

# Washington State Register

August 17, 2005

OLYMPIA, WASHINGTON

ISSUE 05-16



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filed not later than August 3, 2005

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of August 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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## WASHINGTON STATE REGISTER

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**POSTMASTER: SEND ADDRESS CHANGES TO:**

### WASHINGTON STATE REGISTER

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Olympia, WA 98504-0552

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

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

## 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

2005 - 2006

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS			
For Inclusion In -	File no later than 12:00 noon -			Count <sup>20</sup> 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
06-07	Feb 22, 06	Mar 8, 06	Mar 22, 06	Apr 5, 06	Apr 25, 06	May 23, 06
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
06-11	Apr 26, 06	May 10, 06	May 24, 06	Jun 7, 06	Jun 27, 06	Jul 25, 06
06-12	May 10, 06	May 24, 06	Jun 7, 06	Jun 21, 06	Jul 11, 06	Aug 8, 06
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

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

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

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

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited 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;

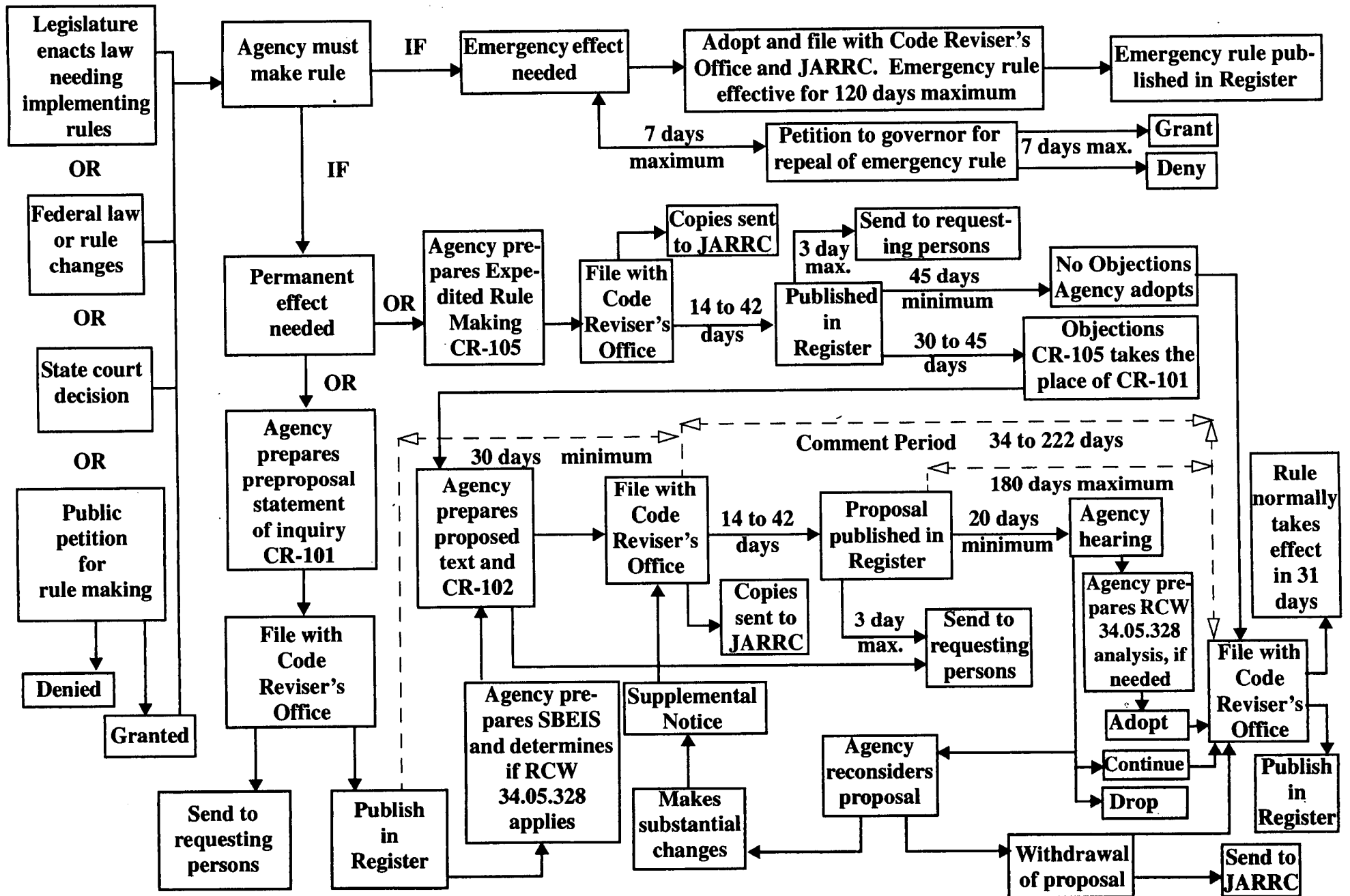
There is less than minor economic impact on business;

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 05-16-014****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed July 22, 2005, 4:37 p.m.]

Subject of Possible Rule Making: Puget Sound commercial shrimp rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Permanent housekeeping changes are needed to make rule language less complex and more readable, which will reduce the amount of verbiage when providing for in-season modifications.

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 Morris Barker, State Marine Resource Manager, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by September 30, 2005. Expected proposal filing on or after October 4, 2005.

July 22, 2005

Christy Vassau  
for Evan Jacoby  
Rules Coordinator

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 by 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, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Pat Moses, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6116, fax (360) 586-5543, e-mail PatM@dor.wa.gov.

Public Meeting Location: Capital Plaza Building, 4th Floor L&P Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 13, 2005, at 9:30 a.m.

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

July 26, 2005

Alan R. Lynn  
Rules Coordinator

**WSR 05-16-050****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed July 28, 2005, 1:34 p.m.]

Subject of Possible Rule Making: Food worker cards, WAC 246-217-010(4), definition of food service establishment, WAC 246-217-015 Applicability, and WAC 246-217-025(4), training topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 69.06 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.12.022 and 82.14.230 impose state and local use taxes on the use of natural gas or manufactured gas by a consumer, if the person who sold the gas to the consumer has not paid public utility tax with respect to the gas. This use tax is imposed only for natural gas delivered to a consumer through a pipeline, and the tax rate that applies is the same rate as the state and city public utility taxes. Rule 17902 explains how this use tax applies and the reporting requirements.

Consumers currently report and pay this use tax on a separate "natural gas use tax return." The department is considering a revision to Rule 17902, so that the "natural gas use tax return" can be incorporated into the excise tax return and reported with business and occupation (B&O) and/or public utility tax (PUT) liabilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The subject matter of this rule is administered exclusively by the Department of Revenue.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246-217 WAC specifies requirements for all food workers in the state to obtain food cards from local health officers, and in the process receive training on specific food safety topics. SHB 1545 amended chapter 69.06 RCW to conditionally exempt certain workers at adult family homes from having to obtain food worker cards if they complete Department of Social and Health Services training that meets State Board of Health standards. The rule must be updated to comply with the updated statute. Also, considering the significant percentage of the population that is allergic to one or more food items, with sometimes serious or fatal health impacts, the addition of food allergy awareness to the list of food safety training topics is being proposed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Social and Health Services regulates adult family homes, including caregiver training. The Department of Health administers rules of the board regarding food worker cards, which are implemented by local

**WSR 05-16-025****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed July 26, 2005, 9:56 a.m.]

Subject of Possible Rule Making: WAC 458-20-17902 Brokered natural gas—Use tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.12.022, 82.32.300, and 82.01.060(2).

health agencies. In order to coordinate the rule with these agencies, the Department of Health will invite representatives of the Department of Social and Health Services and local health agencies to participate on the rule workgroup.

Process for Developing New Rule: Broad-based stakeholder groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Gifford, Section Manager, Washington State Department of Health, P.O. Box 47824, Olympia, WA 98504-7824, phone (360) 236-3074, fax (360) 236-2257, e-mail dave.gifford@doh.wa.gov; or Ned Therien, Health Policy Analyst, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone (360) 236-4103, fax (360) 236-4088, e-mail ned.therien@doh.wa.gov.

July 21, 2005

Craig McLaughlin  
Executive Director

#### WSR 05-16-052

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF FISH AND WILDLIFE

[Filed July 28, 2005, 1:37 p.m.]

Subject of Possible Rule Making: Coastal crab commercial fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is reviewing, with Oregon, reciprocal closure of EEZ waters beyond the state territorial waters to crab fishers not licensed to land in the respective states. Rules would be needed to implement this proposal, if it is adopted by both states.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Oregon Department of Fish and Wildlife. The proposal is being coordinated with Oregon through the intergovernmental resource management program.

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 Phil Anderson, Intergovernmental Resource Manager Program Special Assistant, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2720. Contact by September 15, 2005. Expected proposal filing on or after September 16, 2005.

July 28, 2005

Evan Jacoby  
Rules Coordinator

#### WSR 05-16-053

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 28, 2005, 2:14 p.m.]

Subject of Possible Rule Making: WAC 415-501-475 May I choose how I want my deferred compensation invested?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5) and 41.50.780(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify that the department has the responsibility to limit the number of times a deferred compensation program (DCP) participant changes investment options in a single month if such actions threaten to negatively affect the performance results of other DCP participants.

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 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 27, 2005

Sandra J. Matheson  
Director

#### WSR 05-16-056

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF FISH AND WILDLIFE

[Filed July 28, 2005, 4:24 p.m.]

Subject of Possible Rule Making: Commercial crab fishing rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Puget Sound crab fishing rules need housekeeping modifications in order to update contact numbers, describe crab management boundaries and harvest dates currently being used for crab management, and redefine appropriate crustacean management areas as crab management areas.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by September 15, 2005. Expected proposal filing on or after September 16, 2005.

July 28, 2005

Evan Jacoby  
Rules Coordinator

**WSR 05-16-065**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed July 29, 2005, 4:23 p.m.]

The Medical Assistance Administration requests the withdrawal of preproposal statement of inquiry, filed as WSR 04-13-102 on June 21, 2004 (WAC 388-416-0020, 388-519-0100, and 388-519-0110).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-16-066**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)  
[Filed July 29, 2005, 4:25 p.m.]

The Medical Assistance Administration requests the withdrawal of preproposal statement of inquiry, filed as WSR 01-16-135 on July 31, 2001 (WAC 388-502-0220, 388-502-0230, and 388-502-260).

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-16-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed August 1, 2005, 2:05 p.m.]

Subject of Possible Rule Making: The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 2003 Edition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.36.030 Traffic control devices—Specifications to be furnished to counties and cities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Part 655, Subpart F, of the Code of Federal Regulations (C.F.R.), specifies that the MUTCD is the national standards for all traffic control devices installed on streets, highways, and bicycle trails open to public travel. Rules adopting the MUTCD address the C.F.R. specification, and the requirements of RCW 47.36-030 which mandate that the secretary of transportation adopt a uniform standard for traffic control devices. The rules also modify the MUTCD to conform with several traffic control device statutes and practices applicable to the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration publishes the MUTCD, and assures state compliance with the requirements of C.F.R. Part 655, Subpart F. The modifications to the MUTCD are developed cooperatively with Washington's cities and counties and approved by the FHWA, prior to rule making.

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 Mike Dornfeld, Traffic Regulations Supervisor, Washington State Department of Transportation, P.O. Box 47344, Olympia, WA 98504-7344, phone (360) 705-7288, fax (360) 707-6826, e-mail Dornfem@wsdot.wa.gov.

August 1, 2005

John Conrad  
Assistant Secretary

**WSR 05-16-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)  
[Filed August 1, 2005, 4:21 p.m.]

Subject of Possible Rule Making: Adding and amending sections within chapter 388-106 WAC, Long-term care services; amending sections in chapter 388-71 WAC, Home and community services and programs; and amending sections in chapter 388-110 WAC, Contracted residential care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making clarifies the intent of policies from the recent adoption of new chapter 388-106 WAC. Rules are needed to amend and add new rules to the following sections within chapters 388-106, 388-71, and 388-110 WAC: Scope and definitions, applying for services; comprehensive assessment reporting evaluation (CARE) assessment; CARE classification; Medicaid per-

sonal care; COPEs; medically needy residential waiver; medically needy in-home waiver; PACE; adult day services; client rights; definitions; assisted living service standards; enhanced adult residential care standards; adult residential care service standards; and WMIP.

Other policy changes that arise during this rule making may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule making.

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the Office of Code Reviser with a notice of proposed rule making and send the proposal 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 Brooke Buckingham, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3213, fax (360) 438-8633, e-mail buckibe@dshs.wa.gov.

August 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 05-16-080

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

(Aging and Disability Services Administration)

[Filed August 1, 2005, 4:23 p.m.]

**Subject of Possible Rule Making:** WAC 388-112-0210, related to continuing education topics for residential caregiver training; WAC 388-112-0255, related to content requirements for first-aid training; and other WAC chapters may be opened as needed.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 18.20.090, 70.128.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The purpose of the new language in WAC 388-112-0210 is to add .5 hours per year of safe food handling continuing education for adult family home caregivers, as required by new subsection (6) of RCW 70.128.010. The purpose of new language in WAC 388-112-0255 is to add content requirements for first-aid training. In addition, ADSA may amend existing rules to ensure that rules are current and clear. Policy changes that arise during this time will be incorporated into this rule making.

**Process for Developing New Rule:** DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rule with the Office of the Code Reviser with a notice of proposed rule making, and send the proposal 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 Tiffany Sevruck, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

August 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 05-16-081

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

(Economic Services Administration)

[Filed August 1, 2005, 4:24 p.m.]

**Subject of Possible Rule Making:** The Division of Employment and Assistance Programs will amend WAC 388-478-0015 Need standards for cash assistance, to update need standards based on the 2006 forecast.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The rule change is needed to adjust for anticipated changes in costs for basic needs.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Neal, Financial Service Specialist, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4605, fax (360) 413-3493, e-mail nealme@dshs.wa.gov.

August 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

#### WSR 05-16-082

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

(Health and Recovery Services Administration)

[Filed August 1, 2005, 4:26 p.m.]

**Subject of Possible Rule Making:** WAC 388-550-2900 Payment limits—Inpatient hospital services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Preproposal statement of inquiry filed as WSR 04-03-091 on January 20, 2004, proposing to amend WAC 388-550-2800 and 388-550-2900, was withdrawn on July 5, 2005. The department is refileing a CR-101 proposing to amend WAC 388-550-2900 to clarify that the department pays for certain screening tests of newborn infants in addition to the diagnostic-related group (DRG) payment. (Note: A CR-101 for WAC 388-550-2800 has been filed under WSR 05-14-145.)

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health (DOH), the department is coordinating this rule with DOH's chapter 246-650 WAC.

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 below.

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

August 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

### WSR 05-16-083

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

(Health and Recovery Services Administration)

[Filed August 1, 2005, 4:28 p.m.]

Subject of Possible Rule Making: Chapter 388-549 WAC, Rural health clinics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.510, 74.09.522, 42 C.F.R. 405.2400 - 2472, 491.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 702 of the Benefit Improvement and Protection Act (BIPA) of 2000 replaces cost-based reimbursement methodology with Medicaid RHC prospective payment system (PPS). This rule is necessary to implement the federal payment methodology.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, Health and Recovery Services Administration, Office of Rules and Publications, 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.

August 1, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

### WSR 05-16-087

#### PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed August 1, 2005, 4:35 p.m.]

Subject of Possible Rule Making: Adoption of new administrative rules for the implementation of a boat operator education program as adopted by the Washington state legislature during the 2005 legislative session (chapter 392, Laws of 2005).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5145, chapter 392, Laws of 2005, Boating safety education.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5145, chapter 392, Laws of 2005, boating safety requires the state Parks and Recreation Commission to establish and implement by rule a program to provide required boating safety education. The commission intends to adopt rules which will enable boat operators to take and pass an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission and provide a means by which boaters can obtain a boater education card.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state of Washington and the United States exercise concurrent jurisdiction over the waters within the jurisdiction of the state of Washington in the conduct of a recreational boating safety program and have agreed to such relationship through a statement of understanding between the state of Washington, as represented by the state Parks and Recreation Commission, and the United States, as represented by the United States Coast Guard (USCG). Through this cooperative agreement the commission is able to coordinate and reach understanding on issues related to boat operator education requirements and the enforcement of state laws.

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 James Horan, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360)

586-6600, fax (360) 586-6603, e-mail James.Horan@parks.wa.gov.

August 1, 2005  
Jim French  
Cross-State Programs Manager

**WSR 05-16-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 2, 2005, 10:29 a.m.]

Subject of Possible Rule Making: Factor [Factory] assembled structures, chapters 296-150C, 296-150F, and 296-150V WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The electrical program recently adopted rules that directly impact the factory assembled structure rules. The factory assembled structure rules reference the electrical rules, which now states electrical plan reviews are not required for structures under 400 amp electrical service. Examples of these types of buildings are: Portable classrooms, educational facilities, city or county jail cells, prisons, small hospitals, MRI structures, or medical clinics. The factory assembled structure statute states the program needs to conduct plan review on all systems within the structure. Therefore, we are proceeding with rule making to ensure the statute and rules are consistent.

Process for Developing New Rule: The department will solicit input from the Factory Assembled Structure Board. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

August 2, 2005  
Gary Weeks  
Director

**WSR 05-16-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 2, 2005, 10:30 a.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is being

proposed based on recommendations made by members of the Cholinesterase Scientific Committee and the Cholinesterase Advisory Committee. These proposed changes are to clarify the language and to make some minor housekeeping changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Department of Agriculture and Environmental Protection Agency (EPA) regulate this subject.

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 Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5529. Parties interested in the formulation of these rules for proposal may contact the individual listed above. The public will have the opportunity to comment both prior to and after publication of the proposed amendments.

August 2, 2005  
Gary Weeks  
Director

**WSR 05-16-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed August 3, 2005, 9:26 a.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-93 WAC, Gas companies—Safety, rules governing natural gas pipeline operators, specifically WAC 480-93-005(18), 480-93-017, 480-93-178, 480-93-200 (1)(e), and 480-93-200 (6)(c). The rule making has been assigned Docket No. PG-050933.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 80.04.160, and 80.28.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since the rules in chapter 480-93 WAC, Gas companies—Safety, became effective June 2, 2005, stakeholders and agency staff have identified a variety of issues that suggest that the commission review certain rules relating to gas pipeline operations in chapter 480-93 WAC. This rule making would consider possible corrections, changes, and clarifications to WAC 480-93-005(18), 480-93-017, 480-93-178, 480-93-200 (1)(e), and 480-93-200 (6)(c).

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with 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, by **Friday, August 26, 2005**.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:**

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 (PG-050933).
- 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/050933>. 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. PG-050933 to ensure that you are placed on the appropriate service list. Questions may be addressed to Sondra Walsh, (360) 664-1286 or e-mail at swalsh@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. PG-050933, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. PG-050933, 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/050933>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

August 3, 2005  
Carole J. Washburn  
Executive Secretary

**WSR 05-16-120**

**PREPROPOSAL STATEMENT OF INQUIRY  
ATTORNEY GENERAL'S OFFICE**

[Filed August 3, 2005, 9:28 a.m.]

Subject of Possible Rule Making: Public records model rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 4, chapter 483, Laws of 2005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature required the attorney general to adopt these model rules. They will collect and describe best practices on public records processing to aid records requestors and agencies.

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

Process for Developing New Rule: Legislatively mandated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Public forums (see below), written comments, and web-based comment form (see <http://www.atg.wa.gov/records/PDATour.shtml>).

