-P	05-09-100	356-26-090	REP-P	05-09-100	356-30-190	REP	05-12-066
356-22-050	REP	05-12-066	356-26-090	REP	05-12-066	356-30-200	REP-P	05-09-100
356-22-060	REP-P	05-09-100	356-26-100	REP-P	05-09-100	356-30-200	REP	05-12-066
356-22-060	REP	05-12-066	356-26-100	REP	05-12-066	356-30-210	REP-P	05-09-100
356-22-070	REP-P	05-09-100	356-26-110	REP-P	05-09-100	356-30-210	REP	05-12-066
356-22-070	REP	05-12-066	356-26-110	REP	05-12-066	356-30-220	REP-P	05-09-100
356-22-080	REP-P	05-09-100	356-26-120	REP-P	05-09-100	356-30-220	REP	05-12-066
356-22-080	REP	05-12-066	356-26-120	REP	05-12-066	356-30-230	REP-P	05-09-100
356-22-090	REP-P	05-09-100	356-26-130	REP-P	05-09-100	356-30-230	REP	05-12-066
356-22-090	REP	05-12-066	356-26-130	REP	05-12-066	356-30-240	REP-P	05-09-100
356-22-100	REP-P	05-09-100	356-26-140	REP-P	05-09-100	356-30-240	REP	05-12-066
356-22-100	REP	05-12-066	356-26-140	REP	05-12-066	356-30-250	REP-P	05-09-100
356-22-111	REP-P	05-09-100	356-30-005	REP-P	05-09-100	356-30-250	REP	05-12-066
356-22-111	REP	05-12-066	356-30-005	REP	05-12-066	356-30-255	REP-P	05-09-100
356-22-120	REP-P	05-09-100	356-30-007	REP-P	05-09-100	356-30-255	REP	05-12-066
						356-30-260	REP-P	05-09-100

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356-30-260	REP	05-12-066	356-37-040	REP	05-12-066	356-42-045	REP	05-12-066
356-30-270	REP-P	05-09-100	356-37-050	REP-P	05-09-100	356-42-047	REP-P	05-09-100
356-30-270	REP	05-12-066	356-37-050	REP	05-12-066	356-42-047	REP	05-12-066
356-30-280	REP-P	05-09-100	356-37-060	REP-P	05-09-100	356-42-050	REP-P	05-09-100
356-30-280	REP	05-12-066	356-37-060	REP	05-12-066	356-42-050	REP	05-12-066
356-30-285	REP-P	05-09-100	356-37-070	REP-P	05-09-100	356-42-055	REP-P	05-09-100
356-30-285	REP	05-12-066	356-37-070	REP	05-12-066	356-42-055	REP	05-12-066
356-30-290	REP-P	05-09-100	356-37-080	REP-P	05-09-100	356-42-090	REP-P	05-09-100
356-30-290	REP	05-12-066	356-37-080	REP	05-12-066	356-42-090	REP	05-12-066
356-30-300	REP-P	05-09-100	356-37-090	REP-P	05-09-100	356-42-100	REP-P	05-09-100
356-30-300	REP	05-12-066	356-37-090	REP	05-12-066	356-42-100	REP	05-12-066
356-30-305	REP-P	05-09-100	356-37-100	REP-P	05-09-100	356-42-105	REP-P	05-09-100
356-30-305	REP	05-12-066	356-37-100	REP	05-12-066	356-42-105	REP	05-12-066
356-30-310	REP-P	05-09-100	356-37-110	REP-P	05-09-100	356-42-110	REP-P	05-09-100
356-30-310	REP	05-12-066	356-37-110	REP	05-12-066	356-42-110	REP	05-12-066
356-30-315	REP-P	05-09-100	356-37-120	REP-P	05-09-100	356-46-010	REP-P	05-09-100
356-30-315	REP	05-12-066	356-37-120	REP	05-12-066	356-46-010	REP	05-12-066
356-30-320	REP-P	05-09-100	356-37-130	REP-P	05-09-100	356-46-020	REP-P	05-09-100
356-30-320	REP	05-12-066	356-37-130	REP	05-12-066	356-46-020	REP	05-12-066
356-30-330	REP-P	05-09-100	356-37-140	REP-P	05-09-100	356-46-030	REP-P	05-09-100
356-30-330	REP	05-12-066	356-37-140	REP	05-12-066	356-46-030	REP	05-12-066
356-30-331	REP-P	05-09-100	356-37-150	REP-P	05-09-100	356-46-040	REP-P	05-09-100
356-30-331	REP	05-12-066	356-37-150	REP	05-12-066	356-46-040	REP	05-12-066
356-30-335	REP-P	05-09-100	356-37-160	REP-P	05-09-100	356-46-050	REP-P	05-09-100
356-30-335	REP	05-12-066	356-37-160	REP	05-12-066	356-46-050	REP	05-12-066
356-34-010	REP-P	05-09-100	356-37-170	REP-P	05-09-100	356-46-060	REP-P	05-09-100
356-34-010	REP	05-12-066	356-37-170	REP	05-12-066	356-46-060	REP	05-12-066
356-34-011	REP-P	05-09-100	356-39-010	REP-P	05-09-100	356-46-070	REP-P	05-09-100
356-34-011	REP	05-12-066	356-39-010	REP	05-12-066	356-46-070	REP	05-12-066
356-34-012	REP-P	05-09-100	356-39-020	REP-P	05-09-100	356-46-080	REP-P	05-09-100
356-34-012	REP	05-12-066	356-39-020	REP	05-12-066	356-46-080	REP	05-12-066
356-34-020	REP-P	05-09-100	356-39-030	REP-P	05-09-100	356-46-090	REP-P	05-09-100
356-34-020	REP	05-12-066	356-39-030	REP	05-12-066	356-46-090	REP	05-12-066
356-34-030	REP-P	05-09-100	356-39-040	REP-P	05-09-100	356-46-100	REP-P	05-09-100
356-34-030	REP	05-12-066	356-39-040	REP	05-12-066	356-46-100	REP	05-12-066
356-34-040	REP-P	05-09-100	356-39-050	REP-P	05-09-100	356-46-110	REP-P	05-09-100
356-34-040	REP	05-12-066	356-39-050	REP	05-12-066	356-46-110	REP	05-12-066
356-34-045	REP-P	05-09-100	356-39-060	REP-P	05-09-100	356-46-120	REP-P	05-09-100
356-34-045	REP	05-12-066	356-39-060	REP	05-12-066	356-46-120	REP	05-12-066
356-34-050	REP-P	05-09-100	356-39-070	REP-P	05-09-100	356-46-125	REP-P	05-09-100
356-34-050	REP	05-12-066	356-39-070	REP	05-12-066	356-46-125	REP	05-12-066
356-34-060	REP-P	05-09-100	356-39-080	REP-P	05-09-100	356-46-135	REP-P	05-09-100
356-34-060	REP	05-12-066	356-39-080	REP	05-12-066	356-46-135	REP	05-12-066
356-34-070	REP-P	05-09-100	356-39-090	REP-P	05-09-100	356-46-140	REP-P	05-09-100
356-34-070	REP	05-12-066	356-39-090	REP	05-12-066	356-46-140	REP	05-12-066
356-34-080	REP-P	05-09-100	356-39-100	REP-P	05-09-100	356-46-145	REP-P	05-09-100
356-34-080	REP	05-12-066	356-39-100	REP	05-12-066	356-46-145	REP	05-12-066
356-34-090	REP-P	05-09-100	356-39-110	REP-P	05-09-100	356-46-150	REP-P	05-09-100
356-34-090	REP	05-12-066	356-39-110	REP	05-12-066	356-46-150	REP	05-12-066
356-34-100	REP-P	05-09-100	356-39-120	REP-P	05-09-100	356-48-010	REP-P	05-09-100
356-34-100	REP	05-12-066	356-39-120	REP	05-12-066	356-48-010	REP	05-12-066
356-34-260	REP-P	05-09-100	356-39-130	REP-P	05-09-100	356-48-020	REP-P	05-09-100
356-34-260	REP	05-12-066	356-39-130	REP	05-12-066	356-48-020	REP	05-12-066
356-35-010	REP-P	05-09-100	356-39-140	REP-P	05-09-100	356-48-030	REP-P	05-09-100
356-35-010	REP	05-12-066	356-39-140	REP	05-12-066	356-48-030	REP	05-12-066
356-37-010	REP-P	05-09-100	356-42-010	REP-P	05-09-100	356-48-040	REP-P	05-09-100
356-37-010	REP	05-12-066	356-42-010	REP	05-12-066	356-48-040	REP	05-12-066
356-37-020	REP-P	05-09-100	356-42-042	REP-P	05-09-100	356-48-050	REP-P	05-09-100
356-37-020	REP	05-12-066	356-42-042	REP	05-12-066	356-48-050	REP	05-12-066
356-37-030	REP-P	05-09-100	356-42-043	REP-P	05-09-100	356-48-060	REP-P	05-09-100
356-37-030	REP	05-12-066	356-42-043	REP	05-12-066	356-48-060	REP	05-12-066
356-37-040	REP-P	05-09-100	356-42-045	REP-P	05-09-100	356-49-010	REP-P	05-09-100

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356-49-010	REP	05-12-066	356-56-550	REP	05-12-066	357-13-090	AMD	05-12-088
356-49-020	REP-P	05-09-100	356-56-600	REP-P	05-09-100	357-16-110	AMD-P	05-08-131
356-49-020	REP	05-12-066	356-56-600	REP	05-12-066	357-16-110	AMD	05-12-077
356-49-030	REP-P	05-09-100	356-56-610	REP-P	05-09-100	357-16-130	AMD-P	05-09-109
356-49-030	REP	05-12-066	356-56-610	REP	05-12-066	357-16-130	AMD	05-12-083
356-49-040	REP-P	05-09-100	356-56-630	REP-P	05-09-100	357-16-135	AMD-P	05-12-127
356-49-040	REP	05-12-066	356-56-630	REP	05-12-066	357-19-025	AMD-P	05-08-131
356-56-001	REP-P	05-09-100	356-56-650	REP-P	05-09-100	357-19-025	AMD	05-12-077
356-56-001	REP	05-12-066	356-56-650	REP	05-12-066	357-19-080	AMD-P	05-08-131
356-56-002	REP-P	05-09-100	356-56-660	REP-P	05-09-100	357-19-080	AMD	05-12-077
356-56-002	REP	05-12-066	356-56-660	REP	05-12-066	357-19-115	AMD-P	05-08-131
356-56-010	REP-P	05-09-100	356-60-010	REP-P	05-09-100	357-19-115	AMD	05-12-077
356-56-010	REP	05-12-066	356-60-010	REP	05-12-066	357-19-125	NEW-P	05-09-116
356-56-015	REP-P	05-09-100	356-60-020	REP-P	05-09-100	357-19-125	NEW	05-12-089
356-56-015	REP	05-12-066	356-60-020	REP	05-12-066	357-19-181	NEW-P	05-09-111
356-56-020	REP-P	05-09-100	356-60-030	REP-P	05-09-100	357-19-181	NEW	05-12-085
356-56-020	REP	05-12-066	356-60-030	REP	05-12-066	357-19-183	NEW-P	05-08-126
356-56-030	REP-P	05-09-100	356-60-032	REP-P	05-09-100	357-19-183	NEW-C	05-09-107
356-56-030	REP	05-12-066	356-60-032	REP	05-12-066	357-19-183	NEW	05-12-097
356-56-035	REP-P	05-09-100	356-60-034	REP-P	05-09-100	357-19-184	NEW-P	05-08-126
356-56-035	REP	05-12-066	356-60-034	REP	05-12-066	357-19-184	NEW-C	05-09-107
356-56-050	REP-P	05-09-100	356-60-055	REP-P	05-09-100	357-19-184	NEW	05-12-097
356-56-050	REP	05-12-066	356-60-055	REP	05-12-066	357-19-185	NEW-P	05-08-126
356-56-070	REP-P	05-09-100	356-60-057	REP-P	05-09-100	357-19-185	NEW-C	05-09-107
356-56-070	REP	05-12-066	356-60-057	REP	05-12-066	357-19-185	NEW	05-12-097
356-56-100	REP-P	05-09-100	357-01-022	NEW-P	05-09-120	357-19-186	NEW-P	05-08-126
356-56-100	REP	05-12-066	357-01-022	NEW	05-12-093	357-19-186	NEW-C	05-09-107
356-56-105	REP-P	05-09-100	357-01-023	NEW-P	05-09-120	357-19-186	NEW	05-12-097
356-56-105	REP	05-12-066	357-01-023	NEW	05-12-093	357-19-187	NEW-P	05-08-126