**PUBLIC RECORDS MODEL RULES  
PUBLIC FORUMS**

DATE	TIME	CITY	LOCATION
July 26, 2005	7:00 p.m.-8:30 p.m.	Bremerton	Olympic College Theater
August 16, 2005	7:00 p.m.-8:30 p.m.	Yakima	Yakima Valley Community College HUB Activity Room
August 17, 2005	7:00 p.m.-8:30 p.m.	Wenatchee	Wenatchee Valley College Theater
August 23, 2005	7:00 p.m.-8:30 p.m.	Everett	Everett Community College Jackson Conference Room

August 24, 2005	7:00 p.m.-8:30 p.m.	Aberdeen-Hoquiam	Grays Harbor College Joseph A. Malik Administration Building Room 220
September 7, 2005	7:00 p.m.-8:30 p.m.	Longview	Lower Columbia Community College Student Center
September 13, 2005	7:00 p.m.-8:30 p.m.	Tacoma	Tacoma News-Tribune Baker Conference Room
September 20, 2005	7:00 p.m.-8:30 p.m.	Mt. Vernon	Skagit Valley Community College Cafeteria
September 28, 2005	7:00 p.m.-8:30 p.m.	Spokane	Northwest Museum of Art & Culture Eric A. Johnston Memorial Auditorium
October 3, 2005	7:00 p.m.-8:30 p.m.	Olympia	Capitol Campus John L. O'Brien Building, HHR A
October 5, 2005	7:00 p.m.-8:30 p.m.	Vancouver	WSU Vancouver Auditorium
October 11, 2005	7:00 p.m.-8:30 p.m.	Seattle	TBA

August 2, 2005  
Sue Bellevue  
Rules Coordinator

**WSR 05-16-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST CLEAN AIR AGENCY**

[Filed August 3, 2005, 9:34 a.m.]

**Subject of Possible Rule Making:** Changes to the fees charged by the agency for registration, per capita and new source review - including SWCAA 400-045, 400-099, 400-100 and 400-109; and to update adoption of new or revised federal standards SWCAA 400-075 and 400-115; and update adoption of Washington state rules for prevention of significant deterioration SWCAA 400-141 because of changes made in the state and federal rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141, 70.94.152, 70.94.093.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The purpose of these rule changes is to modify the fees collected by the agency for the registration program, per capita fees and new source review fees. There have been no fee increases in over eight years. The proposed rule changes will establish new fees consistent with the workload and increased costs incurred by the agency for these activities. Adoption of new or revised state and federal standards will make the agency programs consistent with the existing state and federal programs.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Environmental Protection Agency (EPA) and the Washington Department of Ecology (DOE) have standards and programs that apply either nationally or statewide. SWCAA is proposing to update adoption by reference several of the standards and programs that have been updated by these agencies since SWCAA last updated its rules.

**Process for Developing New Rule:** Other than the fees, the sections of the rule to be modified will be an adoption by reference to maintain consistency with other state and federal rules currently promulgated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Mairose by telephone at (360) 574-3058 ext. 30 between 7:00 a.m. and 5:30 p.m. weekdays, or by mail at 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, or by e-mail at Paul@swcleanair.org.

August 2, 2005  
Robert D. Elliott  
Executive Director

**WSR 05-16-129**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed August 3, 2005, 11:59 a.m.]

**Subject of Possible Rule Making:** Adoption of new administrative rules for the implementation of Background checks—Park employees—Fingerprinting, as adopted by the Washington state legislature during the 2005 legislative session (chapter 373, Laws of 2005).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1313, chapter 373, Laws of 2005, Background checks—Park employees—Fingerprinting.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** SHB 1313, chapter 373, Laws of 2005, Background checks—Park employees—Fingerprinting, requires the state Parks and Recreation Commission to adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Bureau of Investigation (FBI) and the Washington State Patrol each have jurisdiction, with respect to their echelon of government, over the process for obtaining a national background check through a criminal history record information search. The commission has and will continue to coordinate with these agencies and will comply with such provisions included in chapter 373, Laws of 2005, which specifies that: "These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints."

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 Rita Cooper, P.O. Box 42650, 7150 Cleanwater Lane, Olympia, WA 98504-2650, phone (360) 586-6606, fax (360) 586-6603, e-mail Rita.Cooper@parks.wa.gov.

August 3, 2005

Jim French

Cross-State Programs Manager



**WSR 05-16-002**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 21, 2005, 9:57 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-04-107.

Title of Rule and Other Identifying Information: Cemeteries, new sections, Title 98 WAC, Brief adjudicative proceedings. When they can be used, objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.

Hearing Location(s): Holiday Inn-Select, 1 South Grady Way, Renton, WA 98055, on October 13, 2005, at 10:00 a.m.  
 Date of Intended Adoption: November 15, 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 October 1, 2005.

Assistance for Persons with Disabilities: Contact Jeanne Todd by October 1, 2005, TTY (360) 664-8885 or (360) 664-1537.

Statutory Authority for Adoption: RCW 68.05.105 and chapter 34.05 RCW.

Statute Being Implemented: Title 68 RCW.

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

Name of Proponent: Cemetery Board, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis McPhee, 405 Black Lake Boulevard, Olympia, WA 98502, (360) 664-1551; and Enforcement: Cemetery Board, 405 Black Lake Boulevard, Olympia, WA 98502.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no new costs associated with these rules.

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 21, 2005  
 Joe Vincent Jr.  
 Administrator

**NEW SECTION**

**WAC 98-08-005 Brief adjudicative proceedings—When they can be used.** (1) The board adopts RCW 34.05.-482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profes-

sion for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(c) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(f) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(g) Whether an applicant or licensee has defaulted on educational loans;

(h) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(i) Whether a licensee has committed recordkeeping violations;

(j) Whether a licensee has committed trust account violations;

(k) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

(l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

**NEW SECTION**

**WAC 98-08-015 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.** (1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

### WSR 05-16-003

#### PROPOSED RULES

### DEPARTMENT OF LICENSING

[Filed July 21, 2005, 10:00 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 05-04-106.

Title of Rule and Other Identifying Information: Funeral directors and embalmers, amendments to WAC 308-48-810 Application of brief adjudicative proceedings; new section [WAC 308-48-815] Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings; and repealing WAC 308-48-820 and 308-48-830.

Hearing Location(s): Holiday Inn-Select, 1 South Grady Way, Renton, WA 98055, on October 13, 2005, at 10:00 a.m.

Date of Intended Adoption: November 15, 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 October 1, 2005.

Assistance for Persons with Disabilities: Contact Jeanne Todd by October 1, 2005, TTY (360) 664-8885 or (360) 664-1537.

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. There are no new costs associated with these rules.

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 21, 2005  
Joe Vincent Jr.  
Administrator

AMENDATORY SECTION (Amending WSR 97-21-063, filed 10/14/97, effective 11/14/97)

WAC 308-48-810 ((Application of)) Brief adjudicative proceedings—When they can be used. (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted ((by request, and/or)) at the discretion of the board ((chair pursuant to RCW 34.05.482, for the categories of matters set forth below)). Brief adjudicative proceedings ((will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to operate a funeral establishment, branch funeral establishment, or a crematory; or to receive a prearrangement funeral service contract license; or for a license to practice as a funeral director, embalmer, apprentice funeral director, or apprentice embalmer; and the board proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship)) can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) Whether an applicant or licensee has defaulted on educational loans;

(k) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(l) Whether a licensee has committed recordkeeping violations;

(m) Whether a licensee has committed trust account violations;

(n) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising;

(o) Whether a person has engaged in unlicensed practice;  
or

(p) Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

#### **NEW SECTION**

**WAC 308-48-815 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings.** (1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-48-820 Preliminary record in brief adjudicative proceedings.

WAC 308-48-830 Conduct of brief adjudicative proceedings.

#### **WSR 05-16-022 PROPOSED RULES EXECUTIVE ETHICS BOARD**

[Filed July 25, 2005, 2:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-046.

Title of Rule and Other Identifying Information: WAC 292-100-007 Definitions and 292-130-030 Operations and procedures.

Hearing Location(s): 2425 Bristol Court, Conference Room 148, Olympia, WA 98504, on September 9, 2005, at approximately 9:00.

Date of Intended Adoption: September 9, 2005.

Submit Written Comments to: Susan Harris, P.O. Box 40149, Olympia, WA 98504-0149, e-mail susanh4@atg.wa.gov, fax (360) 586-3955, by September 1, 2005.

Assistance for Persons with Disabilities: Contact Ruthann Bryant by September 7, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC 292-100-007, this rule adds a definition of lobbying, and clarifies that written communications are not considered lobbying for purposes of chapter 42.52 RCW.

Amend WAC 292-130-030, this amendment is "house-keeping" only, to set out the date, time and place board meetings are held.

Reasons Supporting Proposal: WAC 292-100-007, gives the board the ability to send written communications to officials in matters directly relating to board interests.

WAC 292-130-030 complies with the Open Public Meetings Act.

Statutory Authority for Adoption: RCW 42.52.360 (2)(b).

Statute Being Implemented: Chapter 42.52 RCW.

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

Name of Proponent: Executive Ethics Board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Harris, 2425 Bristol Court, Olympia, 664-0871.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes have no impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. There is no cost/fiscal impact to the state.

July 20, 2005

Susan Harris

Executive Director

**AMENDATORY SECTION** (Amending WSR 01-13-033, filed 6/13/01, effective 7/14/01)

**WAC 292-100-007 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board staff" shall include the executive director, the investigator, attorneys who bring cases before the board, and the training and information specialist.

(2) "Complainant" means a person who has filed a complaint with the board.

(3) "Employing agency" means the former or current state agency of the respondent during the time the alleged violation occurred.

(4) "Lobbying," for the purposes of RCW 42.52.380, does not include written communication by the board to members of the state legislature or to any other government official on matters pertaining directly to the Ethics in Public Service Act.

(5) "Party" includes the board staff and the respondent. The respondent may be represented in any matter filed under chapter 42.52 RCW by an attorney or an exclusive bargaining representative. If the respondent is represented by a person who is not an attorney, the representation shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

~~((5))~~ (6) "Preliminary investigation" refers to the confidential fact-finding investigation that occurs before the board's determination of reasonable cause.

~~((6))~~ (7) "Presiding officer" refers to the board chair, vice chair, a board member designated as presiding officer by the chair or vice chair, or an administrative law judge.

~~((7))~~ (8) "Respondent" means a current or former state officer or state employee alleged to have violated chapter 42.52 RCW by a complainant.

**AMENDATORY SECTION** (Amending WSR 01-13-033, filed 6/13/01, effective 7/14/01)

**WAC 292-130-030 Operations and procedures.** The board holds regular scheduled meetings ~~((in accordance with a schedule filed with the code reviser's office and published in the Washington State Register))~~ on the second Friday of each month at 9:00 a.m. unless a different time is noted on the agenda, except August and December when no meetings are held. The meetings are held at 2425 Bristol Court, Conference Room 148, unless circumstances require relocating to another site as designated by the executive director of the board.

All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). Three members

of the board constitute a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

The board issues advisory opinions; develops education and training materials; investigates, hears, and determines complaints; reviews and approves agency ethics policies; and, reviews, approves, or denies contracts between state officers and employees and state agencies.

Written communications intended for board consideration or action shall be filed with the administrative office.

## WSR 05-16-023

### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Order 04-07—Filed July 25, 2005, 2:59 p.m.]

Continuance of WSR 05-11-095.

Preproposal statement of inquiry was filed as WSR 04-23-039.

Title of Rule and Other Identifying Information: This rule making will adopt a new rule, chapter 173-333 WAC, Persistent bioaccumulative toxins regulation, that will establish ecology's process and procedures to address the subject of persistent bioaccumulative toxic substances.

Date of Intended Adoption: October 1, 2005.

Submit Written Comments to: Mike Gallagher, PBT Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504, e-mail mgal461@ecy.wa.gov, fax (360) 407-6884, by July 29, 2005, 5:00 p.m. PDT.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To extend public comment period to July 29, 2005.

Name of Proponent: Department of Ecology, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Michael J. Gallagher, Ecology Headquarters, P.O. Box 47600, Olympia, WA 98504, (360) 407-6868.

July 22, 2005

Polly Zehm

Deputy Director

## WSR 05-16-031

### WITHDRAWAL OF PROPOSED RULES

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 26, 2005, 4:35 p.m.]

The DSHS Aging and Disability Services Administration is withdrawing the following new WAC sections originally proposed in WSR 05-09-084: WAC 388-824-0110, 388-824-0130, 388-824-0150, 388-824-0160, 388-824-0180,



388-824-0200, 388-824-0250, 388-824-0270, and 388-824-0300.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**WSR 05-16-036**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:43 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-01-115 Disabled veteran.

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This modification brings the state's affirmative action definition of disabled veteran in line with the federal definition established in Title 38 of the U.S. Code of Federal Regulations.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6345; Implementation and Enforcement: Department of Personnel.

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

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

July 26, 2005

Eva N. Santos

Director

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

**WAC 357-01-115 Disabled veteran.** For affirmative action purposes, a person:

(1) ~~((e))~~ Entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more(;) or disability rated at least 10

percent in case of a veteran who has been determined by the Veterans Administration to have a serious employment handicap; or

(2) ~~((a-person))~~ ~~((w))~~ Whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

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 05-16-037**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:45 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-100 Who administers and establishes operating procedures for the general government transition pool program?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This modification clarifies that general government employers must certify names from the general government transition pool when there are no internal layoff list candidates.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding layoff.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6345; Implementation and Enforcement: Department of Personnel.

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

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

July 26, 2005  
Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-100 Who administers and establishes operating procedures for the general government transition pool program?** The department administers the general government transition pool program. The director develops and implements appropriate operating procedures to facilitate the program. The operating procedures include the following requirements:

(1) General government employers must certify transition pool candidates when ~~((a certified pool contains eligible candidates other than layoff or internal promotional candidates))~~ there are no internal layoff list candidates.

(2) Transition pool candidates must satisfy the competency and other position requirements to be considered for a position.

**WSR 05-16-038**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:46 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-43-120 Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to address possible financial incentives for employee business units (EBU) members for costs savings.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding EBU.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6345; Implementation and Enforcement: Department of Personnel.

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

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

July 26, 2005  
Eva N. Santos  
Director

NEW SECTION

**WAC 357-43-120 Can EBU members receive financial incentives for any cost savings that result from completing performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU?** EBU members may receive financial incentives for any cost savings resulting from completing the performance requirements for less cost or better efficiency than what was anticipated in the agreement with the EBU. The financial incentives must be provided using the Savings Incentive Program or the Teamwork Incentive Program or as lump sum recognition payment authorized by the performance management confirmation process established by the department.

**WSR 05-16-039**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:48 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-010 What are the reasons for layoff? WAC 357-46-012 Following the award of a contract under the competitive contracting process, how does an employer layoff displaced employees as defined by WAC 357-43-001?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

PROPOSED

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules address the reasons for layoff and how a state employer will layoff a displaced employee following the award of a contract under the competitive contracting process.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of the Department of Personnel has rule-making authority regarding layoff. These rules will be in the layoff chapter.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6345; Implementation and Enforcement: Department of Personnel.

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

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

July 26, 2005

Eva N. Santos

Director

**AMENDATORY SECTION** (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-010 What are the reasons for layoff?**

(1) Employees may be laid off without prejudice according to layoff procedures that are consistent with these rules. The reasons for layoff include, but are not limited to, the following:

- (a) Lack of funds;
- (b) Lack of work; or
- (c) Organizational change.

(2) Examples of layoff actions due to lack of work may include, but are not limited to:

- (a) Termination of a project or special employment;
- (b) Availability of fewer positions than there are employees entitled to such positions;

(c) Employee's ineligibility to continue in a position following its reallocation to a class with a higher salary range maximum; or

(d) Employee's ineligibility to continue, or choice not to continue, in a position following its reallocation to a class with a lower salary range maximum.

(e) Elimination of a position due to the work of the position being competitively contracted.

**NEW SECTION**

**WAC 357-46-012 Following the award of a contract under the competitive contracting process, how does an**

**employer layoff displaced employees as defined by WAC 357-43-001?** (1) If an employee business unit as defined by WAC 357-43-001 is not awarded the contract, all displaced employees as defined by WAC 357-43-001 are subject to the employer's layoff procedure when the positions are eliminated or reduced.

(2) Displaced employees as defined by WAC 357-43-001 who are not part of the employee business unit awarded the contract are subjected to the employer's layoff procedure when the employees' positions are eliminated or reduced (See WAC 357-43-008 for what happens if a displaced employee chooses to be removed from an employee business unit.)

(3) Displaced employees as defined by WAC 357-43-001 who are part of the employee business unit awarded the contract become an employee business unit member on the effective date of the contract. Employee business unit members do not have layoff rights under chapter 357-46 WAC.

**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 05-16-040**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:50 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-43-008 What happens if a displaced employee chooses to be removed from the employee business unit before the effective date of a contract that is awarded to the employee business unit?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule addresses what happens if a displaced employee chooses to be removed from the employee business unit before the effective date of the contract.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Due to the passage of SHB 1268 the director of

the Department of Personnel has rule-making authority regarding employee business units. This proposal implements this provision of the Personnel System Reform Act.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6345; Implementation and Enforcement: Department of Personnel.

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

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

July 26, 2005

Eva N. Santos

Director

### NEW SECTION

**WAC 357-43-008 What happens if a displaced employee chooses to be removed from the employee business unit before the effective date of a contract that is awarded to the employee business unit?** When a displaced employee chooses to be removed from an employee business unit prior to the effective date of the contract that is awarded to the employee business unit, the following applies:

(1) If the displaced employee chooses to be removed before the employer notifies the employee business unit of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the displaced employee has layoff rights in accordance with WAC 357-46-012.

(2) If the displaced employee chooses to be removed after the employer notifies the employee business unit of the intent to award the contract to the employee business unit (as described in WAC 236-51-600), the displaced employee has no layoff rights under chapter 357-46 WAC and is considered to have resigned when his/her position is eliminated.

**WSR 05-16-054**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 28, 2005, 4:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-08-090.

Title of Rule and Other Identifying Information: WAC 388-406-0055 When do my benefits start?, 388-416-0005 How long can I get Basic Food?, 388-418-0005 How will I know what changes I must report?, 388-489-0005 Who is eligible for transitional food assistance?, 388-489-0010 How is my transitional food assistance benefit calculated?, 388-489-0015 How long will my family receive transitional food assistance?, 388-489-0020 Am I required to report changes in my household's circumstances while on transitional food assistance?, and 388-489-0025 Can my transitional food

assistance benefits end before the end of my five-month transition period?

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 September 6, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m. September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 3, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The new sections and amended rules under this proposal establish eligibility for the transitional food program for families that leave temporary assistance for needy families (TANF), state family assistance (SFA), and tribal TANF programs. The rules also establish the interaction between transitional food assistance (TFA) and other food programs administered by the department under the food stamp program.

Reasons Supporting Proposal: This transitional benefit option of the federal food stamp program provides stable food benefits to families leaving TANF/SFA or tribal TANF benefits to help families transition from welfare to work. Recognizing the stabilizing effect this transitional food benefit would provide for families leaving TANF, RCW 74.08A.010 was enacted to have the department provide this benefit for these families.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010.

Statute Being Implemented: RCW 74.04.050, 74.04.-055, 74.04.057, 74.08.090, 74.08A.010.

Rule is necessary because of federal law, 7 C.F.R. 273-12 (f)(4), Public Law 107-171 - Title 4, Section 4115.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments and new rules only affect DSHS clients by establishing eligibility rules for the food benefits under the transitional food assistance and Basic Food programs.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules implement an optional transitional program of food stamp benefits under Title 7 of the Code of Federal Reg-

PROPOSED

ulations § 273.12 (f)(4) and Title V - Section 4115 of the Farm Security and Rural Investment Act of 2002. RCW 74.08A.010 directs the department to implement this option for leaving temporary assistance for needy families as of October 31, 2005.

July 22, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

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

**WAC 388-406-0055 When do my benefits start?** The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (GAU).

(2) Basic Food, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food. If you are recertified for Basic Food, we determine the date your benefits start under WAC 388-434-0010;

(b) You applied for Basic Food while living in an institution. If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the first day of the month following the month you applied for benefits. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(e) You are approved for Transitional Food Assistance under chapter 388-489 WAC. We determine the date transitional benefits start as described under WAC 388-489-0015.

(f) You receive Transitional Food Assistance with people you used to live with, and are now approved to receive Basic Food in a different assistance unit:

(i) We must give the other assistance unit ten days notice as described under WAC 388-458-0025 before we remove you from the Transitional Food Assistance benefits.

(ii) Your Basic Food benefits start the first of the month after we remove you from the transitional benefits. For example, if we remove you from transitional benefits on November 30th, you are eligible for Basic Food on December 1st.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.

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

**AMENDATORY SECTION** (Amending WSR 05-08-124, filed 4/5/05, effective 6/1/05)

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

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

(a) **Six months** if your AU:

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

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

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

or

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

(b) **Twenty-four months** if all adults in your AU are elderly persons or individuals with disabilities and no one in your AU has earned income.

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

(2) If you receive Transitional Food Assistance, we set your certification period as described under WAC 388-489-0015.

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

~~((3))~~ (4) We terminate your Basic Food benefits when:

(a) We get proof of a change that makes your AU ineligible; or

(b) We get information that your AU is ineligible; and

(c) You do not provide needed information to verify your AU's circumstances.

**AMENDATORY SECTION** (Amending WSR 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.~~
- ~~(10) If you receive Transitional Food Assistance, you do not have to report any changes in your circumstances.~~

#### NEW SECTION

**WAC 388-489-0005 Who is eligible for Transitional Food Assistance?** If your family stops receiving Temporary Assistance for Needy Families cash benefits, including benefits from a tribal program, you will be eligible for transitional food assistance for up to five months if you meet all the following eligibility requirements:

(1) Your family was receiving Basic Food at the time we determined you were no longer eligible for Temporary Assistance for Needy Families;

(2) After your family stops receiving Temporary Assistance for Needy Families, no other member of your Basic Food assistance unit continues to receive Temporary Assistance for Needy Families;

(3) Your family did not move out of the State of Washington (WAC 388-468-0005);

(4) Your family was not in sanction status at the time your Temporary Assistance for Needy Families grant ended. Sanction status means:

(a) We reduced or stopped your family's Temporary Assistance for Needy Families grant payment because a family member is not:

(i) Meeting WorkFirst Program requirements (WAC 388-310-1600); or

(ii) Cooperating with the Division of Child Support (WAC 388-422-0100); or

(b) We decided that a member of your family was not eligible for Temporary Assistance for Needy Families because the member:

(i) Failed to meet teen parent living arrangement (WAC 388-486-0005) or teen parent school attendance requirements (WAC 388-410-0010); or

(ii) Was convicted of unlawful practices (WAC 388-446-0005) or for receiving Temporary Assistance for Needy

Families in two or more states at the same time (WAC 388-446-0010); or

(c) If you are receiving Temporary Assistance for Needy Families benefits from a tribal program, your family's grant is reduced or stopped for a reason that is the same as one of the reasons listed in (4)(a) or (4)(b) of this section.

(5) At the time your family's Temporary Assistance for Needy Families grant ended, your Basic Food assistance unit did not become ineligible because:

(a) You were applying for recertification of your Basic Food benefits and refused to cooperate with the application process; or

(b) All members are ineligible for Basic Food for the reasons stated in WAC 388-489-0025(3).

(6) There is no limit to the number of times your family may leave Temporary Assistance for Needy Families and receive Transitional Food Assistance.

#### NEW SECTION

**WAC 388-489-0010 How is my Transitional Food Assistance benefit calculated?** (1) We base your Transitional Food Assistance benefit amount on the regular monthly benefit allotment issued to your Basic Food assistance unit for the last month your family received Temporary Assistance for Needy Families. We will not count your last Temporary Assistance for Needy Families grant payment when we calculate your Transitional Food Assistance benefit amount. For example:

(a) If your Basic Food assistance unit's only income was Temporary Assistance for Needy Families, the Transitional Food Assistance benefit will be the amount your household would have received if you had no income.

(b) If your Basic Food benefit was calculated using Temporary Assistance for Needy Families plus income from another source, we will count only the income from the other source when calculating the Transitional Food Assistance amount.

(2) We will adjust your Transitional Food Assistance benefits if:

(a) Someone who gets Transitional Food Assistance with you leaves your assistance unit and is found eligible to receive Basic Food in another assistance unit. We will reduce your Transitional Food Assistance based on the number of persons who left your assistance unit and become eligible in another Basic Food assistance unit.

(b) A change to the maximum allotment for Basic Food under WAC 388-478-0060 results in an increase in benefits for Basic Food assistance units.

(c) You got an overpayment of Basic Food benefits and we need to adjust the amount we deduct from your monthly benefits to repay the overpayment as required in WAC 388-410-0033. This includes:

(i) Starting a new monthly deduction;

(ii) Changing the amount of the monthly deduction; and

(iii) Ending the monthly deduction when the amount you owe has been paid off.

#### NEW SECTION

**WAC 388-489-0015 How long will my family receive Transitional Food Assistance?** If your Basic Food assistance unit is eligible for Transitional Food Assistance according to WAC 388-489-0005, you will receive Transitional Food Assistance for up to five months after your family leaves Temporary Assistance for Needy Families.

(1) If you stopped getting Temporary Assistance for Needy Families from the department, you are eligible for transitional benefits beginning the month after your family received their last grant.

(2) If you stopped receiving Tribal TANF benefits, you are eligible for transitional benefits:

(a) With the next monthly issuance after we update your case to show you no longer have Tribal TANF income, if the Tribal TANF end date is the end of the current month or the end of a prior month; or

(b) On the first of the month following the Tribal TANF end date, if the Tribal TANF end date is the end of a future month.

(3) If necessary, we will extend or shorten your Basic Food assistance unit's current certification period to match the five-month transition period.

(4) You may choose to end your five-month transition period early by submitting an application for regular Basic Food under WAC 388-489-0020 or by asking us to terminate your benefits.

(5) We send you a notice before the end of your five-month transition period so you can re-apply for regular Basic Food benefits and continue to receive benefits without interruption as described in WAC 388-434-0010.

(6) We may terminate your Transitional Food Assistance early for the reasons stated in WAC 388-489-0025.

#### NEW SECTION

**WAC 388-489-0020 Am I required to report changes in my household's circumstances while on Transitional Food Assistance?** (1) If you only receive Transitional Food Assistance, you are not required to report any changes in your household circumstances.

(2) If you receive benefits from another cash or medical assistance program, you must meet the reporting requirements for the other program as required by WAC 388-418-0005. Except for changes listed under WAC 388-489-0025, the changes you report for the other program will not affect your family's eligibility for Transitional Food Assistance.

(3) If your family experiences a change in circumstances during your five-month transition period, and you think that you may be eligible for more food assistance, you may submit an application for the regular Basic Food program. Examples of such changes include the loss of income by a person who gets Transitional Food Assistance with you or adding a new person to your household.

(a) If you submit a new application, we will determine your eligibility for Basic Food and allow you to choose if you want to remain on Transitional Food Assistance or receive regular Basic Food benefits.

(b) If you choose to go back on Basic Food and are found eligible, we will start your new benefit amount on the first

day of the month after we receive your application for Basic Food. If you have already received Transitional Food Assistance for this month and are eligible for more assistance on the Basic Food program, we will pay you the additional amount.

#### NEW SECTION

**WAC 388-489-0025 Can my Transitional Food Assistance benefits end before the end of my five-month transition period?** Your Transitional Food Assistance benefits will end early if:

- (1) Someone who gets Transitional Food Assistance with you applies and is found eligible for Temporary Assistance for Needy Families while still living in your home. You may reapply to have your eligibility for Basic Food determined;
- (2) We learn that you and your family are no longer residing in the State of Washington; or
- (3) We disqualify all members of your household from receiving Basic Food for any of the following reasons:
  - (a) Refusal to cooperate with Quality Assurance (WAC 388-464-0001);
  - (b) Transfer of property to qualify for Basic Food assistance (WAC 388-488-0010);
  - (c) Intentional Program Violation (WAC 388-466-0015 and WAC 388-446-0020);
  - (d) Fleeing felon or violating a condition of probation or parole (WAC 388-442-0010);
  - (e) Alien status (WAC 388-424-0020 and WAC 388-424-0025);
  - (f) Employment and training requirements (WAC 388-444-0055 and WAC 388-444-0075);
  - (g) Work requirements for able-bodied adults without dependents (WAC 388-444-0030);
  - (h) Student status (WAC 388-482-0005);
  - (i) Living in an institution where residents are not eligible for Basic Food (WAC 388-408-0040); or
  - (j) Deceased.

**WSR 05-16-059**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed July 29, 2005, 1:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-10-004.

Title of Rule and Other Identifying Information: Commercial fishing rules. Rules pertaining to hagfish trial fishing permits and operation of such a fishery.

Hearing Location(s): Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, on October 7-8, 2005, begins 8:00 a.m., October 7, 2005.

Date of Intended Adoption: October 7, 2005.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-

1091, e-mail jacobesj@dfw.wa.gov, fax (360) 902-2155, by September 30, 2005.

Assistance for Persons with Disabilities: Contact Susan Yeager by September 26, 2005, TTY (360) 902-2207 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal is for an emerging commercial fishery for hagfish. The proposed fishery is nonlimited entry and would be open to all participants via trial fishery permits. The fishery would operate with nonstandard gear in areas currently precluded to protect rockfish. The proposal will allow the development of the fishery while monitoring the fishery for management purposes and collection of data.

Reasons Supporting Proposal: There is a market for this species and without the rules in place to provide for this developmental fishery it could not occur.

Statutory Authority for Adoption: RCW 77.12.047 and 77.65.400.

Statute Being Implemented: RCW 77.65.400.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, (360) 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Permit holders will be required to maintain and file logbooks on a quarterly basis.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None, this is a common requirement in commercial fisheries and can be easily implemented by the fisher.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs anticipated, logbooks are supplied by the department, complete with a postage paid return envelope.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No, as no current fishery exists, no revenue will be gained without the implementation of these rules.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales.

There is no compliance cost, without the rules there is no business opportunity.



6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: No steps taken as no costs are anticipated.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The department will conduct a public hearing under the auspices of the Fish and Wildlife Commission process for adopting rules.

8. A List of Industries That Will Be Required to Comply with the Rule: All emerging commercial fishery license holders who hold trial fishery permits for hagfish.

A copy of the statement may be obtained by contacting Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail jacobesj@dfw.wa.gov.

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

July 29, 2005

Evan Jacoby  
Rules Coordinator

#### NEW SECTION

**WAC 220-88E-010 Designation of the hagfish pot fishery as an emerging commercial fishery.** The director designates the hagfish pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver hagfish taken for commercial purposes unless the fisher has a valid emerging commercial fishery license and a hagfish pot trial fishery permit.

#### NEW SECTION

**WAC 220-88E-020 Emerging commercial fishery—Eligibility for trial fishery permits—Incidental catch.** (1) An individual may not hold more than one Washington hagfish pot trial permit.

(2) Hagfish pot trial fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and hagfish pot trial fishery permit may be used to fish for or deliver hagfish.

(3) A hagfish trial fishery permit will be issued only to a natural person who has a valid emerging commercial fishery license.

(4) Incidental catch:

(a) It is unlawful to retain any species other than hagfish.

(b) All species other than hagfish must be carefully handled and returned to the water promptly.

#### NEW SECTION

**WAC 220-88E-030 Hagfish pot trial fishery—Season and gear.** It is unlawful to fish for hagfish for commercial purposes except as provided in this section:

(1) Season - Open year-round to hagfish pot gear only.

(2) Area - Open only in Pacific Ocean waters greater than 50 fathoms in depth.

(3) Gear restrictions:

(a) Maximum of 50 hagfish pots per permit. Pots may be fished individually or on a common ground line.

(b) Hagfish pot gear requirements:

(i) Maximum entrance tunnel size of eleven square inches. Entrance tunnels may be of any shape.

(ii) Each pot is required to have at least one escape exit of at least nine and one-half square inches in opening and which must be constructed of 120 thread size or smaller untreated cotton twine.

(c) Buoy requirements: Hag fish pot gear must be buoyed. Marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee. If ground lines are used, ground line end marker buoys must display the number of pots on the ground line.

#### NEW SECTION

**WAC 220-88E-040 Hagfish pot trial fishery—Logbook required.** It is unlawful for a participant in the hagfish pot trial fishery to fail to complete the department-supplied logbook with all indicated entries. Logbook information is required to be submitted quarterly, and it is unlawful to fail to remit the information by April 15, July 15, October 15 or January 15 for the previous quarter, whether or not fishing activity occurred during that quarter. Failure to submit logbook information may result in revocation of the trial fishery permit.

#### **WSR 05-16-069**

#### **PROPOSED RULES**

#### **WASHINGTON STATE LOTTERY**

[Filed August 1, 2005, 9:25 a.m.]

Original Notice.

Expedited rule making—Proposed notice was filed as WSR 05-03-060.

Title of Rule and Other Identifying Information: Repealing chapter 315-37 WAC, Lotto Plus. Washington's Lottery retired the Lotto Plus draw game on October 4, 2004. This chapter is no longer in use.

Hearing Location(s): Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, on September 22, 2005, at 9:00 a.m.

Date of Intended Adoption: September 22, 2005.

Submit Written Comments to: Ceil Buddeke, Legal Counsel, 814 4th Avenue East, Olympia, WA 98506, e-mail Cbuddeke@walottery.com, fax (360) 586-6586, by September 15, 2005.

Assistance for Persons with Disabilities: Contact Joan Reuel, HR Director, by September 15, 2005, TTY (360) 586-0933.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The lottery no longer has a draw game by the name Lotto Plus.

Reasons Supporting Proposal: The rule is obsolete.

Statutory Authority for Adoption: Chapter 67.70 RCW. Statute Being Implemented: RCW 67.70.040.

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

Name of Proponent: Washington's Lottery, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ceil Buddeke, 814 4th Avenue East, Olympia, WA 98506, (360) 664-4833.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not impose costs on industry businesses, and the lottery has not been asked to prepare a small business economic impact statement. See RCW 19.85.030.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Ceil Buddeke, 814 4th Avenue East, Olympia, WA 98506, phone (360) 664-4833, fax (360) 586-6586, e-mail Cbuddeke@walottery.com.

August 1, 2005  
Ceil Buddeke  
Rules Coordinator

cal Matters: The state implementation plan will be updated to reflect these amendments.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Lynn Sykes, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4067; Implementation and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

July 29, 2005  
Jim Nolan  
Director - Compliance

**WSR 05-16-070**  
**PROPOSED RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**  
[Filed August 1, 2005, 9:28 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 3.11 (Civil Penalties) and 3.25 (Federal Regulation Reference Date).

Hearing Location(s): Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on September 22, 2005, at 9:15 a.m.

Date of Intended Adoption: September 22, 2005.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, e-mail lynns@pscleanair.org, fax (206) 343-7522, by September 21, 2005.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 15, 2005, TTY (800) 833-6388 or (800) 833-6385 (Braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To adjust the maximum civil penalty amount for inflation, to clarify civil penalty mitigation requests, and to update the federal regulation reference date in order to remain current.

Reasons Supporting Proposal: Without the adjustment for inflation, the maximum civil penalty amount would effectively decrease each year. For the civil penalty mitigation request, it was unclear whether thirty days from the date of the notice excluded weekends or holidays, or how the agency would document the receipt date. The federal regulation reference date needs to be kept current.

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

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

**AMENDATORY SECTION**

**REGULATION I SECTION 3.11 CIVIL PENALTIES**

(a) Any person who violates any of the provisions of chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed (~~(\$14,300.00)~~) \$14,686.00 per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than (~~(\$14,300.00)~~) \$14,686.00 for each day of continued noncompliance.

(c) Within 30 days (~~(after receipt)~~) of the date of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. To be considered timely, a mitigation request must be actually received by the Agency, during regular office hours, within 30 days of the date of a Notice and Order of Civil Penalty. This time period shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday, and then it is excluded and the next succeeding day that is not a Saturday, Sunday, or legal holiday is included. The date stamped by the Agency on the mitigation request is prima facie evidence of the date the Agency received the request.

(d) (~~(Any such)~~) A mitigation request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the party requesting mitigation;

(2) A copy of the Notice and Order of Civil Penalty involved;

(3) A short and plain statement showing the grounds upon which the party requesting mitigation considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the party requesting mitigation relies to sustain his or her grounds for mitigation;

(5) The relief sought, including the specific nature and extent; and

PROPOSED

(6) A statement that the party requesting mitigation has read the mitigation request and believes the contents to be true, followed by the party's signature.

~~((Upon receipt of the application, t))~~ The Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

~~((e))~~ (e) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. ~~((if the))~~ An appeal ~~((is))~~ must be filed with the Hearings Board and served on the Agency within 30 days ~~((after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt))~~ of the date of the Notice and Order of Civil Penalty or the notice of disposition on the application for relief from penalty.

~~((e))~~ (f) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

~~((f))~~ (g) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

~~((g))~~ (h) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

~~((h))~~ (i) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

## AMENDATORY SECTION

### **REGULATION I SECTION 3.25 FEDERAL REGULATION REFERENCE DATE**

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, ~~((2004))~~ 2005.

WSR 05-16-071  
PROPOSED RULES  
PUGET SOUND  
CLEAN AIR AGENCY  
[Filed August 1, 2005, 9:30 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 6.01 (Components of New Source Review Program).

Hearing Location(s): Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on September 22, 2005, at 9:15 a.m.

Date of Intended Adoption: September 22, 2005.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, e-mail lynns@psccleanair.org, fax (206) 343-7522, by September 21, 2005.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 15, 2005, TTY (800) 833-6388 or (800) 833-6385 (Braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On January 10, 2005, ecology adopted updated provisions of chapter 173-400 WAC (effective February 10, 2005) and our references to these ecology rules (listed in Regulation I, Section 6.01) need to be updated to be consistent with the latest version. New provisions of these ecology regulations are also being included in this proposal to support future Notice of Construction program needs.

Reasons Supporting Proposal: We need to update our references to be consistent with the latest version of ecology's rules in chapter 173-400 WAC, and to include provisions to support future Notice of Construction program needs.

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

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Van Slyke, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4067; Implementation and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

July 29, 2005

Jim Nolan

Director - Compliance

## AMENDATORY SECTION

### **REGULATION I SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM**

(a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following pro-

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visions of the new source review program established by the Washington State Department of Ecology:

- WAC 173-400-030 Definitions. (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-081 Startup and shutdown. (effective 9/20/93)
- WAC 173-400-110 New source review (NSR). (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-112 Requirements for new sources in nonattainment areas. (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-113 Requirements for new sources in attainment or unclassifiable areas. (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 9/15/01)
- WAC 173-400-117 Special protection requirements for federal Class I areas. (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-171 Public involvement. - excluding references to chapter 173-460 WAC (effective ~~((9/15/01))~~ 2/10/05)
- WAC 173-400-200 Creditable stack height and dispersion techniques. (effective ~~((3/22/91))~~ 2/10/05)
- WAC 173-400-560 General order of approval. (effective 2/10/05)
- WAC 173-400-700 Review of major stationary sources of air pollution. (effective 2/10/05)
- WAC 173-400-710 Definitions. (effective 2/10/05)
- WAC 173-400-720 Prevention of significant deterioration (PSD). (effective 2/10/05)
- WAC 173-400-730 Prevention of significant deterioration application processing procedures. (effective 2/10/05)
- WAC 173-400-740 PSD permitting public involvement requirements. (effective 2/10/05)
- WAC 173-400-750 Revisions to PSD permits. (effective 2/10/05)
- WAC 173-460-020 Definitions. (effective 2/14/94)
- WAC 173-460-040 New source review. (effective (3)-(10) 2/14/94)
- WAC 173-460-050 Requirement to quantify emissions. (effective 2/14/94)
- WAC 173-460-060 Control technology requirements. (effective 8/21/98)

- WAC 173-460-070 Ambient impact requirement. (effective 9/18/91)
- WAC 173-460-080 Demonstrating ambient impact compliance. (effective 2/14/94)
- WAC 173-460-090 Second tier analysis. (effective 2/14/94)

(b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under ~~((WAC 173-400-141))~~ WAC 173-400-700 through WAC 173-400-750 (as delegated by agreement with the US Environmental Protection Agency, Region 10), and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.

(c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

(d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-39 WAC.

**WSR 05-16-072**  
**PROPOSED RULES**  
**PUGET SOUND**  
**CLEAN AIR AGENCY**  
 [Filed August 1, 2005, 9:31 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Section 13.02 (General Conditions for Solid Fuel Burning Devices).

Hearing Location(s): Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on September 22, 2005, at 9:15 a.m.

Date of Intended Adoption: September 22, 2005.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 110 Union Street, #500, Seattle, WA 98101, e-mail lynns@pscleanair.org, fax (206) 343-7522, by September 21, 2005.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by September 15, 2005, TTY (800) 833-6388 or (800) 833-6385 (Braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To reflect new state definitions of impaired air quality adopted by the legislature (effective July 24, 2005). The previous definitions were based on ambient concentrations of PM10; the new definitions are based on concentrations of PM2.5. Using the new definitions will allow the agency to impose indoor burning restrictions earlier in the build-up of pollution, thus decreasing the contribution from these sources to an air pollution episode.