356-56-115	REP-P	05-09-100	357-01-072	NEW-P	05-09-120	357-19-187	NEW-C	05-09-107
356-56-115	REP	05-12-066	357-01-072	NEW	05-12-093	357-19-187	NEW	05-12-097
356-56-118	REP-P	05-09-100	357-01-138	NEW-P	05-09-120	357-19-188	NEW-P	05-08-126
356-56-118	REP	05-12-066	357-01-138	NEW	05-12-093	357-19-188	NEW-C	05-09-107
356-56-120	REP-P	05-09-100	357-01-172	NEW-P	05-09-120	357-19-188	NEW	05-12-097
356-56-120	REP	05-12-066	357-01-172	NEW	05-12-093	357-19-189	NEW-P	05-08-126
356-56-200	REP-P	05-09-100	357-01-173	NEW-P	05-08-128	357-19-189	NEW-C	05-09-107
356-56-200	REP	05-12-066	357-01-173	NEW	05-12-074	357-19-189	NEW	05-12-097
356-56-203	REP-P	05-09-100	357-01-174	NEW-P	05-09-120	357-19-190	REP-P	05-09-111
356-56-203	REP	05-12-066	357-01-174	NEW	05-12-093	357-19-190	REP	05-12-085
356-56-205	REP-P	05-09-100	357-01-182	NEW-P	05-09-120	357-19-191	NEW-P	05-08-126
356-56-205	REP	05-12-066	357-01-182	NEW	05-12-093	357-19-191	NEW-C	05-09-107
356-56-210	REP-P	05-09-100	357-01-202	NEW-P	05-09-120	357-19-191	NEW	05-12-097
356-56-210	REP	05-12-066	357-01-202	NEW	05-12-093	357-19-300	NEW-P	05-08-130
356-56-215	REP-P	05-09-100	357-01-227	NEW-P	05-09-120	357-19-300	NEW	05-12-076
356-56-215	REP	05-12-066	357-01-227	NEW	05-12-093	357-19-301	NEW-P	05-08-130
356-56-220	REP-P	05-09-100	357-01-228	NEW-P	05-09-120	357-19-301	NEW	05-12-076
356-56-220	REP	05-12-066	357-01-228	NEW	05-12-093	357-19-302	NEW-P	05-08-130
356-56-230	REP-P	05-09-100	357-01-229	NEW-P	05-09-120	357-19-302	NEW	05-12-076
356-56-230	REP	05-12-066	357-01-229	NEW	05-12-093	357-19-303	NEW-P	05-08-130
356-56-255	REP-P	05-09-100	357-01-255	NEW-W	05-02-061	357-19-303	NEW	05-12-076
356-56-255	REP	05-12-066	357-01-301	NEW	05-08-134	357-19-350	NEW-P	05-09-114
356-56-400	REP-P	05-09-100	357-01-301	AMD-P	05-09-119	357-19-350	NEW	05-12-094
356-56-400	REP	05-12-066	357-01-301	AMD	05-12-092	357-19-353	NEW-P	05-09-114
356-56-410	REP-P	05-09-100	357-01-348	NEW-P	05-09-120	357-19-353	NEW	05-12-094
356-56-410	REP	05-12-066	357-01-348	NEW	05-12-093	357-19-375	AMD-P	05-08-130
356-56-420	REP-P	05-09-100	357-01-360	NEW-P	05-09-118	357-19-375	AMD	05-12-076
356-56-420	REP	05-12-066	357-01-360	NEW	05-12-091	357-19-388	AMD-P	05-08-131
356-56-440	REP-P	05-09-100	357-01-365	NEW-P	05-09-118	357-19-388	AMD	05-12-077
356-56-440	REP	05-12-066	357-01-365	NEW	05-12-091	357-19-395	AMD-P	05-09-115
356-56-500	REP-P	05-09-100	357-04-105	AMD-P	05-09-103	357-19-395	AMD	05-12-095
356-56-500	REP	05-12-066	357-04-105	AMD	05-12-079	357-19-475	AMD-P	05-08-131
356-56-550	REP-P	05-09-100	357-13-090	AMD-P	05-09-105	357-19-475	AMD	05-12-077

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357-28-070	AMD-P	05-08-131	357-31-250	NEW	05-08-137	357-31-530	AMD-P	05-09-117
357-28-070	AMD	05-12-077	357-31-255	NEW	05-08-137	357-31-530	AMD	05-12-090
357-28-165	AMD-P	05-08-131	357-31-260	NEW	05-08-137	357-31-535	NEW	05-08-140
357-28-165	AMD	05-12-077	357-31-265	NEW	05-08-137	357-31-540	NEW	05-08-140
357-28-200	AMD-P	05-09-110	357-31-270	NEW	05-08-137	357-31-545	NEW	05-08-140
357-28-200	AMD	05-12-084	357-31-275	NEW	05-08-137	357-31-550	NEW	05-08-140
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357-28-300	AMD	05-12-077	357-31-285	NEW	05-08-137	357-31-560	NEW	05-08-140
357-31-001	NEW	05-08-136	357-31-290	NEW	05-08-137	357-31-565	NEW	05-08-140
357-31-001	REP-P	05-09-120	357-31-295	NEW	05-08-137	357-37-200	NEW-C	05-09-101
357-31-001	REP	05-12-093	357-31-300	NEW	05-08-137	357-37-200	NEW	05-12-096
357-31-005	NEW	05-08-136	357-31-305	NEW	05-08-137	357-40-050	NEW-P	05-09-103
357-31-010	NEW	05-08-136	357-31-310	NEW	05-08-138	357-40-050	NEW	05-12-079
357-31-015	NEW	05-08-136	357-31-315	NEW	05-08-138	357-43-008	NEW-W	05-09-053
357-31-020	NEW	05-08-136	357-31-320	NEW	05-08-138	357-43-045	NEW-W	05-02-062
357-31-025	NEW	05-08-136	357-31-325	NEW	05-08-138	357-46-010	AMD-W	05-09-054
357-31-030	NEW	05-08-136	357-31-330	NEW	05-08-138	357-46-012	NEW-W	05-09-054
357-31-035	NEW	05-08-136	357-31-335	NEW	05-08-138	357-46-050	AMD-P	05-09-110
357-31-040	NEW	05-08-136	357-31-340	NEW	05-08-138	357-46-050	AMD	05-12-084
357-31-045	NEW	05-08-136	357-31-345	NEW	05-08-138	357-46-053	NEW-P	05-08-129
357-31-050	NEW	05-08-136	357-31-346	NEW-P	05-09-108	357-46-053	NEW	05-12-075
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357-31-060	NEW	05-08-136	357-31-347	NEW-P	05-09-108	357-46-056	NEW	05-08-135
357-31-065	NEW	05-08-136	357-31-347	NEW	05-12-081	357-46-057	NEW-P	05-08-127
357-31-070	NEW	05-08-136	357-31-350	NEW	05-08-138	357-46-057	NEW	05-12-073
357-31-075	NEW	05-08-136	357-31-355	NEW	05-08-138	357-46-058	NEW-P	05-08-127
357-31-080	NEW	05-08-136	357-31-360	NEW	05-08-138	357-46-058	NEW	05-12-073
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357-31-095	NEW	05-08-136	357-31-375	NEW	05-08-138	357-46-060	AMD	05-12-077
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357-31-100	NEW	05-08-136	357-31-385	NEW-W	05-08-125	357-46-063	NEW	05-12-074
357-31-105	NEW	05-08-136	357-31-390	NEW	05-08-139	357-46-064	NEW-P	05-08-128
357-31-110	NEW	05-08-136	357-31-395	NEW	05-08-139	357-46-064	NEW	05-12-074
357-31-115	NEW	05-08-136	357-31-400	NEW	05-08-139	357-46-065	NEW-P	05-08-128
357-31-120	NEW	05-08-136	357-31-405	NEW	05-08-139	357-46-065	NEW	05-12-074
357-31-125	NEW	05-08-136	357-31-410	NEW	05-08-139	357-46-066	NEW-P	05-08-128
357-31-130	NEW	05-08-136	357-31-415	NEW	05-08-139	357-46-066	NEW	05-12-074
357-31-135	NEW	05-08-136	357-31-420	NEW	05-08-139	357-46-067	NEW-P	05-08-128
357-31-140	NEW	05-08-136	357-31-425	NEW	05-08-139	357-46-067	NEW	05-12-074
357-31-145	NEW	05-08-136	357-31-430	NEW	05-08-139	357-46-068	NEW-P	05-08-128
357-31-150	NEW	05-08-136	357-31-435	NEW	05-08-139	357-46-068	NEW	05-12-074
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357-31-160	NEW	05-08-136	357-31-445	NEW	05-08-139	357-46-095	AMD	05-12-077
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357-31-170	NEW	05-08-137	357-31-465	NEW	05-08-140	357-46-125	AMD	05-12-078
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357-31-185	NEW	05-08-137	357-31-480	NEW	05-08-140	357-49-010	AMD	05-12-082
357-31-190	NEW	05-08-137	357-31-485	NEW	05-08-140	357-52-207	NEW-P	05-09-113
357-31-195	NEW	05-08-137	357-31-490	NEW	05-08-140	357-52-207	NEW	05-12-087
357-31-200	NEW	05-08-137	357-31-495	NEW	05-08-140	357-52-208	NEW-P	05-09-113
357-31-205	NEW	05-08-137	357-31-500	NEW	05-08-140	357-52-208	NEW	05-12-087
357-31-210	NEW	05-08-137	357-31-505	NEW	05-08-140	357-55-010	NEW	05-08-132
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357- 55-230	NEW	05-08-132	357- 58-080	NEW	05-12-068	357- 58-235	NEW	05-12-069
357- 55-235	NEW	05-08-132	357- 58-085	NEW-P	05-04-087	357- 58-240	NEW-P	05-04-089
357- 55-240	NEW	05-08-132	357- 58-085	NEW	05-12-068	357- 58-240	NEW	05-12-070
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357- 55-260	NEW	05-08-132	357- 58-095	NEW	05-12-068	357- 58-250	NEW	05-12-070
357- 55-265	NEW	05-08-133	357- 58-100	NEW-P	05-04-087	357- 58-255	NEW-P	05-04-089
357- 55-270	NEW	05-08-133	357- 58-100	NEW	05-12-068	357- 58-255	NEW	05-12-070
357- 55-275	NEW	05-08-133	357- 58-105	NEW-P	05-04-087	357- 58-260	NEW-P	05-04-089
357- 55-280	NEW	05-08-133	357- 58-105	NEW	05-12-068	357- 58-260	NEW	05-12-070
357- 55-285	NEW	05-08-133	357- 58-110	NEW-P	05-04-087	357- 58-265	NEW-P	05-04-089
357- 55-310	NEW	05-08-133	357- 58-110	NEW	05-12-068	357- 58-265	NEW	05-12-070
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357- 55-330	NEW	05-08-133	357- 58-115	NEW	05-12-068	357- 58-270	NEW	05-12-070
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357- 55-510	NEW	05-08-133	357- 58-130	NEW	05-12-069	357- 58-280	NEW	05-12-094
357- 55-515	NEW	05-08-133	357- 58-135	NEW-P	05-04-088	357- 58-285	NEW-P	05-04-089
357- 55-520	NEW	05-08-133	357- 58-135	NEW	05-12-069	357- 58-285	NEW	05-12-070
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357- 55-625	NEW	05-08-133	357- 58-145	NEW	05-12-069	357- 58-295	NEW	05-12-070
357- 55-630	NEW	05-08-133	357- 58-150	NEW-P	05-04-088	357- 58-300	NEW-P	05-04-089
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357- 55-645	NEW	05-08-133	357- 58-155	NEW	05-12-069	357- 58-305	NEW	05-12-070
357- 58-005	NEW-P	05-04-087	357- 58-160	NEW-P	05-04-088	357- 58-310	NEW-P	05-04-089
357- 58-005	NEW	05-12-068	357- 58-160	NEW	05-12-069	357- 58-310	NEW	05-12-070
357- 58-010	NEW-P	05-04-087	357- 58-165	NEW-P	05-04-088	357- 58-315	NEW-P	05-04-089