**WSR 05-16-073  
PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed August 1, 2005, 9:35 a.m.]

Reasons Supporting Proposal: The earlier imposition of restrictions should decrease the maximum concentration of ambient PM2.5 during an air pollution episode from what it would have reached had such restrictions been imposed later.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Amy Fowler, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4017; Implementation and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

July 29, 2005

Amy L. Fowler

Air Resource Specialist

**AMENDATORY SECTION**

**REGULATION I SECTION 13.02 GENERAL CONDITIONS FOR SOLID FUEL BURNING DEVICES**

In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions for solid fuel burning devices established by the Washington State Department of Ecology:

- WAC 173-433-030 Definitions. (effective 4/20/91)
- WAC 173-433-110 Opacity standards. (effective 3/6/93)
- WAC 173-433-120 Prohibited fuel types. (effective 4/20/91)
- WAC 173-433-130 General emission standards. (effective 4/20/91)
- WAC 173-433-140 Impaired air quality criteria. (effective 4/20/91) (First Stage of Impaired Air Quality has the meaning contained in RCW 70.94.473 (1)(b); Second Stage of Impaired Air Quality has the meaning contained in RCW 70.94.473 (1)(c))
- WAC 173-433-150 Curtailment. (effective 4/20/91)

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-113.

Title of Rule and Other Identifying Information: WAC 260-49-070 Distribution of source market fee.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on September 8, 2005, at 9:30 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 6, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 6, 2005, TTY (360) 459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend portions of WAC 260-49-070 to allow an authorized advance deposit wagering service provider to pay 90% of the source market fee to the class 1 racing association quarterly rather than monthly, while at the same time still requiring 10% of the source market fee to be paid to the commission monthly.

Reasons Supporting Proposal: Provides more flexible payment options to the authorized advanced deposit wagering service provider, while at the same time still requiring payment to the state monthly.

Statutory Authority for Adoption: RCW 67.16.020.

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

Name of Proponent: Northwest Racing Association dba Emerald Downs Racetrack, private.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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 29, 2005

R. M. Leichner

Executive Secretary

**AMENDATORY SECTION** (Amending WSR 04-21-053, filed 10/18/04, effective 11/18/04)

**WAC 260-49-070 Distribution of source market fee.**

(1) A source market fee shall be paid (~~monthly~~) for the source market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall (~~at least monthly~~) distribute the total source market fee as follows:

(a) At least quarterly, ninety percent of the total source market fee shall be distributed directly to the class 1 racing

PROPOSED

association and ~~((the remaining))~~ at least monthly ten percent of the source market fee shall be distributed directly to the commission.

~~((b))~~ (3) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

~~((c))~~ (4) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

~~((d))~~ (5) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

~~((e))~~ (6) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

**WSR 05-16-078**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 1, 2005, 4:14 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 03-20-058.

Title of Rule and Other Identifying Information: WAC 415-110-436 SERS Plans 2 and 3 disability benefits.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on September 6, 2005, at 9:30 a.m.

Date of Intended Adoption: September 7, 2005.

Submit Written Comments to: Leslie L. Saeger, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [leslies@drs.wa.gov](mailto:leslies@drs.wa.gov), fax (360) 753-3166, by 5:00 p.m. on September 6, 2005.

Assistance for Persons with Disabilities: Contact Leslie Saeger, Rules Coordinator, by August 30, 2005, TDD (360) 664-7291, TTY (360) 586-5450, phone (360) 664-7291.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This school employees' retirement system rule explains the eligibility criteria, general requirements, and application process for disability benefits.

Statutory Authority for Adoption: RCW 41.50.050(5) and 41.35.020.

Statute Being Implemented: RCW 41.35.440 and 41.35.690.

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

Name of Proponent: Department of Retirement Systems, governmental.

Name of Agency Personnel Responsible for Drafting: Leslie Saeger, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Dave Nelsen, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules have no effect on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Department of Retirement Systems is not one of the named departments in RCW 34.05.328.

August 1, 2005

Leslie Saeger

Rules Coordinator

**NEW SECTION**

**WAC 415-110-436 SERS Plans 2 and 3 disability benefits.** This section covers disability benefits provided for in RCW 41.35.440 and 41.35.690 for members of SERS Plans 2 and 3. Disability provisions are designed primarily to provide an income to members who have been forced to leave the workforce because of an incapacitating disability. This section applies equally to on- or off-the-job injuries and/or illnesses. Members may also be eligible for benefits from the Washington state departments of labor and industries (workers' compensation benefits) and social and health services, the U.S. Social Security Administration, employers, disability insurers, and others. Please contact these organizations directly for more information.

(1) **Am I eligible for disability benefits?** You are eligible for a disability allowance if, at the time of your separation from employment, you are totally incapacitated to perform the duties of your job or any other position for a SERS employer for which you are qualified by training or experience. Objective medical evidence is required to establish total incapacitation. Vocational and/or occupational evidence may be required at the discretion of the department.

(2) **If eligible, what will I receive as my monthly disability benefits under the standard option?**

(a) If you are a Plan 2 member, you will receive two percent times average final compensation (AFC) times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for early retirement factors and examples.

(b) If you are a Plan 3 member, you will receive a defined benefit of one percent times average final compensation times service credit years, permanently actuarially reduced to reflect the difference in the number of years between your age when you separate for disability and age sixty-five. See WAC 415-02-320 for early retirement factors and examples.

(c) The degree of your disability or impairment will not impact the amount of your disability benefit.

(3) **May I choose a benefit option that provides a monthly allowance to my survivor beneficiary?** You may choose to have your benefit paid according to any of the benefit options described in WAC 415-110-326. If you choose

an option with a survivor feature, your monthly benefit will be actuarially reduced to offset the cost.

**(4) How do I apply?**

(a) You or your representative must contact the department to request an application. The three-part application must be completed by the proper persons and returned to the department.

(i) **Part 1:** Disability retirement application. You must complete, sign and have notarized. If you are married, your spouse must sign consent of the benefit option you choose.

(ii) **Part 2:** Employer's statement and report. Your employer must complete, sign and return directly to the department.

(iii) **Part 3:** Medical report. You must complete section one. Your physician must complete the remainder of the form, attach supporting documentation, sign and return directly to the department. You are responsible for all medical expenses related to your application for benefits.

(b) When the department receives part 1 of your application, you are considered to be an applicant for disability benefits. However, your eligibility will not be determined until the department receives all three parts of the application.

**(5) What is the time limit for filing an application for disability benefits?** There is no time limit for applying for benefits. However, if you have separated from employment, your application must be based on your condition at the time of separation.

**(6) If I am eligible to retire, may I still apply for disability benefits?** Yes, however, there will be no difference in the dollar amount of your benefit.

**(7) Once my application is approved, when will my benefit begin?**

(a) You will start accruing disability benefits the first day of the calendar month immediately following your separation from employment. If you are continuing to earn service credit while on paid leave or through programs such as shared leave, you are not considered to be separated from employment.

(b) Your first benefit payment will include all retroactive benefits to which you are entitled.

(c) Department approval will expire ninety days after the approval date if you have not officially separated from SERS employment.

(i) If you are continuing to perform the duties of your position or another SERS position, you may reapply for disability benefits according to subsection (4) of this section if your condition worsens.

(ii) If you are on leave, the department may reinstate approval upon your request and your employer's verification of your leave status.

**(8) What are my options if my application is denied?**

(a) You may submit additional information that shows you were totally incapacitated at the time of your separation from employment.

(b) If you continue to work in a SERS position, you may reapply for disability benefits at a later time if your condition worsens.

(c) You may petition for review of the department's decision according to the provisions of chapter 415-04 WAC.

**(9) What information must be provided to the department if I am receiving disability benefits?**

(a) You and your doctor must report any improvement in your condition; and

(b) You must report the name of your employer and monthly salary if you resume employment, regardless of the number of hours you work.

**(10) How long will my disability benefits last?** You may receive benefits throughout your lifetime, subject to the provisions of subsection (15) of this section.

**(11) Are my disability benefits taxable?** You should consult with your tax advisor regarding all questions of federal or state income, payroll, personal property or other tax consequences regarding any payments you receive from the department. The department does not:

(a) Guarantee that payments should or should not be designated as exempt from federal income tax;

(b) Guarantee that it was correct in withholding or not withholding taxes from disability payments;

(c) Represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will occur because of its nontaxable determination; or

(d) Assume any liability for your compliance with the Internal Revenue Code.

**(12) Are disability benefits subject to court or administrative orders?** Your benefits may be subject to orders for spousal maintenance, child support, property division, or any other administrative or court order expressly authorized by federal law. For more information, see RCW 41.35.100(3) or contact the department.

**(13) Am I eligible for disability benefits if my disability is the result of my criminal conduct committed after April 21, 1997?** No. For more information, see RCW 41.35.110.

**(14) How is my disability benefit affected if I am a member of more than one retirement system?** If you are a member of more than one retirement system, your benefit is governed by portability law (see chapters 41.54 RCW and 415-113 WAC). You may apply for disability only from your active system. However, if you qualify for a disability benefit from your active system, you will also be eligible for a service retirement calculated under the laws governing the inactive system.

**(15) Is it possible to lose my disability benefits after I begin receiving them?**

(a) The department may, at its expense, require comprehensive medical examinations to reevaluate your eligibility for disability benefits. You will no longer be eligible to receive disability benefits if both of the following apply:

(i) Medical evidence indicates you have recovered from the disability for which the department granted your disability benefits; and

(ii) You have been offered reemployment by an employer, as defined in RCW 41.35.010(4), at a comparable compensation.

(b) If you return to employment and reenter SERS membership, your benefits will cease.

**(16) If I take my disability benefit in a lump sum and return to work, may I restore my service credit?** Yes, you

may restore your service credit if you take a lump sum benefit and return to SERS membership at a later date.

(a) You may restore your service credit within two years of reentering membership or prior to retirement, whichever comes first. You must pay back the lump sum amount you received, minus the monthly amount for which you were eligible, plus interest as determined by the director.

(b) If you restore your service after two years, you will have to pay the actuarial value of the resulting increase in your future retirement benefit. See RCW 41.50.165.

(c) The provisions for restoring service credit vary according to retirement plan.

(i) If you are a member of SERS Plan 2, see RCW 41.35.410.

(ii) If you are a member of SERS Plan 3, see RCW 41.35.670.

### WSR 05-16-084

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed August 1, 2005, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-06-082.

Title of Rule and Other Identifying Information: Adopting new WAC 388-106-0720 through 388-106-0740, Medicare/Medicaid integration program (MMIP) services; and amending WAC 388-106-0015 What long-term care services does the department provide?

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 September 6, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 2, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the rules are to add eligibility criteria and guidance for implementation of the Medicare/Medicaid integration project (MMIP), a new and innovative managed care program in the state of Washington that will combine long-term care and medical services under one coordinated service delivery model and capitated payment structure, thereby improving

client outcomes through increased coordination, while better managing Medicaid expenditures.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090, 42 C.F.R. 441.302(a); Social Security Act section 1915(c) waiver rules; 42 C.F.R. 438.

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: Brooke Buckingham, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-3213.

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 or nonprofit organizations.

A cost-benefit analysis is not required under RCW 34.05.328. Exempt per RCW 34.05.328 (5)(b)(vii), "Rules of the department of social and health services relating only to client medical or financial eligibility..."

July 28, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

### MEDICARE/MEDICAID INTEGRATION PROGRAM (MMIP) SERVICES

#### NEW SECTION

**WAC 388-106-0720 What services may I receive under MMIP?** (1) Once you are determined eligible, your care plan could include, but is not limited to, any of the following long-term care services:

- (a) Care coordination;
  - (b) Personal care services in your own home or in a residential facility;
  - (c) Home Health Aide;
  - (d) Adult Day Services;
  - (e) Environmental Modifications;
  - (f) Personal Emergency Response System (PERS);
  - (g) Skilled Nursing;
  - (h) Specialized Medical Equipment and Supplies;
  - (i) Home Delivered Meals;
  - (j) Residential care;
  - (k) Nursing facility care.
- (2) The care plan may also include, but is not limited to, the following medical services:
- (a) Primary medical care;
  - (b) Restorative therapies, including speech, occupational, and physical therapy;
  - (c) Nursing Services;
  - (d) Durable medical equipment (e.g., wheelchair);
  - (e) Pharmaceutical products;
  - (f) Immunizations and vaccinations;
  - (g) Vision Care;
  - (h) Emergency room visits and inpatient hospital stays.
- The care plan may also include other services determined



necessary by the interdisciplinary team to improve and maintain your overall health status.

#### NEW SECTION

**WAC 388-106-0725 Am I eligible for MMIP services?** To qualify for Medicaid-funded MMIP services, you must:

- (1) Be age sixty-five or older;
- (2) Live within the designated MMIP service area;
- (3) Be eligible for Medicare (Parts A and B);
- (4) Be eligible for Medicaid-funded medical and/or long-term care services.

(a) To be eligible to receive long-term care services under this program, you must meet functional eligibility for one of the long-term care programs per WAC 388-106-0210(2), WAC 388-106-0310(4), or WAC 388-106-0355(1) and financial eligibility for noninstitutional categorically needy, or institutional categorically needy as described in chapter 388-513 WAC and WAC 388-515-1505.

(b) Ongoing functional and financial eligibility for long-term care services will be determined at least annually by the state.

(c) If you are determined not eligible for long-term care services, you may be eligible to receive medical services under MMIP; and

(5) Not be enrolled in any other medical coverage plan that purchases services on a prepaid basis (e.g., prepaid health plan).

#### NEW SECTION

**WAC 388-106-0730 How do I pay for MMIP services?** Depending on your income and resources, you may be required to pay for part of your MMIP services. The department's financial worker will determine what amount, if any, you must contribute toward the cost of your care.

#### NEW SECTION

**WAC 388-106-0735 How do I disenroll from MMIP?** You may choose to disenroll from MMIP for any reason at any time. See WAC 388-538-061 for additional information on ending enrollment in MMIP.

#### NEW SECTION

**WAC 388-106-0740 What is the fair hearing process for enrollee appeals of managed care organization actions?** See WAC 388-538-112 for additional information about the fair hearing process.

**AMENDATORY SECTION** (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

**WAC 388-106-0015 What long-term care services does the department provide?** The department provides long-term care services through programs that are designed to help you remain in the community. These programs offer an alternative to nursing home care (which is described in

WAC 388-106-0350 through 388-106-0360). You may receive services from any of the following:

(1) **Medical personal care (MPC)** is a Medicaid state plan program authorized under RCW 74.09.520. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(2) **Community options program entry system (COPEs)** is a Medicaid waiver program authorized under RCW 74.39A.030. Clients eligible for this program may receive personal care in their own home or in a residential facility.

(3) **Medically needy residential waiver (MNRW)** is a Medicaid waiver program authorized under RCW 74.39.041. Clients eligible for this program may receive personal care in a residential facility.

(4) **Medically needy in-home waiver (MNIW)** is a Medicaid waiver program authorized under RCW 74.09.700. Clients eligible for this program may receive personal care in their own home.

(5) **Chore** is a state-only funded program authorized under RCW 74.39A.110. Grandfathered clients may receive assistance with personal care in their own home.

(6) **Volunteer chore** is a state-funded program that provides volunteer assistance with household tasks to eligible clients.

(7) **Program of all-inclusive care for the elderly (PACE)** is a Medicaid/Medicare managed care program authorized under 42 CFR 460.2. Clients eligible for this program may receive personal care and medical services in their own home, in residential facilities, and in adult day health centers.

(8) **Adult day health** is a supervised daytime program providing skilled nursing and rehabilitative therapy services in addition to core services outlined in WAC 388-106-0800.

(9) **Adult day care** is a supervised daytime program providing core services, as defined under WAC 388-106-0800.

(10) **GAU-funded residential care** is a state-funded program authorized under WAC 388-400-0025. Clients eligible for this program may receive personal care services in an adult family home or an adult residential care facility.

(11) **Residential care discharge allowance** is a service that helps eligible clients to establish or resume living in their own home.

(12) **Private duty nursing** is a Medicaid service that provides an alternative to institutionalization in a hospital or nursing facility setting. Clients eligible for this program may receive at least four continuous hours of skilled nursing care on a day to day basis in their own home.

(13) **Senior Citizens Services Act (SCSA)** is a program authorized under chapter 74.38 RCW. Clients eligible for this program may receive community-based services as defined in RCW 74.38.040.

(14) **Respite program** is a program authorized under RCW 74.41.040 and WAC 388-106-1200. This program provides relief care for unpaid family or other caregivers of adults with a functional disability.

(15) **Programs for persons with developmental disabilities** are discussed in chapter 388-825 through 388-853 WAC.

(16) Nursing facility.

**(17) Medicare/Medicaid Integration Project (MMIP)** is a DSHS prepaid managed care program, authorized under 42 CFR Part 438, that integrates medical and long-term care services for clients who are sixty-five years of age or older and eligible for Medicare (Parts A and B) and Medicaid.

**WSR 05-16-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed August 1, 2005, 4:32 p.m.]

Supplemental Notice to WSR 05-09-084.

Preproposal statement of inquiry was filed as WSR 04-23-103.

Title of Rule and Other Identifying Information: Adopting new chapter 388-824 WAC, Division of developmental disabilities (DDD) mini-assessment process.

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 September 6, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., on September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 2, 2005, TTY (360) 664-6178 or (360) 664-6097.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these rules is to govern and support the implementation and use of the mini-assessment by the Division of Developmental Disabilities. Adoption of these rules will help promote consistent application and understanding of the mini-assessment. This new chapter:

- Describes who receives a mini-assessment and its purpose;
- Defines "level of need" groups; and
- Identifies how clients are referred to receive a full assessment.

As a result of the public hearing, the department has made revisions to the proposed rules to address some of the concerns that were raised, in an effort to provide more clarity in chapter 388-824.

Reasons Supporting Proposal: The Joint Legislative Audit and Review Committee (JLARC) in 2003 recommended that DSHS develop an assessment process for developmentally disabled clients that is designed to be consistently applied to all clients in all parts of the state. The legislature appropriated funds for the development and implementation

of the mini-assessment per section 205 (1)(iii), chapter 518, Laws of 2005.

Statutory Authority for Adoption: RCW 71A.12.030.

Statute Being Implemented: Title 71A RCW.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The department has withdrawn WAC 388-824-0110, 388-824-0130, 388-824-0150, 388-824-0160, 388-824-0180, 388-824-0200, 388-824-0250, 388-824-0270, and 388-824-0300, from the original proposed rule-making notice filed as WSR 05-09-084 on April 19, 2005. See notice filed as WSR 05-16-031.

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

Name of Agency Personnel Responsible for Drafting: Mark Eliason, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, e-mail [Eliasmr2@dshs.wa.gov](mailto:Eliasmr2@dshs.wa.gov), (360) 725-2517, fax (360) 407-0955; Implementation and Enforcement: Don Clintsman, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, e-mail [ClintDL@dshs.wa.gov](mailto:ClintDL@dshs.wa.gov), (360) 725-3421, fax (360) 407-0955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has determined that these rules do not affect small businesses.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Bob Beckman, 640 Woodland Square Loop S.E., Lacey, WA 98504-5600, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2490, fax (360) 407-0955, e-mail [beckmrc@dshs.wa.gov](mailto:beckmrc@dshs.wa.gov).

July 27, 2005

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

### Chapter 388-824 WAC

#### DIVISION OF DEVELOPMENTAL DISABILITIES MINI-ASSESSMENT PROCESS

##### NEW SECTION

**WAC 388-824-0001** What definitions apply to this chapter? The following definitions apply to this chapter:

"Algorithm" means a numerical formula used by the mini-assessment software application to assign a client to a level of need group.

"CARE" means the Comprehensive Assessment Reporting Evaluation as defined in Chapter 388-106 WAC.

"Client" means a person with a developmental disability as defined in Chapter 388-823 WAC. For purposes of this chapter, the term "client" may include the client's representative.

"Crisis" means a serious and imminent threat exists or will exist without immediate intervention and the client lacks the resources to address the situation. The threat may be:

- (1) To the life, health and/or safety of the client; or
- (2) To the safety of the client's family; or

(3) To the safety of the community.

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

"DDD" means the division of developmental disabilities, a division within the aging and disability services administration (ADSA), department of social and health services (DSHS).

"Domain" means a specific area of the client's life. For mini-assessment purposes only, domains are identified in WAC 388-824-0025.