357- 58-010	NEW	05-12-068	357- 58-165	NEW	05-12-069	357- 58-315	NEW	05-12-070
357- 58-015	NEW-P	05-04-087	357- 58-170	NEW-P	05-04-088	357- 58-320	NEW-P	05-04-089
357- 58-015	NEW	05-12-068	357- 58-170	NEW	05-12-069	357- 58-320	NEW	05-12-070
357- 58-020	NEW-P	05-04-087	357- 58-175	NEW-P	05-04-088	357- 58-325	NEW-P	05-04-089
357- 58-020	NEW	05-12-068	357- 58-175	NEW	05-12-069	357- 58-325	NEW	05-12-070
357- 58-025	NEW-P	05-04-087	357- 58-180	NEW-P	05-04-088	357- 58-330	NEW-P	05-04-089
357- 58-025	NEW	05-12-068	357- 58-180	NEW	05-12-069	357- 58-330	NEW	05-12-070
357- 58-030	NEW-P	05-04-087	357- 58-185	NEW-P	05-04-088	357- 58-335	NEW-P	05-04-089
357- 58-030	NEW	05-12-068	357- 58-185	NEW	05-12-069	357- 58-335	NEW	05-12-070
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357- 58-035	NEW	05-12-068	357- 58-190	NEW	05-12-069	357- 58-340	NEW	05-12-070
357- 58-040	NEW-P	05-04-087	357- 58-195	NEW-P	05-04-088	357- 58-345	NEW-P	05-04-089
357- 58-040	NEW	05-12-068	357- 58-195	NEW	05-12-069	357- 58-345	NEW	05-12-070
357- 58-045	NEW-P	05-04-087	357- 58-200	NEW-P	05-04-088	357- 58-350	NEW-P	05-04-089
357- 58-045	NEW	05-12-068	357- 58-200	NEW	05-12-069	357- 58-350	NEW	05-12-070
357- 58-050	NEW-P	05-04-087	357- 58-205	NEW-P	05-04-088	357- 58-355	NEW-P	05-04-089
357- 58-050	NEW	05-12-068	357- 58-205	NEW	05-12-069	357- 58-355	NEW	05-12-070
357- 58-055	NEW-P	05-04-087	357- 58-210	NEW-P	05-04-088	357- 58-360	NEW-P	05-04-089
357- 58-055	NEW	05-12-068	357- 58-210	NEW	05-12-069	357- 58-360	NEW	05-12-070
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357- 58-065	NEW	05-12-068	357- 58-220	NEW	05-12-069	357- 58-370	NEW	05-12-070
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357- 58-070	NEW	05-12-068	357- 58-225	NEW	05-12-069	357- 58-375	NEW	05-12-070
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357-58-385	NEW	05-12-070	357-58-540	NEW	05-12-072	388-14A-3310	AMD-P	05-03-095
357-58-390	NEW-P	05-04-089	357-58-545	NEW-P	05-04-090	388-14A-3310	AMD	05-07-059
357-58-390	NEW	05-12-070	357-58-545	NEW	05-12-072	388-14A-3317	NEW-P	05-03-095
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357-58-395	NEW	05-12-070	363-116-065	NEW-P	05-14-110	388-14A-3320	AMD-P	05-03-095
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357-58-400	NEW	05-12-070	363-116-0751	NEW-P	05-14-110	388-14A-3321	NEW-E	05-03-095
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357-58-405	NEW	05-12-071	363-116-077	NEW-P	05-14-110	388-14A-3350	AMD-P	05-11-080
357-58-410	NEW-P	05-04-091	363-116-078	NEW-P	05-14-110	388-14A-3350	AMD	05-14-099
357-58-410	NEW	05-12-071	363-116-080	AMD-P	05-14-110	388-14A-3600	AMD-P	05-11-079
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357-58-420	NEW-P	05-04-091	363-116-083	AMD-P	05-14-110	388-14A-3810	AMD	05-14-101
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357-58-450	NEW	05-12-071	371-08-335	AMD	05-15-017	388-14A-5005	AMD	05-06-014
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357-58-460	NEW	05-12-071	371-08-445	AMD-P	05-08-022	388-14A-5009	NEW	05-06-014
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357-58-465	NEW	05-12-071	371-08-450	AMD-P	05-08-022	388-14A-5010	NEW	05-06-014
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357-58-490	NEW	05-12-071	374-60-110	AMD-P	05-15-109	388-14A-7117	NEW	05-07-059
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357-58-510	NEW	05-12-072	388-14A	PREP	05-08-087	388-25-0225	AMD-P	05-03-082
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357-58-515	NEW	05-12-072	388-14A-1020	AMD	05-14-101	388-25-0225	AMD-E	05-06-093
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357-58-520	NEW	05-12-072	388-14A-3102	PREP	05-05-078	388-25-0226	NEW	05-06-091
357-58-525	NEW-P	05-04-090	388-14A-3102	AMD-P	05-09-082	388-25-0226	NEW-E	05-06-093
357-58-525	NEW	05-12-072	388-14A-3102	AMD	05-12-136	388-25-0227	NEW-P	05-03-082
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357-58-530	NEW	05-12-072	388-14A-3120	AMD-P	05-09-082	388-25-0227	NEW-E	05-06-093
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 25-0228	NEW	05-06-091	388- 71-0405	REP	05-11-082	388- 71-0710	AMD	05-11-082
388- 25-0228	NEW-E	05-06-093	388- 71-0410	REP-P	05-03-096	388- 71-0716	AMD-P	05-03-096
388- 25-0229	NEW-P	05-03-082	388- 71-0410	REP	05-11-082	388- 71-0716	AMD	05-11-082
388- 25-0229	NEW	05-06-091	388- 71-0415	REP-P	05-03-096	388- 71-0720	AMD-P	05-03-096
388- 25-0229	NEW-E	05-06-093	388- 71-0415	REP	05-11-082	388- 71-0720	AMD	05-11-082
388- 25-0230	REP-P	05-03-082	388- 71-0420	REP-P	05-03-096	388- 71-0734	AMD	05-02-064
388- 25-0230	REP	05-06-091	388- 71-0420	REP	05-11-082	388- 71-0800	REP-P	05-03-096
388- 25-0230	REP-E	05-06-093	388- 71-0425	REP-P	05-03-096	388- 71-0800	REP	05-11-082
388- 25-0231	NEW-P	05-03-082	388- 71-0425	REP	05-11-082	388- 71-0805	REP-P	05-03-096
388- 25-0231	NEW	05-06-091	388- 71-0430	REP-P	05-03-096	388- 71-0805	REP	05-11-082
388- 25-0231	NEW-E	05-06-093	388- 71-0430	REP	05-11-082	388- 71-0810	REP-P	05-03-096
388- 25-1000	NEW-P	05-06-086	388- 71-0435	REP-P	05-03-096	388- 71-0810	REP	05-11-082
388- 25-1000	NEW-E	05-06-094	388- 71-0435	REP	05-11-082	388- 71-0815	REP-P	05-03-096
388- 25-1000	NEW	05-11-016	388- 71-0440	REP-P	05-03-096	388- 71-0815	REP	05-11-082
388- 25-1010	NEW-P	05-06-086	388- 71-0440	REP	05-11-082	388- 71-0820	REP-P	05-03-096
388- 25-1010	NEW-E	05-06-094	388- 71-0442	REP-P	05-03-096	388- 71-0820	REP	05-11-082
388- 25-1010	NEW	05-11-016	388- 71-0442	REP	05-11-082	388- 71-0825	REP-P	05-03-096
388- 25-1020	NEW-P	05-06-086	388- 71-0445	REP-P	05-03-096	388- 71-0825	REP	05-11-082
388- 25-1020	NEW-E	05-06-094	388- 71-0445	REP	05-11-082	388- 71-0830	REP-P	05-03-096
388- 25-1020	NEW	05-11-016	388- 71-0450	REP-P	05-03-096	388- 71-0830	REP	05-11-082
388- 25-1030	NEW-P	05-06-086	388- 71-0450	REP	05-11-082	388- 71-0835	REP-P	05-03-096
388- 25-1030	NEW-E	05-06-094	388- 71-0455	REP-P	05-03-096	388- 71-0835	REP	05-11-082
388- 25-1030	NEW	05-11-016	388- 71-0455	REP	05-11-082	388- 71-0840	REP-P	05-03-096
388- 25-1040	NEW-P	05-06-086	388- 71-0460	REP-P	05-03-096	388- 71-0840	REP	05-11-082
388- 25-1040	NEW-E	05-06-094	388- 71-0460	REP	05-11-082	388- 71-0845	REP-P	05-03-096
388- 25-1040	NEW	05-11-016	388- 71-0465	REP-P	05-03-096	388- 71-0845	REP	05-11-082
388- 25-1050	NEW-P	05-06-086	388- 71-0465	REP	05-11-082	388- 71-0900	REP-P	05-03-096
388- 25-1050	NEW-E	05-06-094	388- 71-0470	REP-P	05-03-096	388- 71-0900	REP-W	05-11-071
388- 25-1050	NEW	05-11-016	388- 71-0470	REP	05-11-082	388- 71-0900	PREP	05-14-073
388- 71-0194	REP-P	05-03-096	388- 71-0480	REP-P	05-03-096	388- 71-0905	REP-P	05-03-096
388- 71-0194	REP	05-11-082	388- 71-0480	REP	05-11-082	388- 71-0905	REP-W	05-11-071
388- 71-0202	REP-P	05-03-096	388- 71-0500	AMD-P	05-03-096	388- 71-0905	PREP	05-14-073
388- 71-0202	REP	05-11-082	388- 71-0500	AMD	05-11-082	388- 71-0910	REP-P	05-03-096
388- 71-0203	REP-P	05-03-096	388- 71-0515	AMD-P	05-03-096	388- 71-0910	REP-W	05-11-071
388- 71-0203	REP	05-11-082	388- 71-0515	AMD	05-11-082	388- 71-0910	PREP	05-14-073
388- 71-0205	REP-P	05-03-096	388- 71-0520	AMD-P	05-03-096	388- 71-0915	REP-P	05-03-096
388- 71-0205	REP	05-11-082	388- 71-0520	AMD	05-11-082	388- 71-0915	REP-W	05-11-071
388- 71-0210	NEW-P	05-03-096	388- 71-0540	AMD-P	05-03-096	388- 71-0915	PREP	05-14-073
388- 71-0210	NEW	05-11-082	388- 71-0540	AMD	05-11-082	388- 71-0920	REP-P	05-03-096
388- 71-0215	NEW-P	05-03-096	388- 71-05832	NEW-P	05-03-096	388- 71-0920	REP-W	05-11-071
388- 71-0215	NEW	05-11-082	388- 71-05832	NEW	05-11-082	388- 71-0920	PREP	05-14-073
388- 71-0220	NEW-P	05-03-096	388- 71-0600	REP-P	05-03-096	388- 71-0925	REP-P	05-03-096
388- 71-0220	NEW	05-11-082	388- 71-0600	REP	05-11-082	388- 71-0925	REP-W	05-11-071
388- 71-0225	NEW-P	05-03-096	388- 71-0605	REP-P	05-03-096	388- 71-0925	PREP	05-14-073
388- 71-0225	NEW	05-11-082	388- 71-0605	REP	05-11-082	388- 71-0930	REP-P	05-03-096
388- 71-0230	NEW-P	05-03-096	388- 71-0610	REP-P	05-03-096	388- 71-0930	REP-W	05-11-071
388- 71-0230	NEW	05-11-082	388- 71-0610	REP	05-11-082	388- 71-0930	PREP	05-14-073
388- 71-0235	NEW-P	05-03-096	388- 71-0613	REP-P	05-03-096	388- 71-0935	REP-P	05-03-096
388- 71-0235	NEW	05-11-082	388- 71-0613	REP	05-11-082	388- 71-0935	REP-W	05-11-071
388- 71-0240	NEW-P	05-03-096	388- 71-0615	REP-P	05-03-096	388- 71-0935	PREP	05-14-073
388- 71-0240	NEW	05-11-082	388- 71-0615	REP	05-11-082	388- 71-0940	REP-P	05-03-096
388- 71-0245	NEW-P	05-03-096	388- 71-0620	REP-P	05-03-096	388- 71-0940	REP-W	05-11-071