"Full assessment" means an inventory and evaluation of client needs using a department approved tool to determine service eligibility and amount of services that may be authorized.

"Full assessment referral database" means a report that contains client identification information and mini-assessment results.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to individuals diagnosed as having mental retardation or persons with related conditions as defined in chapter 388-825 WAC.

"Information and referral" means a service directing clients to appropriate DSHS and generic community resources based on reported and/or assessed needs. This includes client/family education and problem solving related to reported and/or identified needs. This does not include authorizing a paid service.

"Mini-assessment" means a brief computerized assessment tool using a set of questions and responses scored by an algorithm. A mini-assessment identifies the relative level of need that exists in specific domains of the client's life.

"Paid services" is defined as one or more of the following:

(1) Authorization of a paid service within the last ninety days as evidenced by a social services payment system (SSPS) authorization, a county authorization for day program services, a Waiver Plan of Care approving a DDD paid service, or residence in a SOLA or ICF/MR.

(2) Authorization of family support services within the last twelve months.

(3) Documentation of DDD approval of your absence from DDD paid services for more than ninety days with available funding for your planned return to services.

"Reassessment" means any additional mini-assessment that the client receives after the initial mini-assessment.

"Respondent" means a client's parent(s) or another person who participates in the mini-assessment interview by answering questions and providing information.

"Significant change" means a reported change, for better or worse, in the client's medical condition, caregiver status, or need for support that differs from what was reported in the client's initial mini-assessment.

"SOLA" means a state operated living alternative program for adults that is operated by DDD.

#### NEW SECTION

**WAC 388-824-0010 What is the DDD mini-assessment?** (1) The mini-assessment is a brief computerized

assessment tool that case managers use to identify the relative level of need that exists in specific domains of your life.

#### NEW SECTION

**WAC 388-824-0015 How do you and/or your respondent(s) obtain information about the mini-assessment?** Upon request, your case manager must provide you with a written copy and/or information on how to obtain a copy of the mini-assessment and associated algorithm.

#### NEW SECTION

**WAC 388-824-0020 What is the purpose of the mini-assessment?** The purpose of the mini-assessment is to:

(1) Identify major domains in which needs may exist, as identified in WAC 388-824-0010;

(2) Identify clients with no current unmet needs;

(3) Identify clients who are not in crisis and who will receive information and referral services alone;

(4) Identify clients who need employment or other county services;

(5) Determine whether a client is in crisis;

(6) Identify clients who may be eligible for Medicaid Personal Care;

(7) Assign clients to one of the following level of need groups for referral to the Full Assessment Referral Database:

(a) High level of need;

(b) Moderate level of need; or

(c) Low level of need; and

(8) Assist supervisors and case resource managers to make decisions about whom to refer for a full assessment.

#### NEW SECTION

**WAC 388-824-0025 What domains does the mini-assessment evaluate to identify your relative level of need?** The mini-assessment evaluates information you report regarding the following specific domains:

(1) Housing;

(2) Caregiver/support system;

(3) Safety;

(4) Community protection;

(5) Behavior;

(6) Financial/subsistence;

(7) Physical health;

(8) Mental health;

(9) Personal care assistance;

(10) Education;

(11) Employment;

(12) Social/community participation;

(13) Legal;

(14) Communication;

(15) Adaptive equipment; and

(16) Transportation.

#### NEW SECTION

**WAC 388-824-0030 Does the mini-assessment affect other DDD assessments?** The mini-assessment does not replace or change other assessments that DDD uses.

NEW SECTION

**WAC 388-824-0040 Who receives a mini-assessment?** (1) DDD conducts a mini-assessment if you have been determined eligible to be a client of the division of developmental disabilities per WAC 388-823-0020 and meet the requirements of WAC 388-824-0050; or

(2) You are eligible to be a client of DDD per WAC 388-823-0020 and are eligible for the Medicaid Categorically Needy Program (CNP) but you have been determined ineligible for Medicaid Personal Care by a CARE assessment, or have declined Medicaid Personal Care Services.

NEW SECTION

**WAC 388-824-0050 Who does not receive a mini-assessment?** DDD does not conduct a mini-assessment in any of these situations:

(1) Your child is under age of three, since your child:

(a) May be eligible for services through the federally funded Infant Toddler Early Intervention Program; and

(b) May be referred for county-funded child development services.

(2) You are under the age of seventeen years and receiving private duty nursing services as defined by WAC 388-551-3000.

(3) You have been authorized to receive a State Supplementary Payment, through SSPS.

(4) You are currently living in or being discharged from a state-paid residential program or facility.

(5) You are in crisis and have been referred directly for a full assessment by a supervisor or case resource manager.

(6) You are receiving paid services as defined in WAC 388-824-0001.

NEW SECTION

**WAC 388-824-0055 Who participates in the mini-assessment?** You and your respondent(s) participate in the mini-assessment. If you are under age of eighteen or have a legal guardian, the primary respondent(s) will be your parent(s) or legal guardian.

NEW SECTION

**WAC 388-824-0060 How does DDD conduct an initial mini-assessment?** (1) DDD staff must complete the mini-assessment through a face-to-face interview with you.

(2) The mini-assessment may occur at any site agreed to by you, your respondent(s) and DDD.

NEW SECTION

**WAC 388-824-0065 When does DDD conduct a reassessment?** A reassessment may occur when:

(1) A significant change is reported regarding your relative level of need; and

(2) You and/or your respondent have requested assistance in supporting your reported unmet need to your case resource manager; and

(3) You meet the criteria defined in WAC 388-824-0040 and WAC 388-824-0050; or

(4) A supervisor and/or your case resource manager determine that a reassessment is necessary.

NEW SECTION

**WAC 388-824-0070 Does DDD require you to disclose financial information?** (1) If you are under the age of eighteen and live with your natural, step, or adoptive parent(s), your case resource manager must ask for information regarding:

(a) Your family's annual gross income; and

(b) The number of dependents in your family's household.

(2) Your case resource manager must ask for this information before completing your mini-assessment.

(3) If your respondent(s) agree to disclose your family's annual gross income and the number of your family's dependents, your case resource manager must record this information in the CARE tool.

NEW SECTION

**WAC 388-824-0080 Is the respondent required to provide verification of my family's annual gross income?** Your respondent(s) are not required to provide verification or evidence of your family's annual gross income and/or number of family dependents.

NEW SECTION

**WAC 388-824-0090 Does reporting your family's annual gross income and number of family dependents affect your eligibility for paid services?** Reporting your family's annual gross income and number of family dependents does not affect your eligibility for paid services except when the legislature establishes, by law, standards for a specific service.

NEW SECTION

**WAC 388-824-0100 What does DDD do if the respondent does not provide the requested family income and dependent information?** If the respondent does not provide information regarding your family's annual gross income and number of family dependents, the case resource manager must:

(1) Document that the your respondent(s) have declined to provide information regarding your family's annual gross income information and/or number of family dependents.

(2) Ask your respondent(s) if they would like information regarding a referral for ICF/MR services per Title 71A RCW, chapter 388-825 WAC and chapter 388-837 WAC.

(3) Offer you and/or your respondent(s) an opportunity to complete the mini-assessment.

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

NEW SECTION

**WAC 388-824-0120** What is the difference between a mini-assessment for adults and a mini-assessment for children? The differences between a mini-assessment for adults and children are:

- (1) The requirement to request your family income information and number of family dependents per chapter 388-824-0070; and
- (2) The presentation of different wordings of questions which may activate or inactivate whole questions based on your age.

NEW SECTION

**WAC 388-824-0140** How does the mini-assessment use information that is scored during the mini-assessment interview? The mini-assessment uses information reported by you and/or your respondent(s) to evaluate your relative level of need using an algorithm in the software application.

NEW SECTION

**WAC 388-824-0170** What occurs when you are assigned to the "high level of need" group? When you are assigned to the "high level of need" group, your case resource manager must do one or more of the following:

- (1) Refer you to the Full Assessment Referral Database for a full assessment.
- (2) Assist you to resolve a crisis, if indicated by the mini-assessment, before initiating a full assessment.
- (3) Offer you necessary information and referral services to address a reported and/or assessed need.
- (4) Provide you and your respondent(s) with information on how to contact your case resource manager should a change in your needs occur.
- (5) Refer you for further case management review if the mini-assessment indicates:
  - (a) You have an unmet need in the community protection domain; or
  - (b) You may be at risk for placement in a more restrictive setting.

NEW SECTION

**WAC 388-824-0190** What occurs when you are assigned to the "moderate level of need" group? When you are assigned to the "moderate level of need" group, your case resource manager must do one or more of the following:

- (1) Refer you to the Full Assessment Referral Database for a full assessment.
- (2) Offer you necessary information and referral services to address a reported and/or assessed need.
- (3) Refer you for further case management review if the mini-assessment identifies you to be at risk for placement in a more restrictive residential setting.
- (4) Provide you and your respondent(s) with information on how to contact your case resource manager should a change in your needs occur.

NEW SECTION

**WAC 388-824-0210** What occurs when you are assigned to the "low level of need" group? When you are assigned to the "low level of need" group, your case resource manager must do one or more of the following:

- (1) Refer you to the Full Assessment Referral Database.
- (2) Offer you necessary information and referral services to address a reported and/or assessed need.
- (3) Provide you and your respondent(s) with information on how to contact your case resource manager should a change in your needs occur.

NEW SECTION

**WAC 388-824-0220** When will I be reassigned to another level of need group? You may be reassigned to another level of need group only if you continue to meet the criteria defined in WAC 388-824-0065 and receive a reassessment that indicates assignment to another level of need group.

NEW SECTION

**WAC 388-824-0230** Does the mini-assessment result in paid services? The mini-assessment does not result in you receiving paid services except when the legislature establishes, by law, standards for specific service.

NEW SECTION

**WAC 388-824-0240** How do you know the results of your mini-assessment? After the mini-assessment is performed, your case resource manager must discuss the results with you and/or your respondent(s). You and your designated respondent(s) will be notified in writing regarding:

- (1) Your assigned level of need group; and
- (2) Information on how to contact your case resource manager should a change in your needs occur.

NEW SECTION

**WAC 388-824-0260** What is the full assessment referral database? The full assessment referral database is a report that assists supervisors and case resource managers to make decisions about whom to refer for a full assessment. It contains the following information:

- (1) Your name, date of birth, and phone number.
- (2) The date your mini-assessment was performed.
- (3) Information about whether the mini-assessment indicated that you may be in crisis.
- (4) Information regarding your relative level of need to include:
  - (a) Your assigned level of need group; and
  - (b) Your mini-assessment score.

NEW SECTION

**WAC 388-824-0280** What information does DDD use in deciding whom to refer for a full assessment? DDD refers you from the full assessment referral database for a full assessment on the basis of:

- (1) Your mini-assessment score;
- (2) Your identified level of unmet need;
- (3) DDD's capacity for completing full assessments; and
- (4) Available funding to provide an approved service to meet the identified level of unmet need.

**NEW SECTION**

**WAC 388-824-0290** When does DDD remove my name from the full assessment referral database? DDD removes your name from the full assessment referral database after:

- (1) You have received a full assessment;
- (2) DDD determines that you no longer meet the criteria for a mini-assessment per WAC 388-824-0050; or
- (3) DDD determines that you are receiving a paid service and/or no longer eligible to be a client of the division of developmental disabilities per chapter 388-823 WAC.

**NEW SECTION**

**WAC 388-824-0310** When DDD adjusts the mini-assessment algorithm, when does the adjustment become effective? When DDD adjusts the mini-assessment algorithm, the adjustment becomes effective at your initial or next mini-assessment or reassessment following the date of the algorithm adjustment.

**NEW SECTION**

**WAC 388-824-0320** Are there appeal rights to the mini-assessment? (1) You and/or your designated representative(s) have the right to a hearing when:

- (a) You disagree with the information entered into the mini-assessment; or
- (b) DDD denies you and/or your designated representative's request to have a reassessment performed.
- (2) You do not have the right to appeal the mini-assessment algorithm.

**NEW SECTION**

**WAC 388-824-0330** If you request a hearing to review the results of your mini-assessment, which mini-assessment does the administrative law judge review in the hearing? If you request a hearing to review the results of your mini-assessment, the administrative law judge must review your most recent mini-assessment.

**WSR 05-16-088**  
**WITHDRAWAL OF PROPOSED RULES**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 (By the Code Reviser's Office)  
 [Filed August 2, 2005, 8:14 a.m.]

WAC 139-02-020, 139-02-030, 139-02-050, 139-02-060, 139-02-070, 139-02-080, 139-02-090, 139-02-100, 139-02-110, 139-02-120 and 139-02-130, proposed by the Criminal

Justice Training Commission in WSR 05-03-025 appearing in issue 05-03 of the State Register, which was distributed on February 2, 2005, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

**WSR 05-16-089**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

[Filed August 2, 2005, 8:25 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-170 What is the notice requirement before separating an employee due to disability under the provisions of WAC 357-46-160? and 357-46-200 What is the notice requirement before separating an employee for nondisciplinary reasons under the provisions of WAC 357-46-195?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sandi Stewart, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to:

- Modify WAC 357-46-170 to require seven calendar days notice of disability separation.
- Modify WAC 357-46-200 to clarify that the rule does not apply to a separation due to disability.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.133, 41.06.-150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6324; Implementation and Enforcement: Department of Personnel.

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

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

August 1, 2005  
Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-170** What is the notice requirement before separating an employee ((~~must a permanent employee be notified of before he/she is separated~~) due to disability under the provisions of WAC 357-46-160? Before separating an employee from employment under the provisions of WAC 357-46-160, the employer must provide at least seven calendar days' written notice to the employee. For permanent employees, the notice ((~~A permanent employee being separated due to disability~~)) must ((~~be informed in writing of the~~)) include information on how ((~~option~~)) to apply for reemployment as provided in WAC 357-19-475.

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 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-200** What is the notice requirement before separating an employee for nondisciplinary reasons under the provisions of WAC 357-46-195? (1) Before separating an employee from employment under the provisions of WAC 357-46-195, the employer must provide at least fifteen calendar days' written notice to the employee and state the reason for separation. If, within the notice period, the employee satisfactorily demonstrates why the separation should not occur, the appointing authority may rescind the separation notice.

(2) The employer should consider reassignment during the notice period if continued employment in the position represents a liability.

(3) This section does not apply to separations due to disability. WAC 357-46-170 specifies the notice requirement when separating an employee due to disability.

**WSR 05-16-090**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
(Filed August 2, 2005, 8:27 a.m.)

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-19-030 When may an employee be required to serve a trial service period?, 357-19-035 When is a trial service period not allowed for an employee who is reverted to a position?, 357-19-181 When is an employee appointed to a posi-

tion with permanent status?, and 357-19-090 Must employers have a policy on probationary and trial service periods?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sandi Stewart, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to:

- Modify WAC 357-19-030, 357-19-181, and 357-19-090 to allow for employers to require trial service periods following trial service reversion.
- Create a new rule (WAC 357-19-035) to specify the condition under which the employer may not require a trial service period following reversion.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.133, 41.06-150.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6324; Implementation and Enforcement: Department of Personnel.

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

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

August 1, 2005  
Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

**WAC 357-19-030** When may an employee be required to serve a trial service period? A permanent employee who transfers, voluntarily demotes, ((~~or~~)) is elevated, or is reverted to a position may be required by the employer to serve a trial service period in accordance with the employer's policy per WAC 357-19-090. (See WAC 357-46-110 for information on when an employee may be required to serve a transition review period.)

NEW SECTION

**WAC 357-19-035** When is a trial service period not allowed for an employee who is reverted to a position? Employers are not allowed to require a trial service period when an employee is being reverted to a comparable position with the same job duties as the position in which the

employee last held permanent status. The employer determines the comparability of the position.

**AMENDATORY SECTION** (Amending WSR 05-12-085, filed 5/27/05, effective 7/1/05)

**WAC 357-19-181 When is an employee appointed to a position with permanent status?** An appointing authority must make a permanent status appointment of an employee under the following conditions:

- (1) Upon successful completion of a probationary, trial service, or transition review period;
- (2) Upon reassignment of a permanent employee who is not in trial service status;
- (3) Upon transfer, demotion, reversion, or elevation when the employee is not required to serve a trial service period;
- (4) Upon rehire from layoff or appointment to a position as a layoff option when a transition review period is not required;
- (5) Upon the director conferring permanent status to an employee under remedial action provisions; and
- (6) Upon conversion of an exempt position to the classified service, per WAC 357-19-225, if the incumbent has been employed for at least an amount of time equal to the probationary period for the class. If the incumbent has not been employed that long, the employee must serve a probationary period. The employer may count the time spent in the position prior to conversion towards the probationary period.

**AMENDATORY SECTION** (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

**WAC 357-19-090 Must employers have a policy on probationary and trial service periods?** Employers must publish a policy on probationary and trial service periods that minimally addresses the employer's basis for determining and notifying an employee:

- (1) When a trial service period is required upon transfer, voluntary demotion, reversion or elevation as provided in WAC 357-19-030.
- (2) When a probationary or trial service period is extended, per WAC 357-19-045 and 357-19-060; and
- (3) When a probationary or trial service period is continued, per WAC 357-19-070.

#### WSR 05-16-091

#### PROPOSED RULES

#### DEPARTMENT OF PERSONNEL

[Filed August 2, 2005, 8:29 a.m.]

#### Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-46-215 How is an employee who is being separated for unauthorized absence notified?, 357-46-220 How can an employee separated for unauthorized absence petition for reinstatement?, 357-46-222 Must the employer respond to an

employee's petition for reinstatement within a specific time frame?, and 357-46-225 Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-46-220?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sandi Stewart, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to:

- Modify WAC 357-46-215 to require that the employer inform a permanent employee of his/her right to petition for reinstatement and subsequent right to appeal in the notice of separation.
- Modify WAC 357-46-220 to add "permanent" to the title of the rule.
- Create a new rule (WAC 357-46-222) to specify the requirement that the employer respond to an employee's petition within seven calendar days of receipt of the petition.
- Modify WAC 357-46-225 to clarify that any appeal of the separation must be received within thirty calendar days of the effective date of the separation and the thirty calendar days is not lengthened by an employee petitioning for reinstatement.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.133, 41.06.150, and 41.06.170.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6324; Implementation and Enforcement: Department of Personnel.

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

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

August 1, 2005

Eva N. Santos

Director

**AMENDATORY SECTION** (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-215 How is an employee who is being separated for unauthorized absence notified?** Following an unauthorized absence of at least three consecutive working days, the employer may separate an employee by sending a separation notice to the employee by personal service or by



United States mail to the last known address of the employee. For a permanent employee, the separation notice must inform the employee of the ability to petition the employer for reinstatement and the subsequent right to appeal the separation to the board as provided in chapter 357-52 WAC.

**AMENDATORY SECTION** (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 357-46-220 How can a((n)) permanent employee separated for unauthorized absence petition for reinstatement?** A permanent employee separated for unauthorized absence may petition the appointing authority in writing to consider reinstatement. The employee must provide proof that the absence was involuntary or unavoidable. The employer must receive the employee's petition within seven calendar days of personal service or deposit in the United States mail of the separation notice.

**NEW SECTION**

**WAC 357-46-222 Must the employer respond to an employee's petition for reinstatement within a specific time frame?** The employer must respond in writing to an employee's petition for reinstatement as provided in WAC 357-46-220 within seven calendar days of receipt of the employee's petition.

**AMENDATORY SECTION** (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/05)

**WAC 337-46-225 Can a permanent employee appeal if the employer does not reinstate the employee under WAC 357-46-220? Within thirty calendar days of the effective date of the separation, a permanent employee may appeal the separation to the board. ((If a permanent employee is not reinstated under WAC 357-46-220, the employee must be notified in writing of the right to appeal to the board as provided in chapter 357-52 WAC.)) Petitioning the employer for reinstatement does not lengthen the thirty calendar days within which the employee may appeal to the board. Appeals may not be based on information other than that shared with the employer at the time of the request for reinstatement.**

**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 05-16-092**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
 [Filed August 2, 2005, 8:30 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-49-010 For what actions may an individual request a director's review?, 357-49-017 When is a director's review part of the appeal process?, 357-49-018 Does an individual or an employer have the right to appeal the results of a director's

review to the board?, 357-49-019 What civil service rules govern the director's review process?, 357-49-022 Who has the burden of proof in a director's review?, 357-49-025 How must exhibits for director's reviews be prepared and exchanged?, 357-49-035 When does a director's determination become final?, 357-52-010 What actions may be appealed?, 357-52-190 What must be included in a party's written exceptions to a recommended decision?, and 357-52-193 What must be included in a party's written exceptions to a director's determination?