388- 71-0245	NEW	05-11-082	388- 71-0620	REP	05-11-082	388- 71-0940	PREP	05-14-073
388- 71-0250	NEW-P	05-03-096	388- 71-0700	REP-P	05-03-096	388- 71-0945	REP-P	05-03-096
388- 71-0250	NEW	05-11-082	388- 71-0700	REP	05-11-082	388- 71-0945	REP-W	05-11-071
388- 71-0255	NEW-P	05-03-096	388- 71-0704	AMD-P	05-03-096	388- 71-0945	PREP	05-14-073
388- 71-0255	NEW	05-11-082	388- 71-0704	AMD	05-11-082	388- 71-0950	REP-P	05-03-096
388- 71-0260	NEW-P	05-03-096	388- 71-0706	AMD-P	05-03-096	388- 71-0950	REP-W	05-11-071
388- 71-0260	NEW	05-11-082	388- 71-0706	AMD	05-11-082	388- 71-0950	PREP	05-14-073
388- 71-0400	REP-P	05-03-096	388- 71-0708	AMD-P	05-03-096	388- 71-0955	REP-P	05-03-096
388- 71-0400	REP	05-11-082	388- 71-0708	AMD	05-11-082	388- 71-0955	REP-W	05-11-071
388- 71-0405	REP-P	05-03-096	388- 71-0710	AMD-P	05-03-096	388- 71-0955	PREP	05-14-073

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-71-0960	REP-P	05-03-096	388-72A-0039	REP-P	05-03-096	388-76-575	AMD-P	05-13-126
388-71-0960	REP-W	05-11-071	388-72A-0039	REP	05-11-082	388-76-585	AMD-P	05-13-126
388-71-0960	PREP	05-14-073	388-72A-0041	REP-P	05-03-096	388-76-59020	REP-P	05-13-126
388-71-0965	REP-P	05-03-096	388-72A-0041	REP	05-11-082	388-76-595	AMD-P	05-13-126
388-71-0965	REP-W	05-11-071	388-72A-0042	REP-P	05-03-096	388-76-64005	REP-P	05-13-126
388-71-0965	PREP	05-14-073	388-72A-0042	REP	05-11-082	388-76-655	AMD-P	05-13-126
388-71-1000	REP-P	05-03-096	388-72A-0043	REP-P	05-03-096	388-76-685	AMD-P	05-13-126
388-71-1000	REP	05-11-082	388-72A-0043	REP	05-11-082	388-76-715	AMD-P	05-13-126
388-71-1005	REP-P	05-03-096	388-72A-0045	REP-P	05-03-096	388-76-76505	AMD-P	05-04-058
388-71-1005	REP	05-11-082	388-72A-0045	REP	05-11-082	388-76-76505	AMD	05-07-137
388-71-1010	REP-P	05-03-096	388-72A-0050	REP-P	05-03-096	388-76-9970	REP-P	05-13-126
388-71-1010	REP	05-11-082	388-72A-0050	REP	05-11-082	388-76-9972	REP-P	05-13-126
388-71-1015	REP-P	05-03-096	388-72A-0053	REP-P	05-03-096	388-76-9974	REP-P	05-13-126
388-71-1015	REP	05-11-082	388-72A-0053	REP	05-11-082	388-76-9976	REP-P	05-13-126
388-71-1020	REP-P	05-03-096	388-72A-0055	REP-P	05-03-096	388-76-9978	REP-P	05-13-126
388-71-1020	REP	05-11-082	388-72A-0055	REP	05-11-082	388-76-9980	REP-P	05-13-126
388-71-1025	REP-P	05-03-096	388-72A-0057	REP-P	05-03-096	388-78A-2020	PREP	05-10-085
388-71-1025	REP	05-11-082	388-72A-0057	REP	05-11-082	388-78A-2050	PREP	05-10-085
388-71-1030	REP-P	05-03-096	388-72A-0058	REP-P	05-03-096	388-78A-2260	PREP	05-10-085
388-71-1030	REP	05-11-082	388-72A-0058	REP	05-11-082	388-78A-2270	PREP	05-10-085
388-71-1035	REP-P	05-03-096	388-72A-0060	REP-P	05-03-096	388-78A-2270	PREP	05-10-085
388-71-1035	REP	05-11-082	388-72A-0060	REP	05-11-082	388-78A-2280	PREP	05-10-085
388-71-1065	REP-P	05-03-096	388-72A-0065	REP-P	05-03-096	388-78A-2300	PREP	05-10-085
388-71-1065	REP	05-11-082	388-72A-0065	REP	05-11-082	388-78A-2340	PREP	05-10-085
388-71-1070	REP-P	05-03-096	388-72A-0069	REP-P	05-03-096	388-78A-2360	PREP	05-10-085
388-71-1070	REP	05-11-082	388-72A-0069	REP	05-11-082	388-78A-2470	PREP	05-10-085
388-71-1075	REP-P	05-03-096	388-72A-0070	REP-P	05-03-096	388-78A-2480	PREP	05-10-085
388-71-1075	REP	05-11-082	388-72A-0070	REP	05-11-082	388-78A-2490	PREP	05-10-085
388-71-1080	REP-P	05-03-096	388-72A-0080	REP-P	05-03-096	388-78A-2490	PREP	05-10-085
388-71-1080	REP	05-11-082	388-72A-0080	REP	05-11-082	388-78A-2500	PREP	05-10-085
388-71-1085	REP-P	05-03-096	388-72A-0081	REP-P	05-03-096	388-78A-2510	PREP	05-10-085
388-71-1085	REP	05-11-082	388-72A-0081	REP	05-11-082	388-78A-2520	PREP	05-10-085
388-71-1090	REP-P	05-03-096	388-72A-0082	REP-P	05-03-096	388-78A-2700	PREP	05-10-085
388-71-1090	REP	05-11-082	388-72A-0082	REP	05-11-082	388-78A-2840	PREP	05-10-085
388-71-1095	REP-P	05-03-096	388-72A-0083	REP-P	05-03-096	388-78A-2840	PREP	05-10-085
388-71-1095	REP	05-11-082	388-72A-0083	REP	05-11-082	388-78A-2910	PREP	05-10-085
388-71-1100	REP-P	05-03-096	388-72A-0084	REP-P	05-03-096	388-78A-2930	PREP	05-10-085
388-71-1100	REP	05-11-082	388-72A-0084	REP	05-11-082	388-78A-2940	PREP	05-10-085
388-71-1105	REP-P	05-03-096	388-72A-0085	REP-P	05-03-096	388-78A-2960	PREP	05-10-085
388-71-1105	REP	05-11-082	388-72A-0085	REP	05-11-082	388-101	PREP	05-07-132
388-71-1110	REP-P	05-03-096	388-72A-0086	REP-P	05-03-096	388-101-1010	RECOD	05-05-077
388-71-1110	REP	05-11-082	388-72A-0086	REP	05-11-082	388-101-1020	RECOD	05-05-077
388-72A-0005	REP-P	05-03-096	388-72A-0087	REP-P	05-03-096	388-101-1020	AMD-P	05-07-136
388-72A-0005	REP	05-11-082	388-72A-0087	REP	05-11-082	388-101-1020	AMD	05-10-086
388-72A-0010	REP-P	05-03-096	388-72A-0090	REP-P	05-03-096	388-101-1100	RECOD	05-05-077
388-72A-0010	REP	05-11-082	388-72A-0090	REP	05-11-082	388-101-1180	RECOD	05-05-077
388-72A-0015	REP-P	05-03-096	388-72A-0092	REP-P	05-03-096	388-101-1190	RECOD	05-05-077
388-72A-0015	REP	05-11-082	388-72A-0092	REP	05-11-082	388-101-1200	RECOD	05-05-077
388-72A-0020	REP-P	05-03-096	388-72A-0095	REP-P	05-03-096	388-101-1205	RECOD	05-07-138
388-72A-0020	REP	05-11-082	388-72A-0095	REP	05-11-082	388-101-1210	RECOD	05-05-077
388-72A-0025	REP-P	05-03-096	388-72A-0100	REP-P	05-03-096	388-101-1220	RECOD	05-05-077
388-72A-0025	REP	05-11-082	388-72A-0100	REP	05-11-082	388-101-1220	AMD-P	05-07-136
388-72A-0030	REP-P	05-03-096	388-72A-0105	REP-P	05-03-096	388-101-1220	AMD	05-10-086
388-72A-0030	REP	05-11-082	388-72A-0105	REP	05-11-082	388-101-1230	RECOD	05-05-077
388-72A-0035	REP-P	05-03-096	388-72A-0110	REP-P	05-03-096	388-101-1240	RECOD	05-05-077
388-72A-0035	REP	05-11-082	388-72A-0110	REP	05-11-082	388-101-1250	RECOD	05-05-077
388-72A-0036	REP-P	05-03-096	388-72A-0115	REP-P	05-03-096	388-101-1260	RECOD	05-05-077
388-72A-0036	REP	05-11-082	388-72A-0115	REP	05-11-082	388-101-1260	AMD-P	05-07-136
388-72A-0037	REP-P	05-03-096	388-72A-0120	REP-P	05-03-096	388-101-1260	AMD	05-10-086
388-72A-0037	REP	05-11-082	388-72A-0120	REP	05-11-082	388-101-1400	RECOD	05-05-077
388-72A-0038	REP-P	05-03-096	388-76-540	AMD-P	05-13-126	388-101-1400	AMD-P	05-07-136
388-72A-0038	REP	05-11-082	388-76-560	AMD-P	05-13-126	388-101-1400	AMD	05-10-086
						388-101-1410	RECOD	05-05-077
						388-101-1420	RECOD	05-05-077
						388-101-1420	AMD-P	05-07-136

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388-101-1420	AMD	05-10-086	388-101-2120	RECOD	05-05-077	388-106-0055	NEW-P	05-03-096
388-101-1430	RECOD	05-05-077	388-101-2130	RECOD	05-05-077	388-106-0055	NEW	05-11-082
388-101-1440	RECOD	05-05-077	388-101-2140	RECOD	05-05-077	388-106-0060	NEW-P	05-03-096
388-101-1460	RECOD	05-05-077	388-101-2150	RECOD	05-05-077	388-106-0060	NEW	05-11-082
388-101-1470	RECOD	05-05-077	388-101-2150	AMD-P	05-07-136	388-106-0065	NEW-P	05-03-096
388-101-1470	AMD-P	05-07-136	388-101-2150	AMD	05-10-086	388-106-0065	NEW	05-11-082
388-101-1470	AMD	05-10-086	388-101-2160	RECOD	05-05-077	388-106-0070	NEW-P	05-03-096
388-101-1480	RECOD	05-05-077	388-101-2300	RECOD	05-05-077	388-106-0070	NEW	05-11-082
388-101-1490	RECOD	05-05-077	388-101-2310	RECOD	05-05-077	388-106-0075	NEW-P	05-03-096
388-101-1500	RECOD	05-05-077	388-101-2310	AMD-P	05-07-136	388-106-0075	NEW	05-11-082
388-101-1510	RECOD	05-05-077	388-101-2310	DECOD	05-07-138	388-106-0080	NEW-P	05-03-096
388-101-1520	RECOD	05-05-077	388-101-2320	RECOD	05-05-077	388-106-0080	NEW	05-11-082
388-101-1530	RECOD	05-05-077	388-101-2320	DECOD	05-07-138	388-106-0085	NEW-P	05-03-096
388-101-1540	RECOD	05-05-077	388-101-2330	RECOD	05-05-077	388-106-0085	NEW	05-11-082
388-101-1550	RECOD	05-05-077	388-101-2340	RECOD	05-05-077	388-106-0090	NEW-P	05-03-096
388-101-1600	RECOD	05-05-077	388-101-2350	RECOD	05-05-077	388-106-0090	NEW	05-11-082
388-101-1610	RECOD	05-05-077	388-101-2360	RECOD	05-05-077	388-106-0095	NEW-P	05-03-096
388-101-1620	RECOD	05-05-077	388-101-2370	RECOD	05-05-077	388-106-0095	NEW	05-11-082
388-101-1630	RECOD	05-05-077	388-101-2380	RECOD	05-05-077	388-106-0100	NEW-P	05-03-096
388-101-1640	RECOD	05-05-077	388-101-2400	RECOD	05-07-138	388-106-0100	NEW	05-11-082
388-101-1650	RECOD	05-05-077	388-101-2410	RECOD	05-07-138	388-106-0105	NEW-P	05-03-096
388-101-1660	RECOD	05-05-077	388-101-2410	AMD	05-10-086	388-106-0105	NEW	05-11-082
388-101-1670	RECOD	05-05-077	388-101-2420	RECOD	05-07-138	388-106-0110	NEW-P	05-03-096
388-101-1670	AMD-P	05-07-136	388-101-2430	RECOD	05-07-138	388-106-0110	NEW	05-11-082
388-101-1670	AMD	05-10-086	388-101-2440	RECOD	05-07-138	388-106-0115	NEW-P	05-03-096