Hearing Location(s): Department of Personnel, Classroom #4, 600 South Franklin, Olympia, WA, on September 8, 2005, at 10:00 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Sandi Stewart, Department of Personnel, P.O. Box 47500, fax (360) 586-4694 (FOR DOP TRACKING PURPOSES PLEASE NOTE ON SUBMITTED COMMENTS "FORMAL COMMENT"), by September 1, 2005.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 1, 2005, TTY (360) 753-4107 or (360) 586-8260.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to:

- Modify WAC 357-49-010 and 357-52-010 to clarify that an employee may appeal layoff actions directly to the board without requesting a director's review.
- Create new rules (WAC 357-49-017, 357-49-018, and 357-49-019) to clarify that the director's review is part of the appeal process and that director's reviews are governed by chapter 357-49 WAC.
- Create a new rule (WAC 357-49-022) to identify who has the burden of proof in a director's review.
- Create a new rule (WAC 357-49-025) to describe how exhibits must be prepared and exchanged during a director's review.
- Create a new rule (WAC 357-49-035) to specify when a director's determination becomes final.
- Modify WAC 357-52-190 to clarify that the rule is addressing exceptions to recommended decisions.
- Create a new rule (WAC 357-52-193) to address what must be contained in the written exceptions to the director's determination.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.133, 41.06-150, and 41.06.170.

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

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sandi Stewart, 521 Capitol Way South, Olympia, WA, (360) 664-6324; Implementation and Enforcement: Department of Personnel.

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

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

August 1, 2005  
Eva N. Santos  
Director

**AMENDATORY SECTION** (Amending WSR 05-01-190 [05-12-082], filed 12/21/04 [5/27/05], effective 7/1/05)

**WAC 357-49-010 For what actions may an individual request a director's review?** (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.

(2) An individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

(4) In addition to the subject((s)) listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty calendar days of the date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. An employee may not request a director's review of:

(a) ~~((a))~~ Allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020;

(b) An alleged violation of civil service laws or rules pertaining to layoff, except for removal of his/her name from a layoff list as provided in subsection 2 of this section; or

(c) ~~((c))~~ The actions of reduction, dismissal, suspension, demotion or separation.

(5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

#### NEW SECTION

**WAC 357-49-017 When is a director's review part of the appeal process?** When an individual requests a director's review for any of the following type of actions, the director's review constitutes the initial step of the appeal process:

(1) Review of an employee's allocation or reallocation per WAC 357-13-080;

(2) Review of an alleged violation of civil service law or rules per WAC 357-49-010 (2) and (4); and

(3) Review of a remedial action request per WAC 357-49-010(5).

**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 357-49-018 Does an individual or an employer have the right to appeal the results of a director's review to the board?** Except as provided in WAC 357-49-010(1), either party may appeal the results of the director's review to the board by filing written exceptions to the director's determination in accordance with chapter 357-52 WAC. In accordance with WAC 357-52-010, written exceptions for appeals of allocation or reallocation are filed:

(1) Through December 31, 2005, with personnel appeals board; and

(2) As of January 1, 2006, with personnel resources board.

#### NEW SECTION

**WAC 357-49-019 What civil service rules govern the director's review process?** Chapter 357-49 WAC governs the process under which director's reviews are conducted.

#### NEW SECTION

**WAC 357-49-022 Who has the burden of proof in a director's review?** The individual or employee requesting the director's review has the burden of proof in a director's review.

#### NEW SECTION

**WAC 357-49-025 How must exhibits for director's reviews be prepared and exchanged?** (1) When exhibits are submitted for any director's review, one copy must be provided for the director or designee and one copy must be provided to the opposing party.

(2) For allocation reviews, employees must submit all exhibits through the employer's human resource office. The employer's human resource representative is responsible for forwarding all exhibits to the director or designee within the time frames set by the director or designee.

(3) For all other director's reviews, the party submitting the exhibit is responsible for providing copies to the director or designee and opposing party within the time frames set by the director or designee.

(4) The parties must pre-mark their exhibits for identification before they are provided to the opposing party and submitted to the director or designee.

(5) The director or designee may limit the number, scope and timing of exhibits.

**NEW SECTION**

**WAC 357-49-035 When does a director's determination become final?** (1) Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are not subject to further review or appeal and become final when notice of the determination is served on the parties.

(2) For all other director's determinations, if no exceptions are filed, the determination becomes final thirty calendar days after notice of the determination is served on the parties.

**AMENDATORY SECTION** (Amending WSR 05-01-190, filed 12/21/04, effective 7/1/05)

**WAC 357-52-010 What actions may be appealed?** (1) Any permanent employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(2) Any employee, subject to the statutory jurisdiction of the board who is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title 357 WAC, or an employer, may appeal to the board as follows:

(a) For a violation of state civil service law or rules relating to a layoff action, excluding removal from a layoff list, the employee may appeal directly to the board.

(b) For a violation of state civil service law or rules relating to any other subject, including removal from a layoff list, the employee or employer may appeal to the board by filing written exceptions to the director's review determination, except as provided in WAC 357-49-010(1).

(3) Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources board by filing written exceptions to the director's review determination.

(4) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(5) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(6) Any permanent Washington management service employee who is dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a reduction-in-force action is not subject to appeal.

**AMENDATORY SECTION** (Amending WSR 05-01-191, filed 12/21/04, effective 7/1/05)

**WAC 357-52-190 What must be included in a party's written exceptions to a recommended decision?** The writ-

ten exceptions must set forth specific exceptions to the recommended decision and any additional errors a party contends were made by the hearing officer. If a party contends that the hearing officer has made an error which requires a review of the record, the party must identify the specific portion(s) of the record that support each claimed error.

**NEW SECTION**

**WAC 357-52-193 What must be included in a party's written exceptions to a director's determination?** The written exceptions must set forth specific exceptions to the director's determination and any additional errors a party contends were made by the director's designee. The party must identify the specific portion(s) of the record that support each exception or claimed error.

**WSR 05-16-095**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Board of Boiler Rules)  
 [Filed August 2, 2005, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-05-069.

Title of Rule and Other Identifying Information: Board of Boiler Rules—Substantive, chapter 296-104 WAC.

Hearing Location(s): Department of Labor and Industries, 950 Broadway, Suite 200, Tacoma, WA, on September 21, 2005, at 9:00 a.m.

Date of Intended Adoption: November 1, 2005.

Submit Written Comments to: Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, e-mail [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov), fax (360) 902-5292, by 5:00 p.m. on September 21, 2005.

Assistance for Persons with Disabilities: Contact Sally Elliott by September 1, 2005, [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov) or (360) 902-6411.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to make clarification and technical changes to the Board of Boiler Rules—Substantive (chapter 296-104 WAC), based on actions and requests of the Board of Boiler Rules.

The technical changes include:

- Incorporating new 2004 code editions;
- Language in WAC 296-104-200 to include new ASME Section XII for construction and technical requirements;
- Language in WAC 296-104-210 to include material requirements for technical review; and
- Language in WAC 296-220 [296-104-220] to include construction drawing and photo's to technical requirements.

**PROPOSED**

The proposed rules will:

- Clarify the rules so that they are easier to use and understand;
- Make changes to ensure consistency with statute;
- Eliminate rules that are unnecessary or that are no longer necessary; and
- Make several other necessary changes identified by the Board of Boiler Rules.

Reasons Supporting Proposal: The proposed changes will make clarification and technical changes to the Board of Boiler Rules, which will make the rules easier to use.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Statute Being Implemented: Chapter 70.79 RCW.

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

Name of Proponent: Board of Boiler Rules, governmental.

Name of Agency Personnel Responsible for Drafting: Board of Boiler Rules, Tumwater, Washington, (360) 902-5270; Implementation and Enforcement: Robb Marvin, Tumwater, Washington, (360) 902-5270.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Board of Boiler Rules has considered whether these proposed rules are subject to the Regulatory Fairness Act and has determined that they do not require a small business economic impact statement because the costs associated with the proposed rules will not place a more than minor impact on any business or contractor and/or they are exempted by law (see RCW 19.85.025 referencing RCW 34.05.310(4)) from the small business economic impact requirements.

A cost-benefit analysis is not required under RCW 34.05.328. A cost-benefit analysis was not prepared because the costs associated with the proposed changes are exempted by law since the proposed changes are updating the rule for clarification (see RCW 19.85.025 referencing RCW 34.05.-310(4)).

August 2, 2005  
Craig Hopkins, Chair  
Board of Boiler Rules

**AMENDATORY SECTION** (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

**WAC 296-104-018 Administration—How are rules interpreted and revised?** Stakeholders may request clarifications and interpretations of these rules by contacting the chief inspector. Interpretations will be brought to the board if the inquirer is aggrieved by the interpretation of the chief inspector (RCW 70.79.360). The board will consider written requests for interpretations and revisions to these definitions, rules, and regulations. Inquiries shall be limited to requests for interpretation of the rules or to proposed revisions to the existing rules and shall be submitted to the department of labor and industries forty-five days prior to the board of boiler rules meeting date in the following format:

(1) Scope. Identify a single rule or closely related rules that are in dispute.

(2) Background. State the purpose of the inquiry, which should be either to obtain an interpretation or to propose a revision to existing rules. Provide concise information needed for the board's understanding of the inquiry, including references to the WAC section as well as other code and/or standards paragraphs.

(3) Inquiry structure. Provide statements in a condensed and precise question format and, where appropriate, compose in such a way that "yes" or "no" (perhaps with provisos) would be an acceptable reply.

(4) Proposed reply. State what it is believed the rule requires. If in the inquirer's opinion a revision to the definitions, rules, and regulations is needed, recommended wording should be provided.

Inquiries shall be submitted by mail to:  
Board of Boiler Rules  
% Chief Inspector  
Department of Labor & Industries  
Boiler Section  
P.O. Box 44410  
Olympia, WA 98504-4410

or

Inquiries shall be submitted by delivery to:  
Board of Boiler Rules  
% Chief Inspector  
Department of Labor & Industries  
Boiler Section  
7273 Linderson Way SW  
Tumwater, WA 98501

**AMENDATORY SECTION** (Amending WSR 04-21-069, filed 10/19/04, effective 1/1/05)

**WAC 296-104-050 Administration—What are the requirements for a boiler inspector?** In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

Based on a preliminary review, if the applicant's history and experience, as indicated on the application, meet with the approval of the ((board of boiler rules)) chief boiler inspector, the candidate shall be given the national board examination and the Washington state examination. If the applicant is accepted on the merits of these examinations or as provided for in WAC 296-104-065, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of March, June, September and December. Special examina-

tions may be held when considered necessary by the board of boiler rules.

**AMENDATORY SECTION** (Amending WSR 04-21-069, filed 10/19/04, effective 1/1/05)

**WAC 296-104-102 Inspection—What are the standards for in-service inspection?** Where a conflict exists between the requirements of the standards listed below and this chapter, this chapter shall prevail.

(1) The standard for inspection of nonnuclear boilers, unfired pressure vessels, and safety devices is the National Board Inspection Code (NBIC), (~~(2004)~~) 2004 edition, with addenda. This code may be used on or after the date of issue and becomes mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2).

(2) The standard for inspection of historical steam boilers of riveted construction preserved, restored, or maintained for hobby or demonstration use, shall be Appendix "C" of the National Board Inspection Code as referenced in subsection (1) of this section.

(3) The standard for inspection of nuclear items is ASME section XI. The applicable ASME Code edition and addenda shall be as specified in the owner in-service inspection program plan.

(4) Where a petroleum or chemical process industry owner/user inspection agency so chooses, the standard for inspection of unfired pressure vessels used by the owner shall be the API-510 Pressure Vessel Inspection Code, eighth edition, with addenda. This code may be used on or after the date of issue.

(5) TAPPI TIP 0402-16, dated 2001 may be used for both pulp dryers and paper machine dryers when requested by the owner. When requested by the owner, this document becomes a requirement and not a guideline.

**AMENDATORY SECTION** (Amending WSR 04-21-069, filed 10/19/04, effective 1/1/05)

**WAC 296-104-200 Construction—What are the standards for new construction?** The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, 2004 edition, with addenda Sections I, III, IV, VIII, X;

(2) ASME PVHO-1 2002-2003 Safety Standard for Pressure Vessels for Human Occupancy; and

(3) ASME CSD-1 2002 edition with addenda (as referenced in WAC (~~(296-104-300(3))~~) 296-104-302); and

(4) NFPA 85 Boiler and Combustion Systems Hazards Code 2004 edition (for use with boilers with fuel input ratings of 12, 500,000 BTU/hr or greater; and

(5) Standards of construction approved by the chief inspector and meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). ASME Code Cases may be approved for use when accepted by the chief inspector. The board recognizes that the ASME Code states that new editions of the code become mandatory

on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

**AMENDATORY SECTION** (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

**WAC 296-104-210 Construction—What are the requirements for construction of boilers and unfired pressure vessels of special design?** Boilers and unfired pressure vessels of special design require a special certificate granted by the board of boiler rules. At a minimum the following information shall be supplied to obtain board approval for special designs: Construction drawings, design calculations, material specifications, and a Washington state professional engineer's evaluation of the design. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

**AMENDATORY SECTION** (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

**WAC 296-104-220 Construction—What are the requirements to use nonstandard second hand boilers and unfired pressure vessels?** Nonstandard second hand boilers and unfired pressure vessels constructed after January 1, 1952, cannot be used in this state without prior approval of the board of boiler rules. At a minimum the following information shall be supplied to obtain board approvals: (~~(Drawings, a)~~) Construction drawings, photographs, operating and inspection history, design calculations, and a Washington state professional engineer's evaluation of the design and present condition. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

**AMENDATORY SECTION** (Amending WSR 04-21-069, filed 10/19/04, effective 1/1/05)

**WAC 296-104-302 Installation—What control and limit devices are required on automatically fired boilers after December 1998?** In addition to those requirements listed in WAC 296-104-301, the following are also required with regard to installations or refits of gas, oil, or combinations of gas or oil:

(1) All boilers (~~(excluding lined potable water heaters of all BTU input)~~) installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr greater than 400,000 BTU/hr and less than or equal to 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(2) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be completed and signed by an

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authorized representative of the manufacturer and/or the installing contractor.

(3) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

**AMENDATORY SECTION** (Amending WSR 04-21-069, filed 10/19/04, effective 1/1/05)

**WAC 296-104-701 What are the civil penalties? (1)**

An owner, user, or operator of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense .....	\$ 50.00
Second offense .....	\$100.00
Each additional offense .....	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense .....	\$100.00
Second offense .....	\$200.00
Each additional offense .....	\$500.00

Performing a repair to a boiler or pressure vessel, involving welding to a pressure retaining part, without meeting requirements of WAC 296-104-502:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC 296-104-502:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-520:

First offense .....	\$150.00
Second offense .....	\$300.00
Each additional offense .....	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense .....	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days .....	\$100.00
Within 91-180 days .....	\$250.00
Within 181-270 days .....	\$400.00
Within 271-360 days .....	\$500.00

(2) The inspection agency responsible for the inservice inspector of a boiler or unfired pressure vessel that violates a provision of chapter 296-104 WAC, or the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Failure to notify the state when new coverage is written or when coverage is canceled, per WAC 296-104-045:

<u>Each offense .....</u>	<u>\$50.00</u>
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Failure to file a report of inspection per WAC 296-104-040:

Each offense .....	\$50.00
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Failure to apply a state serial number per WAC 296-104-140:

Each offense .....	\$50.00
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Failure to attach a "Red TAG" per WAC 296-104-110:

Each offense .....	\$50.00
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Each object (boiler or unfired pressure vessel) is considered a separate offense.

(3) The department shall by certified mail notify a person of its determination that the person has violated this section.

(4) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may(~~(, within fifteen days after such order or act,)~~) appeal to the board of boiler rules. This appeal shall be filed within twenty days after service of the notice of the penalty to the assessed party by filing a written notice of appeal with the chief boiler inspector per RCW 70.79.360.

(5) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

**WSR 05-16-105**  
**WITHDRAWAL OF PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed August 2, 2005, 2:34 p.m.]

The Washington Horse Racing Commission wishes to withdraw its notice of proposed rule making for WSR 05-13-108 (WAC 260-28-290 Trainer—Ownership interest).

R. M. Leichner  
 Executive Secretary

**WSR 05-16-106**  
**WITHDRAWAL OF PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed August 2, 2005, 2:35 p.m.]

The Washington Horse Racing Commission wishes to withdraw its notice of proposed rule making for WSR 05-13-108 [05-13-109] (WAC 260-32-160 Physical examinations).

R. M. Leichner  
 Executive Secretary

**WSR 05-16-108**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 2, 2005, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-12-131.

Title of Rule and Other Identifying Information: WAC 388-450-0195 Utility allowances for Basic Food programs.

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 Alhadef 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 September 6, 2005, at 5:00 p.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 2, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amended rule establishes utility standards used as an income deductions for the Washington Basic Food and WASHCAP programs.

Reasons Supporting Proposal: Federal regulations established by the United States Department of Agriculture, Food and Nutrition Service (FNS) require the department to

annually update the utility allowances used as income deduction for the food stamp program. Washington state implements the federal food stamp program under the Washington Basic Food program and WASHCAP program. These standards are updated annually at the beginning of the federal fiscal year on October 1st.

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 necessary because of federal law, 7 C.F.R. 273.9 (d)(6)(iii).

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 1009 College S.E., Lacey, WA 98504, (360) 725-4616.

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 state in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules implement federal requirements to update standardized utility deductions for food stamp benefits under Title 7 of the Code of Federal Regulations § 273.9 (d)(6)(iii).

July 27, 2005

Andy Fernando, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 05-09-087, filed 4/19/05, effective 6/1/05)

**WAC 388-450-0195 Utility allowances for Basic Food programs.** (1) For Basic Food, "utilities" include the following:

- (a) Heating or cooling fuel;
- (b) Electricity or gas;
- (c) Water or sewer;
- (d) Well or septic tank installation/maintenance;
- (e) Garbage/trash collection; and
- (f) Telephone service.

(2) The department uses the amounts below if you have utility costs separate from your rent or mortgage payment. We add your utility allowance to your rent or mortgage payment to determine your total shelter costs. We use total shelter costs to determine your Basic Food benefits.

(a) If you have heating or cooling costs, you get a standard utility allowance (SUA) that depends on your assistance unit's size.

Assistance Unit (AU) Size	Utility Allowance
1	\$((278)) <u>299</u>
2	\$((287)) <u>308</u>

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Assistance Unit (AU) Size	Utility Allowance
3	\$((295)) <u>317</u>
4	\$((304)) <u>326</u>
5	\$((312)) <u>335</u>
6 or more	\$((321)) <u>344</u>

(b) If your AU does not qualify for the SUA and you have any two utility costs listed above, you get a limited utility allowance (LUA) of two hundred ((~~twenty-two~~) thirty-six) dollars.

(c) If your AU has only telephone costs and no other utility costs, you get a telephone utility allowance (TUA) of ((~~thirty-seven~~) thirty-eight) dollars.

**WSR 05-16-110**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 2, 2005, 4:23 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 05-08-091 and 05-08-090.

Title of Rule and Other Identifying Information: WAC 388-408-0035 Who is in my assistance unit for Basic Food?

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 September 6, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 2, 2005, TTY (360) 664-6178 or phone (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendments are necessary to clarify when food purchase and preparation arrangements require mandatory assistance unit membership. Additional major amendments proposed are necessary to define certain assistance unit composition to support the department's implementation of transitional food assistance for families leaving temporary assistance for needy families (TANF), state family assistance (SFA), and tribal TANF programs.

Other minor proposed changes have been added to improve rule clarity.

Reasons Supporting Proposal: The current version does not clearly articulate the assistance unit participation requirements when a household member buys food or prepares

meals together with the Basic Food assistance unit, but does not necessarily do both.

Implementation of transitional food assistance by November 2005 is required by the enactment of RCW 74.08A.010 for families leaving TANF. It is necessary for certain related Basic Food rules to contain clear distinction regarding transitional food assistance.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010.