388-101-1680	RECOD	05-05-077	388-101-2450	RECOD	05-07-138	388-106-0115	NEW	05-11-082
388-101-1690	RECOD	05-05-077	388-101-2460	RECOD	05-07-138	388-106-0120	NEW-P	05-03-096
388-101-1700	RECOD	05-05-077	388-101-2470	RECOD	05-07-138	388-106-0120	NEW	05-11-082
388-101-1710	RECOD	05-05-077	388-101-2480	RECOD	05-07-138	388-106-0125	NEW-P	05-03-096
388-101-1720	RECOD	05-05-077	388-101-2490	RECOD	05-07-138	388-106-0125	NEW	05-11-082
388-101-1730	RECOD	05-05-077	388-101-2500	RECOD	05-07-138	388-106-0130	NEW-P	05-03-096
388-101-1740	RECOD	05-05-077	388-101-2510	RECOD	05-07-138	388-106-0130	NEW	05-11-082
388-101-1750	RECOD	05-05-077	388-101-2520	RECOD	05-07-138	388-106-0135	NEW-P	05-03-096
388-101-1750	AMD-P	05-07-136	388-101-2530	RECOD	05-07-138	388-106-0135	NEW	05-11-082
388-101-1750	AMD	05-10-086	388-101-2540	RECOD	05-07-138	388-106-0140	NEW-P	05-03-096
388-101-1760	RECOD	05-05-077	388-105	PREP	05-13-127	388-106-0140	NEW	05-11-082
388-101-1770	RECOD	05-05-077	388-105-0035	AMD-E	05-14-078	388-106-0200	NEW-P	05-03-096
388-101-1780	RECOD	05-05-077	388-106	PREP	05-05-080	388-106-0200	NEW	05-11-082
388-101-1790	RECOD	05-05-077	388-106	PREP	05-06-082	388-106-0210	NEW-P	05-03-096
388-101-1800	RECOD	05-05-077	388-106	PREP	05-06-083	388-106-0210	NEW	05-11-082
388-101-1810	RECOD	05-05-077	388-106	PREP	05-14-073	388-106-0213	NEW-P	05-03-096
388-101-1820	RECOD	05-05-077	388-106-0005	NEW-P	05-03-096	388-106-0213	NEW	05-11-082
388-101-1830	RECOD	05-05-077	388-106-0005	NEW	05-11-082	388-106-0220	NEW-P	05-03-096
388-101-1840	RECOD	05-05-077	388-106-0010	NEW-P	05-03-096	388-106-0220	NEW	05-11-082
388-101-1850	RECOD	05-05-077	388-106-0010	NEW	05-11-082	388-106-0225	NEW-P	05-03-096
388-101-1860	RECOD	05-05-077	388-106-0015	NEW-P	05-03-096	388-106-0225	NEW	05-11-082
388-101-1870	RECOD	05-05-077	388-106-0015	NEW	05-11-082	388-106-0230	NEW-P	05-03-096
388-101-1880	RECOD	05-05-077	388-106-0020	NEW-P	05-03-096	388-106-0230	NEW	05-11-082
388-101-1890	RECOD	05-05-077	388-106-0020	NEW	05-11-082	388-106-0235	NEW-P	05-03-096
388-101-1900	RECOD	05-05-077	388-106-0025	NEW-P	05-03-096	388-106-0235	NEW	05-11-082
388-101-2000	RECOD	05-05-077	388-106-0025	NEW	05-11-082	388-106-0300	NEW-P	05-03-096
388-101-2010	RECOD	05-05-077	388-106-0030	NEW-P	05-03-096	388-106-0300	NEW	05-11-082
388-101-2020	RECOD	05-05-077	388-106-0030	NEW	05-11-082	388-106-0305	NEW-P	05-03-096
388-101-2030	RECOD	05-05-077	388-106-0035	NEW-P	05-03-096	388-106-0305	NEW	05-11-082
388-101-2040	RECOD	05-05-077	388-106-0035	NEW	05-11-082	388-106-0310	NEW-P	05-03-096
388-101-2050	RECOD	05-05-077	388-106-0040	NEW-P	05-03-096	388-106-0310	NEW	05-11-082
388-101-2060	RECOD	05-05-077	388-106-0040	NEW	05-11-082	388-106-0315	NEW-P	05-03-096
388-101-2070	RECOD	05-05-077	388-106-0045	NEW-P	05-03-096	388-106-0315	NEW	05-11-082
388-101-2080	RECOD	05-05-077	388-106-0045	NEW	05-11-082	388-106-0320	NEW-P	05-03-096
388-101-2090	RECOD	05-05-077	388-106-0047	NEW-P	05-15-146	388-106-0320	NEW	05-11-082
388-101-2100	RECOD	05-05-077	388-106-0050	NEW-P	05-03-096	388-106-0325	NEW-P	05-03-096
388-101-2110	RECOD	05-05-077	388-106-0050	NEW	05-11-082	388-106-0325	NEW	05-11-082

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388-106-0330	NEW	05-11-082	388-106-0725	NEW-E	05-14-074	388-106-1220	NEW-P	05-03-096
388-106-0335	NEW-P	05-03-096	388-106-0730	NEW-E	05-14-074	388-106-1220	NEW	05-11-082
388-106-0335	NEW	05-11-082	388-106-0735	NEW-E	05-14-074	388-106-1225	NEW-P	05-03-096
388-106-0350	NEW-P	05-03-096	388-106-0740	NEW-E	05-14-074	388-106-1225	NEW	05-11-082
388-106-0350	NEW	05-11-082	388-106-0800	NEW-P	05-03-096	388-106-1230	NEW-P	05-03-096
388-106-0355	NEW-P	05-03-096	388-106-0800	NEW	05-11-082	388-106-1230	NEW	05-11-082
388-106-0355	NEW	05-11-082	388-106-0805	NEW-P	05-03-096	388-106-1300	NEW-P	05-03-096
388-106-0360	NEW-P	05-03-096	388-106-0805	NEW	05-11-082	388-106-1300	NEW	05-11-082
388-106-0360	NEW	05-11-082	388-106-0810	NEW-P	05-03-096	388-106-1305	NEW-P	05-03-096
388-106-0400	NEW-P	05-03-096	388-106-0810	NEW	05-11-082	388-106-1305	NEW	05-11-082
388-106-0400	NEW	05-11-082	388-106-0815	NEW-P	05-03-096	388-106-1310	NEW-P	05-03-096
388-106-0410	NEW-P	05-03-096	388-106-0815	NEW	05-11-082	388-106-1310	NEW	05-11-082
388-106-0410	NEW	05-11-082	388-106-0900	NEW-P	05-03-096	388-145-0100	AMD-P	05-07-134
388-106-0415	NEW-P	05-03-096	388-106-0900	NEW	05-11-082	388-145-0100	AMD	05-11-008
388-106-0415	NEW	05-11-082	388-106-0905	NEW-P	05-03-096	388-145-0230	AMD-P	05-07-134
388-106-0420	NEW-P	05-03-096	388-106-0905	NEW	05-11-082	388-145-0230	AMD	05-11-008
388-106-0420	NEW	05-11-082	388-106-0950	NEW-P	05-03-096	388-160-0075	AMD-P	05-09-079
388-106-0425	NEW-P	05-03-096	388-106-0950	NEW	05-11-082	388-160-0075	AMD	05-14-013
388-106-0425	NEW	05-11-082	388-106-0955	NEW-P	05-03-096	388-160-0195	AMD-P	05-09-079
388-106-0430	NEW-P	05-03-096	388-106-0955	NEW	05-11-082	388-160-0195	AMD	05-14-013
388-106-0430	NEW	05-11-082	388-106-1000	NEW-P	05-03-096	388-273-0035	AMD-E	05-06-024
388-106-0435	NEW-P	05-03-096	388-106-1000	NEW-W	05-11-071	388-273-0035	PREP	05-06-077
388-106-0435	NEW	05-11-082	388-106-1005	NEW-P	05-03-096	388-273-0035	AMD-P	05-12-133
388-106-0500	NEW-P	05-03-096	388-106-1005	NEW-W	05-11-071	388-273-0035	AMD-E	05-13-172
388-106-0500	NEW	05-11-082	388-106-1010	NEW-P	05-03-096	388-273-0035	AMD	05-15-152
388-106-0510	NEW-P	05-03-096	388-106-1010	NEW-W	05-11-071	388-290-0010	PREP	05-06-078
388-106-0510	NEW	05-11-082	388-106-1015	NEW-P	05-03-096	388-290-0025	PREP	05-06-078
388-106-0515	NEW-P	05-03-096	388-106-1015	NEW-W	05-11-071	388-290-0030	PREP	05-13-176
388-106-0515	NEW	05-11-082	388-106-1020	NEW-P	05-03-096	388-290-0032	PREP	05-13-176
388-106-0520	NEW-P	05-03-096	388-106-1020	NEW-W	05-11-071	388-290-0075	PREP	05-06-078
388-106-0520	NEW	05-11-082	388-106-1025	NEW-P	05-03-096	388-290-0095	PREP	05-06-078
388-106-0525	NEW-P	05-03-096	388-106-1025	NEW-W	05-11-071	388-290-0100	PREP	05-06-078
388-106-0525	NEW	05-11-082	388-106-1030	NEW-P	05-03-096	388-290-0105	PREP	05-06-078
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388-106-0535	NEW-P	05-03-096	388-106-1035	NEW-W	05-11-071	388-290-0180	PREP	05-13-175
388-106-0535	NEW	05-11-082	388-106-1040	NEW-P	05-03-096	388-290-0190	PREP	05-13-175
388-106-0600	NEW-P	05-03-096	388-106-1040	NEW-W	05-11-071	388-290-0200	AMD-E	05-05-024
388-106-0600	NEW	05-11-082	388-106-1045	NEW-P	05-03-096	388-290-0200	AMD-E	05-13-040
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388-106-0615	NEW-P	05-03-096	388-106-1050	NEW-W	05-11-071	388-290-0205	AMD-E	05-13-040
388-106-0615	NEW	05-11-082	388-106-1055	NEW-P	05-03-096	388-290-0205	PREP	05-13-175
388-106-0620	NEW-P	05-03-096	388-106-1055	NEW-W	05-11-071	388-290-0240	PREP	05-13-176
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388-106-0625	NEW-P	05-03-096	388-106-1100	NEW	05-11-082	388-290-0247	PREP	05-13-175
388-106-0625	NEW	05-11-082	388-106-1105	NEW-P	05-03-096	388-290-0250	PREP	05-13-175
388-106-0630	NEW-P	05-03-096	388-106-1105	NEW	05-11-082	388-290-0255	PREP	05-13-176
388-106-0630	NEW	05-11-082	388-106-1110	NEW-P	05-03-096	388-290-0260	PREP	05-13-176
388-106-0650	NEW-P	05-03-096	388-106-1110	NEW	05-11-082	388-290-0271	PREP	05-13-176
388-106-0650	NEW	05-11-082	388-106-1115	NEW-P	05-03-096	388-290-0273	PREP	05-13-176
388-106-0655	NEW-P	05-03-096	388-106-1115	NEW	05-11-082	388-295	PREP	05-08-059
388-106-0655	NEW	05-11-082	388-106-1120	NEW-P	05-03-096	388-296	PREP	05-07-131
388-106-0700	NEW-P	05-03-096	388-106-1120	NEW	05-11-082	388-296	PREP-W	05-08-058
388-106-0700	NEW	05-11-082	388-106-1200	NEW-P	05-03-096	388-310-0600	PREP	05-07-074
388-106-0705	NEW-P	05-03-096	388-106-1200	NEW	05-11-082	388-310-0600	AMD-P	05-13-125
388-106-0705	NEW	05-11-082	388-106-1205	NEW-P	05-03-096	388-310-1400	AMD-P	05-08-121
388-106-0710	NEW-P	05-03-096	388-106-1205	NEW	05-11-082	388-310-1400	AMD	05-13-030
388-106-0710	NEW	05-11-082	388-106-1210	NEW-P	05-03-096	388-400	PREP	05-08-091
388-106-0715	NEW-P	05-03-096	388-106-1210	NEW	05-11-082	388-400-0005	AMD-P	05-09-083
388-106-0715	NEW	05-11-082	388-106-1215	NEW-P	05-03-096	388-400-0005	AMD	05-14-100

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388-408	PREP	05-08-091	388-474-0012	AMD	05-07-031	388-513-1380	PREP	05-13-063
388-408-0055	AMD-P	05-15-079	388-475-0550	AMD-E	05-05-088	388-513-1380	PREP-W	05-13-065
388-410	PREP	05-08-091	388-475-0550	AMD-E	05-13-074	388-513-1380	PREP-W	05-13-137