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 27, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-14-040, filed 6/29/04, effective 7/30/04)

**WAC 388-408-0035 Who is in my assistance unit for Basic Food?** (1) For Basic Food, a person must be in your assistance unit (AU) if they live in the same home as you and:

(a) ((~~Usually buy and fix food~~) Regularly buy food or prepare meals) with you; or

(b) You provide meals for them and they pay less than a reasonable amount for meals.

(2) If the following people live with you, they must be in your AU even if you do not usually buy ((~~and fix~~) or prepare) food together:

(a) Your spouse;

(b) Your parents if you are under age twenty-two (even if you are married);

(c) Your children under age twenty-two;

(d) The parent of a child who must be in your AU;

(e) A child under age eighteen who doesn't live with their parent unless the child:

(i) Is emancipated;

(ii) Gets a TANF grant in their own name; or

(iii) Is not financially dependent on an adult in the AU because they get and have control of income of at least the TANF payment standard under WAC 388-478-0020(2) before taxes or other withholdings.



(3) If any of the people in subsections (1) or (2) already receive Transitional Food Assistance under chapter 388-489 WAC, you can only receive benefits if they choose to reapply for Basic Food as described in WAC 388-489-0020.

(4) If you live in an institution where you may be eligible for Basic Food under WAC 388-408-0040, we decide who is in your AU as follows:

(a) If the facility is acting as your authorized representative under WAC 388-460-0015, we include you and anyone who must be in your AU under subsection (2) of this rule; or

(b) If you apply for benefits on your own, we include you, anyone who must be in your AU under subsection (2) of this rule, and other residents you choose to apply with.

~~((4))~~ (5) Anyone who must be in your AU under subsection (1) or (2) is an ineligible AU member if they:

(a) Are disqualified for an intentional program violation (IPV) under WAC 388-446-0015;

(b) Do not meet ABAWD work requirements under WAC 388-444-0030.

(c) Do not meet work requirements under WAC 388-444-0055;

(d) Do not provide a social security number under WAC 388-476-0005;

(e) Do not meet the citizenship or alien status requirements under chapter 388-424 WAC;

(f) Are fleeing a felony charge or violating a condition of parole or probation under WAC 388-442-0010.

~~((5))~~ (6) If your AU has an ineligible member:

(a) We count the ineligible member's income ~~((t))~~ as part of your AU's income under WAC 388-450-0140;

(b) We count all the ineligible members resources to your AU; and

(c) We do not use the ineligible member to determine your AU's size for the maximum income amount or allotment under WAC 388-478-0060.

~~((6))~~ (7) If the following people live in the same home as you, you can choose if we include them in your AU:

(a) A permanently disabled person who is age sixty or over and cannot make their own meals if the total income of everyone else in the home (not counting the elderly and disabled person's spouse) is not more than the one hundred sixty-five percent standard under WAC 388-478-0060;

(b) A boarder. If you do not include a boarder in your AU, the boarder cannot get Basic Food benefits in a separate AU;

(c) A person placed in your home for foster care. If you do not include this person in your AU, they cannot get Basic Food benefits in a separate AU;

(d) Roomers; or

(e) Live-in attendants even if they buy ~~((and fix))~~ or prepare food with you.

~~((7))~~ (8) If someone in your AU ~~((is))~~ moves out of your home for at least a full issuance month, they are not eligible for benefits as a part of your AU, unless you receive Transitional Food Assistance.

~~((8))~~ (9) For Transitional Food Assistance, your TFA AU includes the people who were in your Basic Food AU for the last month you received:

(a) Temporary Assistance for Needy Families;

(b) State Family Assistance; or

(c) Tribal TANF benefits.

(10) If someone received Basic Food or food stamps in another AU or another state, they cannot receive benefits in your AU for the same period of time with one exception. If you already received Basic Food ~~((or))~~, food stamp, or Transitional Food Assistance benefits:

(a) In another state, you are not eligible for Basic Food for the period of time covered by the benefits you received from the other state; or

(b) In another AU, you are not eligible for Basic Food in a different AU for the same period of time;

(c) In another AU, but you left the AU to live in a shelter for battered women and children under WAC 388-408-0045, you may be eligible to receive benefits in a separate AU.

~~((9))~~ (11) The following people who live in your home are not members of your AU. If they are eligible for Basic Food, they may be a separate AU:

(a) Someone who usually buys and ~~((fixes))~~ prepares food separately from your AU if they are not required to be in your AU; or

(b) Someone who lives in a separate residence.

~~((10))~~ (12) A student who is ineligible for Basic Food under WAC 388 482-0005 is not a member of your AU.

## WSR 05-16-111

### PROPOSED RULES

### HORSE RACING COMMISSION

[Filed August 2, 2005, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-112.

Title of Rule and Other Identifying Information: WAC 260-48-960 Handicapping contests, a new section to establish rules for the conduct of handicapping contests involving the outcome of multiple horse races, as required by SSB 5953 in the 59th legislature and signed by the governor on May 9, 2005.

Hearing Location(s): Auburn City Council Chambers, 25 West Main, Auburn, WA 98001, on September 8, 2005, at 9:30 a.m.

Date of Intended Adoption: September 8, 2005.

Submit Written Comments to: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, e-mail rlopez@whrc.state.wa.us, fax (360) 459-6461, by September 6, 2005.

Assistance for Persons with Disabilities: Contact Patty Sorby by September 6, 2005, TTY (360)459-6462.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: None, a new section.

Reasons Supporting Proposal: This proposal meets the requirements of SSB 5953 from the 59th legislature and signed by the governor on May 9, 2005, by establishing rules for the conduct of handicapping contests involving the outcome of multiple horse races.

Statutory Authority for Adoption: RCW 67.16.020.

Statute Being Implemented: SSB 5953, 59th legislature.

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

Name of Proponent: Northwest Racing Association dba Emerald Downs Racetrack, private.

Name of Agency Personnel Responsible for Drafting: Robert J. Lopez, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462; Implementation and Enforcement: Robert M. Leichner, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, (360) 459-6462.

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.

August 2, 2005

R. M. Leichner

Executive Secretary

### NEW SECTION

**WAC 260-48-960 Handicapping contests.** A licensed class 1 racing association may, with the approval of the commission, operate a handicapping contest at which the participants may be charged an entry fee. All paid-entry handicapping contests must be conducted in accordance with the provisions of this rule.

(1) A handicapping contest is defined as a competitive event, where participants, using individual skill to evaluate a variety of factors including the past performance of horses to determine the relative qualities and abilities of horses in a race, attempt to outperform other participants in selecting the finish of horses. Participants who are most successful in selecting horses become eligible to win prizes as prescribed in the official rules of the contest. Prizes and format are pre-defined and at the discretion of the class 1 racing association.

(2) A class 1 racing association desiring to offer a paid-entry handicapping contest must first apply for and receive approval from the commission to conduct a handicapping contest in Washington. The class 1 racing association must apply to the commission for approval of each and every contest. The class 1 racing association must include with its application the proposed rules for conducting the handicapping contest and the determination of prizes. The class 1 racing association shall obtain written approval to operate the handicapping contest prior to the acceptance of any entry fees regarding said contest.

(3) The class 1 racing association approved to operate a handicapping contest shall distribute at least ninety-five percent of the entry fees as prizes to the winners. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(4) The entry fee to enter a handicapping contest shall be set by the class 1 racing association. The entry fee and a description of all goods and services to be provided as part of the handicapping contest must be fully disclosed to each competitor prior to paying the entry fee. In addition, all prizes, including amenities such as airfare, meals and lodging, shall also be fully disclosed to each competitor prior to paying the entry fee.

(5) Races that are the subject of a handicapping contest must be races on which the class 1 racing association is authorized to conduct parimutuel wagering.

(6) The officers and employees of the class 1 racing association operating a handicapping contest, and their immediate families are prohibited from participating in any handicapping contest. Commissioners and employees of the commission are also prohibited from participating in any handicapping contest in Washington.

(7) The class 1 racing association shall provide the commission a report on every handicapping contest including a record of all entry fees collected, the number of competitors for each contest, the amount the class 1 racing association paid in prizes, and the name and address of each winning competitor.

(8) Any violation of this section shall be referred to the commission. The commission shall have sole authority to ensure compliance with this rule, conduct hearings on violations, and determine penalties.

**WSR 05-16-112  
PROPOSED RULES  
DEPARTMENT OF  
NATURAL RESOURCES**

[Filed August 3, 2005, 8:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-22-124.

Title of Rule and Other Identifying Information: WAC 332-30-123 Aquatic land use rentals for water-dependent uses.

Hearing Location(s): Queen Anne Library, 400 West Garfield Street, Seattle, on September 8, at 6 p.m.; at the Timberland Library, Franklin and 8th, Olympia, on September 15, at 6 p.m.; at Fire Station #2, 1901 North Laventure Road, Mount Vernon, on September 19, at 6 p.m.; and at the San Juan Library, 1010 Guard Street, Friday Harbor, on September 22, at 6 p.m.

Date of Intended Adoption: November 1, 2005.

Submit Written Comments to: Matthew Green, Aquatic Resources Division, Department of Natural Resources, P.O. Box 47027, Olympia, WA 98504-7020 [98504-7027], e-mail [matthew.green@wadnr.gov](mailto:matthew.green@wadnr.gov), fax (360) 902-1786, by September 26, 2005.

Assistance for Persons with Disabilities: Contact Matthew Green by three work days prior to hearing, TTY (800) 833-6388 or (360) 902-1116.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed changes to WAC 332-30-123 address the selection of upland parcels for calculating rent for water-dependent leases on state-owned aquatic lands. State law says that rents for such leases are determined by the assessed value of the upland parcel used in conjunction with the leased aquatic lands. When something is wrong with that upland parcel or with its assessment, the Department of Natural Resources (DNR) must

select an alternate parcel. WAC 332-30-123 details when and how DNR selects an alternate parcel.

The proposed changes relate to: How to select an upland parcel for "remote moorages" (that is, leases that do not abut the upland); the definition of "upland characteristics" (for when filled tidelands and shorelands can be considered an "upland" parcel); clarifying that the list of examples of inconsistent situations (that is, of when DNR needs to select an alternate parcel) is not an exclusive list; specifying that DNR will not use an upland parcel when a county assessor assesses a parcel at something other than fair market value; clarifying that the upland parcel selected must be used "in conjunction with a water-dependent use"; specifying that DNR will not use an upland parcel when the assessed value of that parcel is affected by contamination; and, specifying examples of "use classes" (used when selecting an alternate parcel).

**Reasons Supporting Proposal:** The proposed changes are not substantive, and will not change rents paid by lessees of state-owned aquatic lands. Instead, they are designed to clarify the rules, make them easier to understand and apply, and give explicit directions in situations not yet specifically discussed in the rules, consistent with current DNR standard practice.

**Statutory Authority for Adoption:** RCW 79.90.540.

**Statute Being Implemented:** RCW 79.90.480.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The proposed changes are consistent with current DNR standard practice, and would be implemented through its normal aquatic land management efforts.

**Name of Proponent:** Department of Natural Resources, Aquatic Resources Division, governmental.

**Name of Agency Personnel Responsible for Drafting:** Matthew Green, P.O. Box 47027, Olympia, WA 98504-7020 [98504-7027], (360) 902-1116; **Implementation and Enforcement:** Fran McNair, P.O. Box 47027, Olympia, WA 98504-7020 [98504-7027], (360) 902-1003.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.030 (1), agencies must write an SBEIS "if the proposed rule will impose more than minor costs on businesses in an industry." The proposed rule changes are consistent with current DNR standard practice, so they will not change rents for lessees nor impose any other costs.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328 (5)(b)(iv), agencies are not required to write a cost-benefit analysis for "rules that only...clarify language of a rule without changing its effect." The proposed rule changes only clarify the language consistent with current DNR standard practice.

August 2, 2005

Doug Sutherland

Commission of Public Lands

AMENDATORY SECTION (Amending Resolution No. 470, filed 11/9/84)

**WAC 332-30-123 Aquatic land use rentals for water-dependent uses.** All requirements in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). The annual rental for water-dependent use leases of state-owned aquatic land shall be: The per unit assessed value of the upland tax parcel, exclusive of improvements, multiplied by the units of lease area multiplied by thirty percent multiplied by the real rate of return. Expressed as a formula, it is:  $UV \times LA \times .30 \times r = AR$ . Each of the letter variables in this formula have specific criteria for their use as described below. This step by step presentation covers the typical situations within each section first, followed by alternatives for more unique situations.

(1) **Overall considerations.**

(a) **Criteria for use of formula.** The formula:

(i) Shall be applied to all leases ~~having structural uses that require a physical interface with upland property when a water-dependent use occurs on such uplands (in conjunction with the water-dependent use on the aquatic lands);~~ for water-dependent uses, except as otherwise provided by statute

(ii) ~~Shall be used for remote moorage leases by selecting an upland parcel as detailed in subsection (2) of this section;~~

(iii) Shall not be used for areas of filled state-owned aquatic lands having upland characteristics where the department can charge rent for such fills (see WAC 332-30-125), renewable and nonrenewable resource uses, or areas meeting criteria for public use (see WAC 332-30-130); and

(iv) (iii) Shall cease being used for leases intended for water-dependent uses when the lease area is not actively developed for such purposes as specified in the lease contract. Rental in such situations shall be determined under the appropriate section of this chapter.

(b) **Criteria for applicability to leases.** The formula shall be used to calculate rentals for:

(i) All new leases and all pending applications to lease or re-lease as of October 1, 1984;

(ii) All existing leases, where the lease allows calculation of total rent by the appropriate department methods in effect at the time of rental adjustment. Leases in this category previously affected by legislated rental increase limits, shall have the formula applied on the first lease anniversary date after September 30, 1984. Other conditions of these leases not related to rent shall continue until termination or amendment as specified by the lease contract. Leases in this category not previously affected by legislated rental increase limits and scheduled for a rent adjustment after October 1, 1985, shall have the option of retaining the current rent or electing to pay the formula rent under the same conditions as specified in (iii) of this subsection.

(iii) Leases containing specific rent adjustment procedures or schedules shall have the rent determined by the formula when requested by the lessee. Holders of such leases shall be notified prior to their lease anniversary date of both the lease contract rent and formula rent. A selection of the formula rent by the lessee shall require an amendment to the lease which shall include all applicable aquatic land laws and implementing regulations.

PROPOSED

**(2) Physical criteria of upland tax parcels.**

~~(a) Leases used in conjunction with and supportive of activities on the uplands. The upland tax parcel used shall be waterfront used in conjunction with and proximate to the leased area and have some portion with upland characteristics. If no upland tax parcel meets these criteria, then an alternative shall be selected under the criteria of subsection (4) of this section. For the purposes of this section, "upland characteristics" means fill or other improvements or alterations that allow for development of the property as if it were uplands and that have been valued by the county assessor as uplands.~~

~~(b) Remote moorage leases. The upland tax parcel used shall be waterfront, and have some portion with upland characteristics; and For leases without a physical connection with upland property (for example, open water moorage and anchorage areas, or mitigation or conservation sites not abutting the shoreline), the upland tax parcel used shall:~~

~~(i) If the remote moorage lease is associated with a local upland facility, be an appropriate parcel at the facility; or~~

~~(ii) If the remote moorage is similar in nature of use to moorages in the area lease is of the same use class within the water-dependent category (as listed in subsection (4) of this section) as at least one other lease within the county that is associated with a local upland facility, be an appropriate parcel at the nearest such facility; or~~

~~(iii) If the remote moorage is not associated with a there is no such local upland facility, be the parcel closest in distance to the moorage area an alternate parcel selected under the criteria of subsection (4) of this section.~~

(c) Priority of selection. If more than one upland tax parcel meets the physical criteria, the priority of selection shall be:

(i) The parcel that is structurally connected to the lease area;

(ii) The parcel that abuts the lease area;

(iii) The parcel closest in distance to the lease area.

If more than one upland tax parcel remains after this selection priority, then each upland tax parcel will be used for its portion of the lease area. If there is mutual agreement with the lessee, a single upland tax parcel may be used for the entire lease area. When the unit value of the upland tax parcels are equal, only one upland tax parcel shall be used for the lease area.

(d) The unit value of the upland tax parcel shall be expressed in terms of dollars per square foot or dollars per acre, by dividing the assessed value of the upland tax parcel by the number of square feet or acres in the upland tax parcel. This procedure shall be used in all cases even if the value attributable to the upland tax parcel was assessed using some other unit of value, e.g., front footage, or lot value. Only the "land value" category of the assessment record shall be used; not any assessment record category related to improvements.

**(3) Consistent assessment.** In addition to the criteria in subsection (2) of this section, the upland tax parcel's assessed value must be consistent with the purposes of the lease ~~and method of rental establishment~~. On this basis, the following situations are examples, but are not an exclusive list, of what the department will be considered ~~consider~~ inconsistent and shall either require adjustment as specified, or selection of an

alternative upland tax parcel under subsection (4) of this section:

(a) The upland tax parcel is not assessed. (See chapter 84.36 RCW Exemptions);

(b) Official date of assessment is more than four years old. (See RCW 84.41.030);

(c) The "assessment" results from a special tax classification or other adjustment by the county assessor not reflecting fair market value as developable upland property. Examples include classifications under: State-regulated utilities (chapter 84.12 RCW), Reforestation lands (chapter 84.28 RCW), Timber and forest lands (chapter 84.33 RCW), and Open space (chapter 84.34 RCW). This inconsistency may be corrected by substituting the full fair market value for the parcel if such value is part of the assessment records;

(d) If the assessed valuation of the upland tax parcel to be used is under appeal as a matter of record before any county or state agency, the valuation on the assessor's records shall be used, however, any changes in valuation resulting from such appeal will result in an equitable adjustment of future rental;

(e) The majority of the upland tax parcel area is not used for in conjunction with a water-dependent purpose use. This inconsistency may be corrected by using the value and area of the portion of the upland tax parcel that is used for in conjunction with a water-dependent purpose use if this portion can be segregated from the assessment records;

(f) The size of the upland tax parcel in acres or square feet is not known or its small size results in a nominal valuation, e.g., unbuildable lot; and

(g) The assessed value reflects the presence of contamination on the uplands. This inconsistency may be corrected by substituting the full value for the upland parcel as if there were no contamination, if such value is part of the assessment records.

**(4) Selection of the nearest comparable upland tax parcel.** When the upland tax parcel does not meet the physical criteria or has an inconsistent assessment that can't be corrected from the assessment records, an alternative upland tax parcel shall be selected which meets the criteria. The nearest upland tax parcel shall be determined by measurement along the shoreline from the inconsistent upland tax parcel.

(a) The alternative upland tax parcel shall be located by order of selection priority:

(i) Within the same city as the lease area, and if not applicable or found;

(ii) Within the same county and water body as the lease area, and if not found;

(iii) Within the same county on similar bodies of water, and if not found;

(iv) Within the state.

(b) Within each locational priority of (a) of this subsection, the priority for a comparable upland tax parcel shall be:

(i) The same use class within the water-dependent category as the lease area use. For the purposes of this section, some examples of use classes include:

(A) Marinas and recreational moorage, including recreational boat launches and local upland facilities for open water moorage;

(B) Industrial and commercial shipping terminals and moorage;

(C) Conservation and natural resource protection areas;

(D) Mitigation sites; and

(E) For water-oriented floating homes, the same use class means any floating home;

(ii) Any water-dependent use within the same upland zoning;

(iii) Any water-dependent use; and

(iv) Any water-oriented use.

(5) **Aquatic land lease area.** The area under lease shall be expressed in square feet or acres.

(a) Where more than one use class separately exist on a lease area, the formula shall only be applied to the water-dependent use area. Other use areas of the lease shall be treated according to the regulations for the specific use.

(b) If a water-dependent and a nonwater-dependent use exist on the same portion of the lease, the rent for such portion shall be negotiated taking into account the proportion of the improvements each use occupies.

**(6) Real rate of return.**

(a) Until July 1, 1989, the real rate of return to be used in the formula shall be five percent.

(b) On July 1, 1989, and on each July 1 thereafter the department shall calculate the real rate of return for that fiscal year under the following limitations:

(i) It shall not change by more than one percentage point from the rate in effect for the previous fiscal year; and

(ii) It shall not be greater than seven percent nor less than three percent.

(7) **Annual inflation adjustment of rent.** The department shall use the inflation rate on a fiscal year basis e.g., the inflation rate for calendar year 1984 shall be used during the period July 1, 1985 through June 30, 1986. The rate will be published in a newspaper of record. Adjustment to the annual rent of a lease shall occur on the anniversary date of the lease except when the rent is redetermined under subsection (9) of this section. The inflation adjustment each year is the inflation rate times the previous year's rent except in cases of stairstepping.