388-410-0001	AMD-P	05-05-081	388-475-0700	AMD-E	05-05-088	388-513-1380	PREP	05-13-138
388-410-0001	AMD	05-08-124	388-475-0700	AMD-E	05-13-074	388-513-1380	AMD-E	05-14-075
388-412	PREP	05-08-091	388-475-0800	AMD-E	05-05-088	388-515-1505	AMD	05-03-077
388-412-0025	PREP	05-07-130	388-475-0800	AMD-E	05-13-074	388-515-1505	PREP	05-06-084
388-412-0025	AMD-P	05-13-171	388-475-0820	AMD-E	05-05-088	388-515-1505	PREP	05-13-129
388-414	PREP	05-08-091	388-475-0820	AMD-E	05-13-074	388-515-1505	PREP-W	05-13-130
388-416-0005	AMD-P	05-05-081	388-475-0860	AMD-E	05-05-088	388-515-1540	AMD-P	05-03-096
388-416-0005	AMD	05-08-124	388-475-0860	AMD-E	05-13-074	388-515-1540	AMD	05-11-082
388-416-0015	PREP	05-05-079	388-478	PREP	05-08-091	388-515-1550	AMD-P	05-03-096
388-416-0015	AMD-E	05-10-038	388-478-0055	PREP	05-13-173	388-515-1550	AMD	05-11-082
388-418	PREP	05-08-091	388-478-0055	AMD-E	05-14-076	388-517-0300	AMD-P	05-11-076
388-418-0005	AMD-P	05-06-089	388-478-0060	PREP	05-12-131	388-517-0300	AMD	05-14-125
388-418-0005	AMD	05-09-021	388-478-0065	AMD-P	05-11-075	388-517-0310	NEW-P	05-11-076
388-418-0005	AMD-E	05-15-081	388-478-0065	AMD	05-15-080	388-517-0310	NEW	05-14-125
388-418-0007	AMD-P	05-08-120	388-478-0070	AMD-P	05-02-091	388-517-0320	NEW-P	05-11-076
388-418-0007	AMD	05-11-074	388-478-0070	AMD	05-06-090	388-517-0320	NEW	05-14-125
388-418-0011	PREP	05-05-079	388-478-0075	PREP	05-07-095	388-519-0110	AMD-P	05-05-083
388-418-0011	AMD-P	05-06-088	388-478-0075	AMD-E	05-07-098	388-519-0110	AMD-E	05-07-057
388-418-0011	AMD	05-09-020	388-478-0075	PREP	05-13-135	388-519-0110	AMD	05-08-093
388-418-0011	AMD-E	05-10-038	388-478-0075	AMD-P	05-14-122	388-523-0130	PREP	05-13-135
388-418-0020	AMD-P	05-06-088	388-478-0075	AMD-E	05-15-082	388-523-0130	AMD-E	05-14-077
388-418-0020	AMD	05-09-020	388-478-0080	AMD-P	05-02-091	388-530-1280	AMD-X	05-06-095
388-418-0025	PREP	05-13-135	388-478-0080	AMD	05-06-090	388-530-1280	AMD	05-11-078
388-418-0025	AMD-E	05-14-077	388-478-0085	PREP	05-07-095	388-531-0150	AMD-E	05-07-058
388-422	PREP	05-08-091	388-478-0085	AMD-E	05-07-098	388-531-0150	AMD-P	05-07-135
388-424	PREP	05-08-091	388-478-0085	AMD-P	05-14-122	388-531-0150	AMD	05-12-022
388-424-0006	AMD-P	05-12-134	388-478-0085	AMD-E	05-15-082	388-531-0200	AMD-E	05-07-058
388-424-0010	PREP	05-13-135	388-482	PREP	05-08-091	388-531-0200	AMD-P	05-07-135
388-432	PREP	05-08-091	388-492	PREP	05-08-091	388-531-0200	AMD	05-12-022
388-434	PREP	05-08-091	388-492-0040	AMD-P	05-05-087	388-531-0250	AMD-E	05-07-058
388-436	PREP	05-08-091	388-492-0040	AMD	05-08-009	388-531-0250	AMD-P	05-07-135
388-442-0010	PREP	05-13-136	388-492-0040	PREP	05-12-131	388-531-0250	AMD	05-12-022
388-446	PREP	05-08-091	388-492-0040	AMD-P	05-15-147	388-531-0650	AMD-E	05-07-058
388-448	PREP	05-08-091	388-492-0070	AMD-P	05-05-086	388-531-0650	AMD-P	05-07-135
388-450	PREP	05-08-091	388-492-0070	AMD	05-08-008	388-531-0650	AMD	05-12-022
388-450-0015	AMD	05-03-078	388-492-0070	PREP	05-12-131	388-531-1600	AMD-E	05-07-058
388-450-0020	PREP-W	05-02-068	388-492-0070	AMD-P	05-14-098	388-531-1600	AMD-P	05-07-135
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388-450-0190	PREP	05-12-131	388-501-0165	PREP	05-08-088	388-531-2000	PREP	05-13-134
388-450-0195	AMD-P	05-06-085	388-501-0200	PREP-W	05-02-068	388-532	AMD-P	05-14-123
388-450-0195	AMD	05-09-087	388-503-0510	AMD	05-07-097	388-532-001	AMD-P	05-14-123
388-450-0195	PREP	05-12-131	388-505-0210	PREP	05-13-135	388-532-050	AMD-P	05-14-123
388-450-0200	AMD-E	05-03-079	388-505-0210	AMD-E	05-14-077	388-532-100	AMD-P	05-14-123
388-450-0200	AMD	05-05-025	388-505-0220	AMD-P	05-13-170	388-532-110	AMD-P	05-14-123
388-450-0210	PREP	05-13-135	388-513-1300	RESCIND	05-13-064	388-532-120	AMD-P	05-14-123
388-450-0215	AMD-P	05-13-169	388-513-1325	PREP-W	05-02-068	388-532-130	AMD-P	05-14-123
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388-450A-0010	NEW	05-13-029	388-513-1350	AMD-P	05-03-109	388-532-500	AMD-P	05-14-123
388-454	PREP	05-08-091	388-513-1350	AMD	05-07-033	388-532-505	NEW-P	05-14-123
388-455	PREP	05-08-091	388-513-1350	PREP	05-11-072	388-532-510	AMD-P	05-14-123
388-458	PREP	05-08-091	388-513-1350	PREP	05-13-139	388-532-520	AMD-P	05-14-123
388-462-0015	AMD-P	05-03-081	388-513-1350	PREP-W	05-13-140	388-532-530	AMD-P	05-14-123
388-462-0015	AMD	05-07-032	388-513-1350	AMD-E	05-14-079	388-532-540	AMD-P	05-14-123
388-464	PREP	05-08-091	388-513-1360	PREP	05-13-131	388-532-550	AMD-P	05-14-123
388-468	PREP	05-08-091	388-513-1380	AMD-P	05-03-109	388-532-700	AMD-P	05-14-123
388-470	PREP	05-08-091	388-513-1380	AMD	05-07-033	388-532-710	AMD-P	05-14-123
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388-532-750	AMD-P	05-14-123	388-550-2301	NEW-P	05-07-135	388-551-1340	AMD-P	05-15-150
388-532-760	AMD-P	05-14-123	388-550-2301	NEW	05-12-022	388-551-1350	AMD-P	05-15-150
388-532-780	AMD-P	05-14-123	388-550-2600	PREP	05-08-089	388-551-1360	AMD-P	05-15-150
388-532-790	AMD-P	05-14-123	388-550-2800	AMD-E	05-07-058	388-551-1370	NEW-P	05-15-150
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388-533-0710	AMD	05-08-061	388-550-2800	AMD	05-12-022	388-551-1410	REP-P	05-15-150
388-533-0720	AMD-P	05-05-085	388-550-2800	AMD-E	05-14-080	388-551-1500	AMD-P	05-15-150
388-533-0720	AMD	05-08-061	388-550-2800	PREP	05-14-145	388-551-1510	AMD-P	05-15-150
388-533-0730	AMD-P	05-05-085	388-550-2800	PREP-W	05-14-146	388-551-1520	AMD-P	05-15-150
388-533-0730	AMD	05-08-061	388-550-2900	PREP-W	05-14-146	388-551-1530	AMD-P	05-15-150
388-535-1070	AMD-P	05-03-080	388-550-3000	AMD-P	05-07-096	388-551-1800	NEW-P	05-15-148
388-535-1070	AMD	05-06-092	388-550-3000	AMD	05-11-077	388-551-1810	NEW-P	05-15-148
388-537	PREP	05-15-095	388-550-3300	PREP	05-06-080	388-551-1820	NEW-P	05-15-148
388-537-0100	PREP	05-15-095	388-550-3300	AMD-P	05-09-085	388-551-1830	NEW-P	05-15-148
388-538	PREP	05-04-082	388-550-3300	AMD	05-12-132	388-551-1840	NEW-P	05-15-148
388-538-063	AMD-E	05-13-073	388-550-3800	AMD	05-06-044	388-551-1850	NEW-P	05-15-148
388-538-112	AMD-E	05-05-038	388-550-4300	PREP	05-06-080	388-554-100	NEW	05-04-059
388-538-112	AMD-E	05-13-066	388-550-4300	AMD-P	05-09-085	388-554-200	NEW	05-04-059
388-543	PREP	05-13-132	388-550-4300	AMD	05-12-132	388-554-300	NEW	05-04-059
388-543-1000	PREP-W	05-13-133	388-550-4400	AMD-E	05-07-058	388-554-400	NEW	05-04-059
388-543-1100	PREP-W	05-13-133	388-550-4400	AMD-P	05-07-135	388-554-500	NEW	05-04-059
388-543-1150	PREP-W	05-13-133	388-550-4400	AMD	05-12-022	388-554-600	NEW	05-04-059
388-543-1400	PREP-W	05-13-133	388-550-4600	PREP	05-06-080	388-554-700	NEW	05-04-059
388-543-1500	PREP-W	05-13-133	388-550-4600	AMD-P	05-09-085	388-554-800	NEW	05-04-059
388-543-2100	PREP-W	05-13-133	388-550-4600	AMD	05-12-132	388-555	PREP-W	05-03-083
388-543-2500	PREP-W	05-13-133	388-550-4650	NEW-P	05-09-085	388-555-1000	REP-X	05-15-151
388-543-2900	PREP-W	05-13-133	388-550-4650	NEW	05-12-132	388-555-1050	REP-X	05-15-151
388-544-0010	NEW-P	05-08-092	388-550-4800	PREP	05-06-080	388-555-1100	REP-X	05-15-151
388-544-0010	NEW	05-13-038	388-550-4800	AMD-P	05-09-085	388-555-1150	REP-X	05-15-151
388-544-0050	AMD-P	05-08-092	388-550-4800	AMD	05-12-132	388-555-1200	REP-X	05-15-151
388-544-0050	AMD	05-13-038	388-550-4900	AMD-P	05-09-086	388-555-1250	REP-X	05-15-151
388-544-0100	AMD-P	05-08-092	388-550-4900	AMD	05-12-132	388-555-1300	REP-X	05-15-151
388-544-0100	AMD	05-13-038	388-550-5100	REP-P	05-09-086	388-555-1350	REP-X	05-15-151
388-544-0150	AMD-P	05-08-092	388-550-5100	REP	05-12-132	388-555-1400	REP-X	05-15-151
388-544-0150	AMD	05-13-038	388-550-5210	AMD-P	05-09-086	388-555-1450	REP-X	05-15-151
388-544-0200	REP-P	05-08-092	388-550-5210	AMD	05-12-132	388-800	PREP	05-02-065
388-544-0200	REP	05-13-038	388-550-5220	AMD-P	05-09-086	388-820-010	DECOD	05-05-077
388-544-0250	AMD-P	05-08-092	388-550-5220	AMD	05-12-132	388-820-020	DECOD	05-05-077
388-544-0250	AMD	05-13-038	388-550-5250	REP-P	05-09-086	388-820-030	DECOD	05-05-077
388-544-0300	AMD-P	05-08-092	388-550-5250	REP	05-12-132	388-820-040	DECOD	05-05-077
388-544-0300	AMD	05-13-038	388-550-5300	REP-P	05-09-086	388-820-050	DECOD	05-05-077
388-544-0350	AMD-P	05-08-092	388-550-5300	REP	05-12-132	388-820-056	DECOD	05-07-138
388-544-0350	AMD	05-13-038	388-550-5350	REP-P	05-09-086	388-820-060	DECOD	05-05-077
388-544-0350	AMD-P	05-14-121	388-550-5350	REP	05-12-132	388-820-070	DECOD	05-05-077
388-544-0350	AMD-E	05-14-124	388-550-5400	AMD-P	05-09-086	388-820-076	DECOD	05-05-077
388-544-0400	AMD-P	05-08-092	388-550-5400	AMD	05-12-132	388-820-080	DECOD	05-05-077
388-544-0400	AMD	05-13-038	388-550-6000	PREP	05-13-076	388-820-086	DECOD	05-05-077
388-544-0450	AMD-P	05-08-092	388-550-6800	AMD-P	05-09-086	388-820-090	DECOD	05-05-077
388-544-0450	AMD	05-13-038	388-550-6800	AMD	05-12-132	388-820-100	DECOD	05-05-077
388-544-0475	NEW-P	05-08-092	388-550-6900	REP-P	05-09-086	388-820-110	DECOD	05-05-077
388-544-0475	NEW	05-13-038	388-550-6900	REP	05-12-132	388-820-120	DECOD	05-05-077
388-544-0500	AMD-P	05-08-092	388-550-7000	PREP	05-13-076	388-820-130	DECOD	05-05-077
388-544-0500	AMD	05-13-038	388-551-1000	AMD-P	05-15-149	388-820-140	DECOD	05-05-077
388-544-0550	AMD-P	05-08-092	388-551-1010	AMD-P	05-15-149	388-820-150	DECOD	05-05-077
388-544-0550	AMD	05-13-038	388-551-1200	AMD-P	05-15-149	388-820-160	DECOD	05-05-077
388-544-0600	AMD-P	05-08-092	388-551-1210	AMD-P	05-15-149	388-820-170	DECOD	05-05-077
388-544-0600	AMD	05-13-038	388-551-1300	AMD-P	05-15-149	388-820-180	DECOD	05-05-077
388-546	PREP-W	05-02-068	388-551-1305	NEW-P	05-15-149	388-820-190	DECOD	05-05-077
388-550	PREP-W	05-08-086	388-551-1310	AMD-P	05-15-149	388-820-200	DECOD	05-05-077
388-550	PREP	05-08-089	388-551-1315	REP-P	05-15-150	388-820-210	DECOD	05-05-077

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388-823-1050	NEW	05-12-130	388-825-064	REP-E	05-09-019	388-825-165	NEW-E	05-07-075
388-823-1060	NEW-P	05-04-057	388-825-064	REP	05-11-015	388-825-165	NEW-P	05-13-041
388-823-1060	NEW	05-12-130	388-825-070	REP-P	05-05-084	388-825-165	NEW-E	05-15-046
388-823-1070	NEW-P	05-04-057	388-825-070	REP-E	05-09-019	388-825-170	REP-E	05-07-075
388-823-1070	NEW	05-12-130	388-825-070	REP	05-11-015	388-825-170	REP-P	05-13-041
388-823-1080	NEW-P	05-04-057	388-825-075	REP-P	05-05-084	388-825-170	REP-E	05-15-046
388-823-1080	NEW	05-12-130	388-825-075	REP-E	05-09-019	388-825-180	REP-E	05-07-075
388-823-1090	NEW-P	05-04-057	388-825-075	REP	05-11-015	388-825-180	REP-P	05-13-041
388-823-1090	NEW	05-12-130	388-825-076	REP-P	05-05-084	388-825-180	REP-E	05-15-046
388-823-1095	NEW-P	05-04-057	388-825-076	REP-E	05-09-019	388-825-190	REP-E	05-07-075
388-823-1095	NEW	05-12-130	388-825-076	REP	05-11-015	388-825-190	REP-P	05-13-041
388-823-1100	NEW-P	05-04-057	388-825-077	REP-P	05-05-084	388-825-190	REP-E	05-15-046
388-823-1100	NEW	05-12-130	388-825-077	REP-E	05-09-019	388-825-228	PREP	05-15-094
388-824-0001	NEW-P	05-09-084	388-825-077	REP	05-11-015	388-825-228	AMD-E	05-15-153
388-824-0010	NEW-P	05-09-084	388-825-078	REP-P	05-05-084	388-825-254	PREP	05-15-094
388-824-0020	NEW-P	05-09-084	388-825-078	REP-E	05-09-019	388-825-254	AMD-E	05-15-153
388-824-0030	NEW-P	05-09-084	388-825-078	REP	05-11-015	388-825-260	REP-E	05-07-075
388-824-0040	NEW-P	05-09-084	388-825-085	REP-P	05-05-084	388-825-260	REP-P	05-13-041
388-824-0050	NEW-P	05-09-084	388-825-085	REP-E	05-09-019	388-825-260	REP-E	05-15-046
388-824-0060	NEW-P	05-09-084	388-825-085	REP	05-11-015	388-825-262	REP-E	05-07-075
388-824-0070	NEW-P	05-09-084	388-825-086	REP-P	05-05-084	388-825-262	REP-P	05-13-041
388-824-0080	NEW-P	05-09-084	388-825-086	REP-E	05-09-019	388-825-262	REP-E	05-15-046
388-824-0090	NEW-P	05-09-084	388-825-086	REP	05-11-015	388-825-264	REP-E	05-07-075
388-824-0100	NEW-P	05-09-084	388-825-087	REP-P	05-05-084	388-825-264	REP-P	05-13-041
388-824-0110	NEW-P	05-09-084	388-825-087	REP-E	05-09-019	388-825-264	REP-E	05-15-046
388-824-0120	NEW-P	05-09-084	388-825-087	REP	05-11-015	388-825-266	REP-E	05-07-075
388-824-0130	NEW-P	05-09-084	388-825-090	REP-P	05-05-084	388-825-266	REP-P	05-13-041
388-824-0140	NEW-P	05-09-084	388-825-090	REP-E	05-09-019	388-825-266	REP-E	05-15-046
388-824-0150	NEW-P	05-09-084	388-825-090	REP	05-11-015	388-825-268	REP-E	05-07-075
388-824-0160	NEW-P	05-09-084	388-825-095	REP-P	05-05-084	388-825-268	REP-P	05-13-041
388-824-0170	NEW-P	05-09-084	388-825-095	REP-E	05-09-019	388-825-268	REP-E	05-15-046
388-824-0180	NEW-P	05-09-084	388-825-095	REP	05-11-015	388-825-270	REP-E	05-07-075
388-824-0190	NEW-P	05-09-084	388-825-103	AMD-P	05-05-084	388-825-270	REP-P	05-13-041
388-824-0200	NEW-P	05-09-084	388-825-103	AMD-E	05-09-019	388-825-270	REP-E	05-15-046
388-824-0210	NEW-P	05-09-084	388-825-103	AMD	05-11-015	388-825-272	REP-E	05-07-075
388-824-0220	NEW-P	05-09-084	388-825-120	AMD-E	05-07-075	388-825-272	REP-P	05-13-041
388-824-0230	NEW-P	05-09-084	388-825-120	AMD-P	05-13-041	388-825-272	REP-E	05-15-046
388-824-0240	NEW-P	05-09-084	388-825-120	AMD-E	05-15-046	388-825-276	REP-E	05-07-075
388-824-0250	NEW-P	05-09-084	388-825-125	NEW-E	05-07-075	388-825-276	REP-P	05-13-041
388-824-0260	NEW-P	05-09-084	388-825-125	NEW-P	05-13-041	388-825-276	REP-E	05-15-046
388-824-0270	NEW-P	05-09-084	388-825-125	NEW-E	05-15-046	388-825-278	REP-E	05-07-075
388-824-0280	NEW-P	05-09-084	388-825-130	NEW-E	05-07-075	388-825-278	REP-P	05-13-041
388-824-0290	NEW-P	05-09-084	388-825-130	NEW-P	05-13-041	388-825-278	REP-E	05-15-046
388-824-0300	NEW-P	05-09-084	388-825-130	NEW-E	05-15-046	388-825-280	REP-E	05-07-075
388-824-0310	NEW-P	05-09-084	388-825-135	NEW-E	05-07-075	388-825-280	REP-P	05-13-041
388-824-0320	NEW-P	05-09-084	388-825-135	NEW-P	05-13-041	388-825-280	REP-E	05-15-046
388-824-0330	NEW-P	05-09-084	388-825-135	NEW-E	05-15-046	388-825-282	REP-E	05-07-075
388-825	PREP	05-13-174	388-825-140	NEW-E	05-07-075	388-825-282	REP-P	05-13-041
388-825-030	REP-P	05-04-057	388-825-140	NEW-P	05-13-041	388-825-282	REP-E	05-15-046
388-825-030	AMD-E	05-07-081	388-825-140	NEW-E	05-15-046	388-825-284	REP-E	05-07-075
388-825-030	REP	05-12-130	388-825-145	NEW-E	05-07-075	388-825-284	REP-P	05-13-041
388-825-035	REP-P	05-04-057	388-825-145	NEW-P	05-13-041	388-825-284	REP-E	05-15-046
388-825-035	REP	05-12-130	388-825-145	NEW-E	05-15-046	388-825-300	NEW-E	05-07-075
388-825-040	REP-P	05-04-057	388-825-150	NEW-E	05-07-075	388-825-300	NEW-P	05-13-041
388-825-040	REP	05-12-130	388-825-150	NEW-P	05-13-041	388-825-300	NEW-E	05-15-046
388-825-055	AMD-P	05-05-084	388-825-150	NEW-E	05-15-046	388-825-305	NEW-E	05-07-075
388-825-055	AMD-E	05-09-019	388-825-155	NEW-E	05-07-075	388-825-305	NEW-P	05-13-041
388-825-055	AMD	05-11-015	388-825-155	NEW-P	05-13-041	388-825-305	NEW-E	05-15-046
388-825-060	REP-P	05-05-084	388-825-155	NEW-E	05-15-046	388-825-310	NEW-E	05-07-075
388-825-060	REP-E	05-09-019	388-825-160	NEW-E	05-07-075	388-825-310	NEW-P	05-13-041
388-825-060	REP	05-11-015	388-825-160	NEW-P	05-13-041	388-825-310	NEW-E	05-15-046

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388-825-315	NEW-P	05-13-041	388-827-0115	AMD-P	05-06-087	388-845-0200	NEW-E	05-12-026
388-825-315	NEW-E	05-15-046	388-827-0115	AMD	05-10-039	388-845-0205	NEW-E	05-04-020
388-825-316	NEW-E	05-07-075	388-827-0145	AMD-E	05-05-023	388-845-0205	NEW-E	05-12-026
388-825-316	NEW-P	05-13-041	388-827-0145	AMD-P	05-06-087	388-845-0210	NEW-E	05-04-020
388-825-316	NEW-E	05-15-046	388-827-0145	AMD	05-10-039	388-845-0210	NEW-E	05-12-026
388-825-320	NEW-E	05-07-075	388-845-0001	NEW-E	05-12-026	388-845-0215	NEW-E	05-04-020
388-825-320	NEW-P	05-13-041	388-845-0005	NEW-E	05-04-020	388-845-0215	NEW-E	05-12-026
388-825-320	NEW-E	05-15-046	388-845-0005	NEW-E	05-12-026	388-845-0220	NEW-E	05-04-020
388-825-325	NEW-E	05-07-075	388-845-0010	NEW-E	05-04-020	388-845-0220	NEW-E	05-12-026
388-825-325	NEW-P	05-13-041	388-845-0010	NEW-E	05-12-026	388-845-0300	NEW-E	05-04-020
388-825-325	NEW-E	05-15-046	388-845-0015	NEW-E	05-04-020	388-845-0300	NEW-E	05-12-026
388-825-330	NEW-E	05-07-075	388-845-0015	NEW-E	05-12-026	388-845-0305	NEW-E	05-04-020
388-825-330	NEW-P	05-13-041	388-845-0020	NEW-E	05-04-020	388-845-0305	NEW-E	05-12-026
388-825-330	NEW-E	05-15-046	388-845-0020	NEW-E	05-12-026	388-845-0310	NEW-E	05-04-020
388-825-335	NEW-E	05-07-075	388-845-0025	NEW-E	05-04-020	388-845-0310	NEW-E	05-12-026
388-825-335	NEW-P	05-13-041	388-845-0025	NEW-E	05-12-026	388-845-0400	NEW-E	05-04-020
388-825-335	NEW-E	05-15-046	388-845-0030	NEW-E	05-04-020	388-845-0400	NEW-E	05-12-026
388-825-340	NEW-E	05-07-075	388-845-0030	NEW-E	05-12-026	388-845-0405	NEW-E	05-04-020
388-825-340	NEW-P	05-13-041	388-845-0035	NEW-E	05-04-020	388-845-0405	NEW-E	05-12-026
388-825-340	NEW-E	05-15-046	388-845-0035	NEW-E	05-12-026	388-845-0410	NEW-E	05-04-020
388-825-345	NEW-E	05-07-075	388-845-0040	NEW-E	05-04-020	388-845-0410	NEW-E	05-12-026
388-825-345	NEW-P	05-13-041	388-845-0040	NEW-E	05-12-026	388-845-0500	NEW-E	05-04-020
388-825-345	NEW-E	05-15-046	388-845-0041	NEW-E	05-04-020	388-845-0500	NEW-E	05-12-026
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388-825-355	NEW-P	05-13-041	388-845-0045	NEW-E	05-04-020	388-845-0505	NEW-E	05-12-026
388-825-355	NEW-E	05-15-046	388-845-0045	NEW-E	05-12-026	388-845-0510	NEW-E	05-04-020
388-825-360	NEW-E	05-07-075	388-845-0050	NEW-E	05-04-020	388-845-0510	NEW-E	05-12-026
388-825-360	NEW-P	05-13-041	388-845-0050	NEW-E	05-12-026	388-845-0600	NEW-E	05-04-020
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388-825-365	NEW-E	05-07-075	388-845-0051	NEW-E	05-12-026	388-845-0605	NEW-E	05-04-020
388-825-365	NEW-P	05-13-041	388-845-0055	NEW-E	05-04-020	388-845-0605	NEW-E	05-12-026
388-825-365	NEW-E	05-15-046	388-845-0055	NEW-E	05-12-026	388-845-0610	NEW-E	05-04-020
388-825-370	NEW-E	05-07-075	388-845-0056	NEW-E	05-04-020	388-845-0610	NEW-E	05-12-026
388-825-370	NEW-P	05-13-041	388-845-0060	NEW-E	05-04-020	388-845-0700	NEW-E	05-04-020
388-825-370	NEW-E	05-15-046	388-845-0060	NEW-E	05-12-026	388-845-0700	NEW-E	05-12-026
388-825-375	NEW-E	05-07-075	388-845-0065	NEW-E	05-04-020	388-845-0705	NEW-E	05-04-020
388-825-375	NEW-P	05-13-041	388-845-0065	NEW-E	05-12-026	388-845-0705	NEW-E	05-12-026
388-825-375	NEW-E	05-15-046	388-845-0070	NEW-E	05-04-020	388-845-0710	NEW-E	05-04-020
388-825-380	NEW-E	05-07-075	388-845-0070	NEW-E	05-12-026	388-845-0710	NEW-E	05-12-026
388-825-380	NEW-P	05-13-041	388-845-0075	NEW-E	05-04-020	388-845-0750	NEW-E	05-12-026
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388-825-381	NEW-E	05-07-075	388-845-0080	NEW-E	05-04-020	388-845-0760	NEW-E	05-12-026
388-825-381	NEW-P	05-13-041	388-845-0080	NEW-E	05-12-026	388-845-0800	NEW-E	05-04-020
388-825-381	NEW-E	05-15-046	388-845-0085	NEW-E	05-04-020	388-845-0800	NEW-E	05-12-026
388-825-385	NEW-E	05-07-075	388-845-0085	NEW-E	05-12-026	388-845-0805	NEW-E	05-04-020
388-825-385	NEW-P	05-13-041	388-845-0090	NEW-E	05-04-020	388-845-0805	NEW-E	05-12-026
388-825-385	NEW-E	05-15-046	388-845-0090	NEW-E	05-12-026	388-845-0810	NEW-E	05-04-020
388-825-390	NEW-E	05-07-075	388-845-0095	NEW-E	05-04-020	388-845-0810	NEW-E	05-12-026
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388-845-1150	NEW-E	05-04-020	388-845-1905	NEW-E	05-12-026	388-845-4000	NEW-E	05-12-026
388-845-1150	NEW-E	05-12-026	388-845-1910	NEW-E	05-04-020	388-845-4005	NEW-E	05-04-020
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388-845-1400	NEW-E	05-04-020	388-845-2205	NEW-E	05-12-026	388-865-0150	AMD-P	05-08-123
388-845-1400	NEW-E	05-12-026	388-845-2210	NEW-E	05-04-020	388-865-0201	PREP	05-14-072
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434-333-135	AMD-E	05-14-170	434-333-270	NEW-E	05-14-170	434-335-500	NEW-P	05-05-034
434-333-140	AMD-E	05-05-033	434-333-275	NEW-E	05-05-033	434-335-510	NEW-P	05-05-034
434-333-140	REP-P	05-05-034	434-333-275	NEW-E	05-14-170	434-335-520	NEW-P	05-05-034
434-333-140	AMD-E	05-14-170	434-333-280	NEW-E	05-05-033	434-335-530	NEW-P	05-05-034
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434-335-590	NEW-P	05-05-034	456-09-315	AMD-P	05-09-125	456-09-635	REP-P	05-09-125
434-335-600	NEW-P	05-05-034	456-09-315	AMD	05-13-141	456-09-635	REP	05-13-141
434-335-610	NEW-P	05-05-034	456-09-320	REP-P	05-09-125	456-09-640	REP-P	05-09-125
434-335-620	NEW-P	05-05-034	456-09-320	REP	05-13-141	456-09-640	REP	05-13-141
434-335-630	NEW-P	05-05-034	456-09-325	AMD-P	05-09-125	456-09-645	REP-P	05-09-125
434-335-640	NEW-P	05-05-034	456-09-325	AMD	05-13-141	456-09-645	REP	05-13-141
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434-379-007	NEW	05-12-116	456-09-335	AMD	05-13-141	456-09-655	REP	05-13-141
434-379-010	AMD-P	05-09-047	456-09-340	AMD-P	05-09-125	456-09-705	REP-P	05-09-125
434-379-010	AMD	05-12-116	456-09-340	AMD	05-13-141	456-09-705	REP	05-13-141
434-379-020	NEW-P	05-09-047	456-09-345	AMD-P	05-09-125	456-09-710	REP-P	05-09-125
434-379-020	NEW	05-12-116	456-09-345	AMD	05-13-141	456-09-710	REP	05-13-141
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434-381-120	AMD-W	05-15-104	456-09-355	REP	05-13-141	456-09-720	REP	05-13-141
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434-840-020	AMD	05-13-059	456-09-365	REP-P	05-09-125	456-09-725	REP	05-13-141
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434-840-330	AMD	05-13-059	456-09-440	REP-P	05-09-125	456-09-740	AMD	05-13-141
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446-20-630	AMD	05-07-157	456-09-520	AMD	05-13-141	456-09-750	AMD-P	05-09-125
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456-09-001	NEW	05-13-141	456-09-540	AMD	05-13-141	456-09-760	REP-P	05-09-125
456-09-010	AMD-P	05-09-125	456-09-545	NEW-P	05-09-125	456-09-760	REP	05-13-141
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456-09-110	AMD-P	05-09-125	456-09-550	AMD-P	05-09-125	456-09-765	AMD	05-13-141
456-09-110	AMD	05-13-141	456-09-550	AMD	05-13-141	456-09-770	REP-P	05-09-125
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456-09-120	AMD	05-13-141	456-09-552	NEW	05-13-141	456-09-775	REP-P	05-09-125
456-09-130	AMD-P	05-09-125	456-09-555	NEW-P	05-09-125	456-09-775	REP	05-13-141
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456-09-140	AMD-P	05-09-125	456-09-560	AMD-P	05-09-125	456-09-910	AMD	05-13-141
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456-10-215	NEW	05-13-141	456-10-555	AMD	05-13-141	458-20-24001A	PREP	05-05-061
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456-10-300	NEW	05-13-141	456-10-565	AMD	05-13-141	458-20-261	PREP	05-08-118
456-10-310	AMD-P	05-09-125	456-10-570	REP-P	05-09-125	458-20-267	NEW-E	05-03-016
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456-10-315	AMD	05-13-141	456-10-710	AMD	05-13-141	458-20-268	NEW-E	05-11-020
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456-10-335	AMD	05-13-141	456-10-735	REP	05-13-141	458-40-660	AMD-P	05-11-052
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456-10-345	REP	05-13-141	456-10-745	REP	05-13-141	460-24A-105	PREP	05-03-104
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456-10-360	REP	05-13-141	456-10-755	AMD	05-13-141	463-60-525	RECOD-W	05-03-087
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463- 76-050	RECOD-W	05-03-087	468-300-220	AMD	05-10-041	480- 70-051	AMD	05-06-051
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468- 38-190	REP	05-04-053	478-118-270	AMD	05-08-017	480- 75-999	AMD-X	05-15-161
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468- 38-235	REP	05-04-053	478-118-300	NEW	05-08-017	480- 90-008	AMD	05-06-051
468- 38-240	REP	05-04-053	478-118-400	AMD-P	05-03-071	480- 90-023	AMD	05-06-051
468- 38-250	REP	05-04-053	478-118-400	AMD	05-08-017	480- 90-207	NEW	05-06-051
468- 38-260	REP	05-04-053	478-118-410	AMD-P	05-03-071	480- 90-207	AMD-S	05-10-099
468- 38-270	AMD-P	05-08-016	478-118-410	AMD	05-08-017	480- 90-208	REP	05-06-051
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480-93-002	REP	05-10-055	480-93-183	REP-S	05-02-096	480-110-255	AMD	05-08-099
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480-93-110	AMD-S	05-02-096	480-100-023	AMD	05-06-051	480-110-565	NEW-S	05-10-099
480-93-110	AMD	05-10-055	480-100-207	NEW	05-06-051	480-110-575	NEW	05-06-051
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480-93-130	AMD	05-10-055	480-100-262	NEW-S	05-10-099	480-120-173	AMD	05-03-031
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480-120-253	AMD	05-03-031	495B-116-040	AMD	05-06-011	504- 25-115	AMD-P	05-03-103
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480-120-301	REP	05-06-051	495B-116-060	AMD	05-06-011	504- 25-135	AMD-P	05-03-103
480-120-302	REP	05-03-031	495B-116-080	AMD	05-06-011	504- 25-135	AMD-W	05-12-023
480-120-303	REP	05-06-051	495B-116-090	AMD	05-06-011	504- 25-138	AMD-P	05-03-103
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480-120-305	REP	05-06-051	495B-116-150	AMD	05-06-011	504- 25-200	AMD-P	05-03-103
480-120-311	REP	05-06-051	495B-116-160	AMD	05-06-011	504- 25-200	AMD-W	05-12-023
480-120-321	REP	05-06-051	495B-116-170	AMD	05-06-011	504- 25-201	AMD-P	05-03-103
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480-120-331	AMD-S	05-10-099	504- 25-003	AMD-P	05-03-103	504- 25-205	REP-P	05-03-103
480-120-335	NEW	05-06-051	504- 25-003	AMD-W	05-12-023	504- 25-205	REP-W	05-12-023
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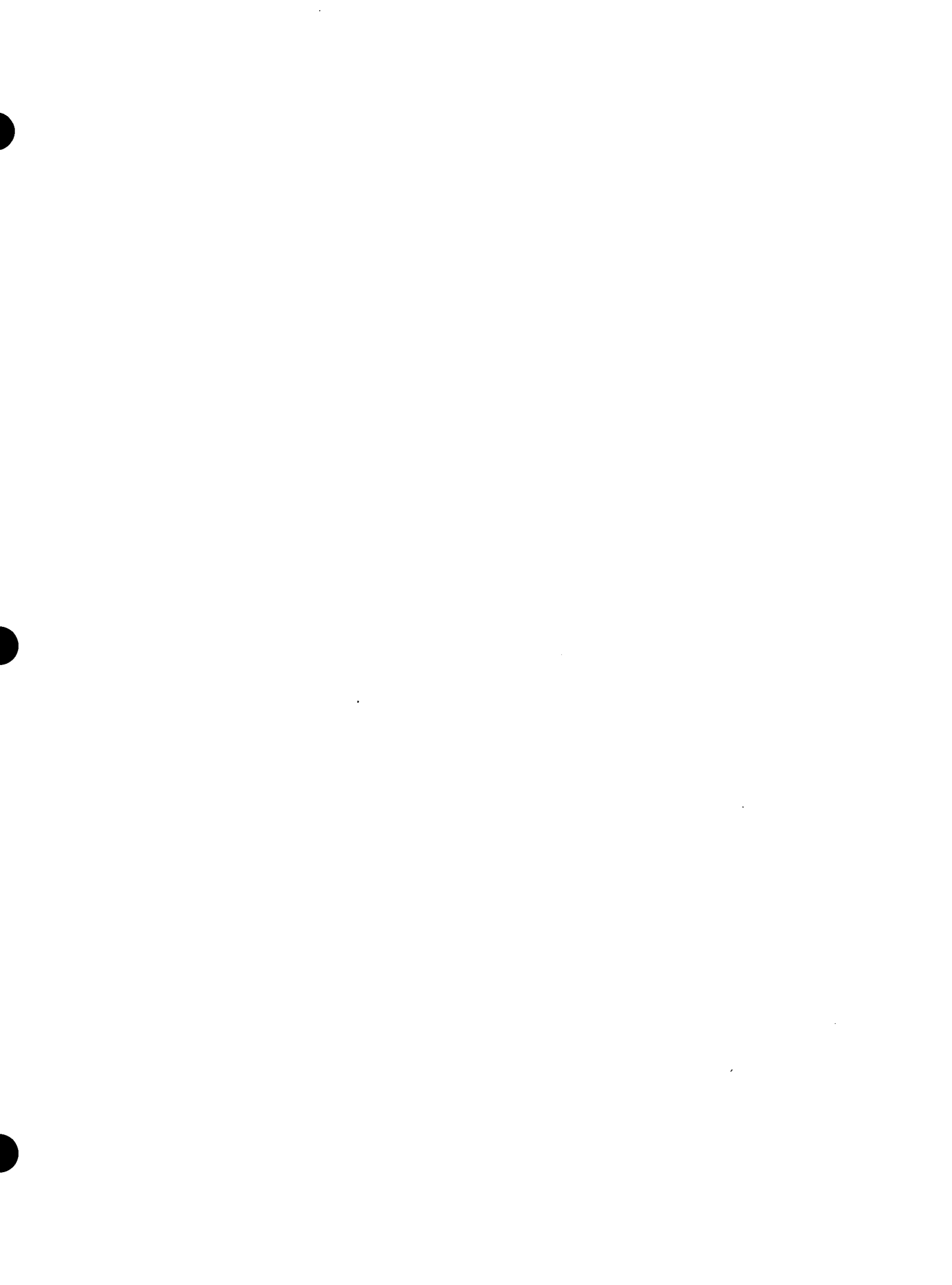
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