**(8) Stairstepping rental changes.**

(a) Initial increases for leases in effect on October 1, 1984. If the application of the formula results in an increase of more than one hundred dollars and more than thirty-three percent, stairstepping to the formula rent shall occur over the first three years in amounts equal to thirty-three percent of the difference between each year's inflation adjusted formula rent and the previous rent.

Example

Previous rent = \$100.00      Formula rent = \$403.00      Inflation = 5%/yr.

Yr.	Formula Rent	Previous Rent	Difference	33%	Stairstep Rent
1	\$403.00	\$100.00	\$303.00	\$100.00	\$200.00
2	423.15	100.00	323.15	106.64	306.64
3	444.31	100.00	344.31	113.62	420.26
4	466.52	-	-	-	466.52

(b) Initial decreases for leases in effect on October 1, 1984. If the application of the formula results in a decrease of more than thirty-three percent, stairstepping to the formula

rent shall occur over the first three years in amounts equal to thirty-three percent of the difference between the previous rent and each year's inflation adjusted formula rent.

Example

Previous rent = \$403.00      Formula rent = \$100.00      Inflation = 5%/yr.

Yr.	Previous Rent	Formula Rent	Difference	33%	Stairstep Rent
1	\$403.00	\$100.00	\$303.00	\$100.00	\$303.00
2	403.00	105.00	298.00	98.34	204.66
3	403.00	110.25	292.75	96.61	108.05
4	-	115.76	-	-	115.76

(c) If a lease in effect on October 1, 1984, contains more than one water-dependent or water-oriented use and the rental calculations for each such use (e.g., log booming and log storage) result in different rentals per unit of lease area, the total of the rents for those portions of the lease area shall be used to determine if the stairstepping provisions of (a) or (b) of this subsection apply to the lease.

(d) If a lease in effect on October 1, 1984, contains a nonwater-dependent use in addition to a water-dependent or oriented use, the stairstepping provisions of (a) or (b) of this subsection:

(i) Shall apply to the water-dependent use area if it exists separately (see subsection (5)(a) of this section);

(ii) Shall not apply to any portion of the lease area jointly occupied by a water-dependent and nonwater-dependent use (see subsection (5)(b) of this section).

(e) Subsequent increases. After completion of any initial stairstepping under (a) and (b) of this subsection due to the first application of the formula, the rent for any lease or portion thereof calculated by the formula shall not increase by more than fifty percent per unit area from the previous year's per unit area rent.

(f) All initial stairstepping of rentals shall only occur during the term of existing leases.

(9) The annual rental shall be redetermined by the formula every four years or as provided by the existing lease language. If an existing lease calls for redetermination of rental during an initial stairstepping period, it shall be determined on the scheduled date and applied (with inflation adjustments) at the end of the initial stairstep period.

**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 05-16-121**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed August 3, 2005, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-10-056.

PROPOSED

Title of Rule and Other Identifying Information: Chapter 468-60 WAC, Trip reduction performance program (formerly CTR performance grant program).

Hearing Location(s): Transportation Building, Commission Board Room, 310 Maple Park Avenue S.E., Olympia, WA 98504, on September 13, 2005, at 3:00 p.m.

Date of Intended Adoption: September 13, 2005.

Submit Written Comments to: Robinson Hartsell, 310 Maple Park Avenue S.E., Olympia, WA, e-mail hartser@wsdot.wa.gov, fax (360) 705-6862, by September 1, 2005.

Assistance for Persons with Disabilities: Contact Jessica Alexander, TTY (360) 705-7760 or (360) 705-6808.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updating the rules will clarify the program and the parameters for participation by private employers, public agencies, nonprofit organizations, developers, and property managers.

Reasons Supporting Proposal: The revised rule would allow for better understanding and implementation for the program participants.

Statutory Authority for Adoption: RCW 70.94.996.

Statute Being Implemented: RCW 70.94.996.

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

Name of Proponent: WSDOT Public Transportation and Rail Division, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Robinson Hartsell, Public Transportation and Rail Division, (360) 705-7508.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The trip reduction performance program is a voluntary program that does not impact small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. There [is] no additional cost or revenue associated with the implementation of this rule.

August 1, 2005

John Conrad

Assistant Secretary for  
Engineering and Regional Operations

## Chapter 468-60 WAC

### ~~((CTR))~~ TRIP REDUCTION PERFORMANCE ~~((GRANT))~~ PROGRAM

AMENDATORY SECTION (Amending WSR 04-06-087, filed 3/3/04, effective 4/3/04)

**WAC 468-60-010** ~~((Commute))~~ Trip reduction performance ~~((grants))~~ program. The Washington state department of transportation (WSDOT) ~~((will develop))~~, together with the commute trip reduction (CTR) task force ~~((CTR))~~, ~~((and))~~ will administer ~~((a CTR performance grant program designed to reduce the number of commute vehicle miles traveled (VMT) and commute vehicle trips by employees))~~ the trip reduction performance program (TRPP). This program is designed to create cost-effective trip reduction projects that reduce the number of commute vehicle trips and commute vehicle miles traveled (VMT). The 2003 legislature

created this ~~((grant))~~ program to provide financial incentives or compensation to organizations that implement and administer cost-effective projects that increase the capacity of the transportation system by reducing the number of vehicle trips and miles traveled for commute purposes. The amounts ~~((granted))~~ awarded will be based on the estimated cost to reduce an annualized trip, and the projected number of annual commute vehicle trips and commute VMT reduced during the ~~((grant))~~ project period (the project goal). Up to half of the award amount is available through reimbursement for start-up costs. The remaining award amount ~~((of funds provided to the grantee))~~, as well as any bonus funds, will be determined based on the actual performance of their project in meeting or exceeding their goal. If necessary, WSDOT will revise these rules ~~((following the first grant round))~~ periodically to create a more ~~((effective and))~~ efficient ~~((grant))~~, cost-effective, trip reduction program.

(1) **What are** ~~((CTR performance grants))~~ trip reduction performance projects? ~~((Grants))~~ Funds are awarded on a competitive basis to organizations ~~((for reducing))~~ that create cost-effective projects designed to reduce commute vehicle trips and commute ~~((vehicle miles traveled))~~ VMT (based on the morning commute). The ~~((grantee))~~ organization will receive funds based on the value ~~((to the transportation system of the))~~ associated with each trip and overall project performance. The ~~((performance grant program))~~ TRPP is available to private employers, public agencies, nonprofit organizations, developers, and property managers who find new (to the area), sustainable ways to reduce the number of vehicle trips and vehicle miles traveled per person for commuting, or who provide financial incentives to their own or other employees for ridesharing, public transportation, nonmotorized transportation, telework, and alternative work schedules ~~((, and that reduce the number of vehicle trips and miles traveled for commuting)).~~

(2) **Definitions.** For purposes of this section, the following definitions apply.

(a) *Financial incentives* is defined as a policy, procedure, capital investment or payment intended to provide employees a financial gain if they commute in ways other than by driving alone. For example, the eligible incentives may include, but are not limited to: Providing a free transit pass, reducing the parking charge for rideshare vehicles, initiating parking charges for employee vehicles, reducing the cost of a transportation service such as a transit pass, paying the membership fee for a car sharing program, providing employees alternative work week schedules, providing a direct cash payment, reducing the insurance rate for employees who reduce the use of their vehicle for commuting, or reducing the distance an employee travels to work by reassigning their work location to a worksite closer to their home.

(b) *Car sharing* means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(c) *Telework* means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

(d) *Commute vehicle trips* is defined as the number of vehicle trips made to bring employees to work at a worksite or specified collection of worksites each morning.

(e) *Reduced commute vehicle trips* is defined as the change in the number of vehicle trips made to bring a consistent number of employees to a worksite or collection of worksites. Reduced vehicle trips can be calculated using ~~((two separate))~~ a baseline survey((s)) that measure the number of vehicles arriving at the specified worksite(s) ((and making)) and the mode split, and a subsequent survey measuring the same audience, mode split, with an adjustment made for the change in the number of employee responses for the two surveys. The difference between the two surveys will show an increase or reduction in commute vehicle trips. Subsection ~~((16))~~ (15) of this section describes in detail the process used by WSDOT to calculate reduced commute vehicle trips.

(f) *Commute vehicle miles traveled per person* (VMT) is the average distance employees travel to work (one way) in a motor vehicle, divided by the vehicle occupancy. For passenger cars, trucks, vans, and motorcycles, WSDOT will calculate the vehicle occupancy from survey data using CTR task force guidelines, or from equivalent data as agreed by WSDOT and the applicant. For buses, WSDOT will assume an average occupancy of twenty-five persons. Bicycling, walking, train ridership, and the avoidance of commute vehicle trips via telework and use of compressed workweeks, will not be considered as using motor vehicles.

(g) *Reduced VMT* is defined as the measured change in the number of vehicle miles traveled per employee. Reduced VMT can be calculated from two separate surveys that measure the commute distance per employee and the way they commute to work.

(h) *Performance* is defined as the reduction in the number of commute vehicle trips to the work location and the reduction in the commute vehicle miles traveled by employees at the specified work location(s).

(i) *Eligible trips* are defined in this section as the commute trips taken by employees at the targeted worksite(s) established in the applications and measured ~~((in))~~ using the proposed measurement methodology. ((To be considered an eligible reduced trip and VMT, the involved employee must benefit from the program implemented by the applicant.))

(j) *Agent* is an organization or individual who represents the private employer, public agency, nonprofit organization, developer, or property manager and is charged with managing the ~~((grant program))~~ TRPP or providing the employee the financial service.

(k) A *cost effective application* is one that defines a project that will reduce commute vehicle trips and commute vehicle miles traveled at a cost less than the defined roadway capacity cost. This cost will vary by year and will be clearly identified on the ~~((grant))~~ TRPP application form.

(l) *Mode split* is the percentage of employees traveling to work using various means of transportation (known as modes). For example, if the drive alone mode split for a worksite is seventy-three percent, then seventy-three percent of the employees arriving at that site drove alone.

(m) *Commute mode* is the means of transportation an employee took to work. For example, their commute mode

may be by driving alone, carpooling, alternative work schedule, teleworking, etc.

(3) **Who can apply?** ~~((These))~~ The statewide ((grants)) funds are available on a competitive basis for private employers, public agencies, nonprofit organizations, developers, and property managers or their agents who ((provide)) create new, sustainable trip reduction projects, and who provide financial incentives to their own or other employees for ride-sharing, public transportation, nonmotorized transportation, telework, and compressed work weeks.

(4) **What kinds of projects will be funded?** To receive funds, the project must meet the ~~((review criteria))~~ program requirements and rank highly in the competitive review. The applicant determines the actual scope and design of the project. New and existing projects are eligible ((to receive a grant)) for selection. The primary focus of the review committee will be to select sustainable, cost-effective trip reduction projects, and if they are new or innovative, they will be given additional consideration.

(5) **How much money is available for the program?** The amount of funds made available for this program is set in the state transportation budget. For the ~~((2003-))~~ 2005-2007 biennium, one million five hundred thousand dollars is budgeted for the ~~((grants))~~ projects. ((No more than seven hundred fifty thousand dollars will be available for each fiscal year (July-June).))

(6) **How will the ((grant)) TRPP funds be distributed?** A minimum amount of the ~~((grant))~~ TRPP funds is ((guaranteed)) to be available ((in)) for each of three funding zones: Ten percent of available funds for Central Puget Sound (CPS) (King, Pierce, Snohomish counties), ten percent of available funds for non-Central Puget Sound applications, and ten percent of available funds for statewide applications (applications with worksites in the CPS and outside the CPS). The remaining ((grant)) funds will be awarded based on the project's ranking and available funds. WSDOT is bound to this distribution only if there are applications that fit the program structure and are viable, cost-effective trip reduction projects.

(7) **How much money will be awarded to individual ((grants)) projects?** Funds will be allocated based on the estimated commute vehicle trips and miles traveled reduced for the project. The applicant will provide an estimate of the anticipated performance (their goal), and the amount of funds they request. Once the selection committee ranks the projects, WSDOT will award ~~((the grants))~~ funds based on committee ranking until seven hundred fifty thousand dollars is awarded in each fiscal year or all cost effective projects are funded. No one employer, etc., may receive more than one hundred thousand dollars per fiscal year.

(8) **How much money can be awarded to applications with multiple ((employer)) partners?** Each organization (agency or employer) on the application may receive up to one hundred thousand dollars with the total amount ((if funds that can be provided to a partnership application is the sum of the total amount eligible per employer up to two hundred fifty thousand dollars per application. No single application or project will be awarded a grant in excess of two hundred fifty thousand dollars)) not to exceed two hundred fifty thousand dollars per application, per fiscal year.



(9) **How does the applicant apply for the ~~((grant))~~ TRPP funds?** This subsection describes the application procedures used in the ~~((performance grant program))~~ TRPP. WSDOT will notify eligible applicants of the open period for ~~((grant))~~ applications. WSDOT may open more than one ~~((grant))~~ application period per year depending on whether all funds are awarded. Applicants apply ~~((for this grant))~~ by submitting a completed ~~(("Performance Grant Application"))~~ "TRPP" application form during an open ~~((grant))~~ application period. The ~~(("Performance Grant Application"))~~ "TRPP" application form is available on request from ~~((the Washington state department of transportation))~~ WSDOT and is also available ~~((to be downloaded from the WSDOT web site at: http://wsdot.wa.gov/TDM/performancegrant/))~~ by visiting WSDOT's web site at: <http://wsdot.wa.gov/TDM>.

(a) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for ~~((grants))~~ funds under this section in excess of one hundred thousand dollars in any fiscal year.

(b) ~~((Eligible))~~ Applicants may submit more than one ~~((application-))~~ project application for consideration; however, ~~((no applicant may request more grant funds than they are))~~ when the sum of all the project costs are combined, they cannot exceed what the individual applicant is eligible to receive.

(c) Applicants may ~~((and are encouraged to,))~~ submit ~~((a grant))~~ an application that will cover one or two years ~~((basic project))~~ and are encouraged to apply for projects that cover three to five years ~~((multi-year projects))~~.

(d) For basic projects, applications ~~((covering two years))~~ must estimate the number of vehicle trips and VMT reduced for each ~~((of the two))~~ fiscal year~~((s))~~, and must specify their target audience. Only one ~~((base))~~ baseline measurement will be required for a ~~((two-year application))~~ basic project. A final measurement will be required to determine the project's performance. A two-year basic project can receive the start-up portion of their award in the first year, and the performance portion in the second year. If a basic project is granted a renewal, the applicant may be required to conduct another baseline measurement. Renewal applications may include a proposed adjustment to the trip price and/or goal. Adjustments to the trip price or goal are subject to approval by WSDOT. All basic projects are subject to termination if the project is not performing according to expectations or is not continuing to work towards the reduction of commute trips. ~~((Recipients of two-year grants may receive the start-up portion of their award in the first year and the performance portion in the second year. In this situation, funding for the trips and VMT reduced will be assumed to have occurred in the second year of the project.))~~

(d) The grant funds must be received by the grantee by the end of the fiscal year in which the application was received.)

(e) ~~((No grants))~~ In the case of multi-year projects (three to five years), applicants must estimate the number of vehicle trips and VMT reduced for each biennium, as well as a project total, and must specify their target audience. Only one baseline measurement will be required for multi-year projects, unless otherwise stated in the scope of work. An interim measurement must be conducted prior to the end of

each biennium, and a final measurement at the end of the project. Interim and final performance funds, as well as bonus funds will be based on these measurements. Recipients will be able to receive start-up funds that are phased throughout the life of the project (see subsection (12) of this section for details on start-up fund disbursement). Performance funds will be available at the end of each biennium (interim performance funds) and again at the end of the project. The interim and final performance measurements and requests for funds must be received by WSDOT by June 15th. Projects may apply for an adjustment to the trip price and/or their goal at the end of each biennium. Trip price and goal adjustments will be subject to review and approval by WSDOT. All multi-year projects are subject to termination if the project is not performing according to expectations or is not continuing to work towards the reduction of commute trips. Payments for multi-year projects are contingent upon the provision of legislative funding in future biennia.

(f) No TRPP funds will be awarded to an applicant requesting compensation at a rate higher than the estimated annualized cost of providing new roadway capacity (maximum per trip cost) adopted for this program. The ~~((annualized cost of providing new capacity))~~ maximum per trip cost will be provided by WSDOT as part of the application document.

~~((g))~~ (g) For purposes of distributing awarded funds, one trip is assumed to equal 13.07 VMT (the average commute distance measured as part of the CTR program) or the average one-way commute distance for the employees covered by the project. The applicant may, through documentation in the applications, provide a different trip to VMT ratio that is specific to employees in their proposal.

~~((h))~~ (h) An agent "who will provide the financial incentive to the employee" can submit a project partnership ~~((grant))~~ application and be the prime ~~((grantee))~~ recipient for the project. All procedures in this section will apply to the agent for this type of partnership ~~((grant))~~ project.

~~((i))~~ (i) No applicant may claim ~~((a))~~ full reduction in employee commute vehicle trips or commute VMT that ~~((is))~~ are claimed as part of another ~~((application))~~ project. If the initial screening determines that project overlap will occur, WSDOT will notify the applicants, and will provide them with the opportunity to adjust their trip prices and goals. The payout for areas where WSDOT can determine the overlap will be adjusted by dividing the amount per trip by the number of TRPP projects involved in the overlap.

(10) **How will the application be reviewed?** An award committee comprised of between six and nine members will be selected by the chair of the CTR task force and will include at least two members of the commute trip reduction task force, at least one member from Central Puget Sound and one from the rest of the state, at least one employer, at least one transit member and at least one city government representative. ~~((Grants))~~ Projects will be ~~((awarded))~~ selected based on the criteria as defined in subsection (11) of this section.

(11) **What are the review criteria?** The applications will be reviewed based on the following criteria~~((:))~~:

(a) ~~((Applicant provides incentives: To be eligible for the grant, the applicant must provide financial incentives to~~



their own or other employees for ridesharing, using public transportation, car sharing, or nonmotorized commuting.

**(b) Project predictability:** Are the estimates of employee participation and overall trip and VMT reduction likely to be achieved based on the assessment of the review committee?

**(c) Measurability:** The performance of the project must be measurable. If the applicant submits their own measurement approach, the measurement plan submitted must be as accurate an estimate of the trips reduced as would be generated if the applicant made use of the WSDOT-developed measurement tool (subsection (16) of this section).

**(d) Cost effectiveness:** Does the project have a high likelihood of achieving its benefits at a relatively low expenditure of performance grant funds? Are the projected benefits achievable at a cost less than providing the equivalent roadway capacity?

**(e) Sustainability:** If this project is funded, will its benefits continue after the grant funded element of the project has been completed? Do the project design and partnerships indicate a high probability for continuing the project after all grant funds are used?

**(f) Thoroughness:** Has the project been thoroughly researched and carefully thought out? Are adequate details presented? **Cost effectiveness:** Does the project have a high likelihood of achieving its benefits at a relatively low expenditure of TRPP funds? Are the projected benefits achievable at a cost less than providing the equivalent roadway capacity?

**(b) Sustainability:** If this project is funded, will its benefits continue after the funding element of the project has been completed? Do the project design and partnerships indicate a high probability for continuing the project after all TRPP funds are used? Can the reduction in trips be sustained over a "multi-year project" timeline?

**(c) Innovation:** Is the proposed project a new idea, or something that's been done before but is new to the area? Does the project propose unique cost-effective ways to reduce trips?

**(d) Measurability:** The performance of the project must be measurable. If an applicant proposes to use their own measurement approach, a detailed measurement plan will be submitted as a part of the application and must be approved by WSDOT. The measurement approach must be as accurate an estimate of the trips reduced as would be generated if the applicant made use of the WSDOT-developed measurement tool (subsection (15) of this section). Deviations from the approved measurement plan will be subject to review and approval by WSDOT. WSDOT may terminate the contract if the measurement deviation is not approved.

**(e) Project implementation:** What is the timeline for implementation of the project? When and how will the project be advertised to the target audience? All projects must conduct a baseline survey at the beginning of the project prior to implementation of the project. The applicant must indicate the implementation timeline, proposed measurement methods and measurement schedule in the application. If the nature of the project does not allow for a single baseline survey, the applicant must indicate the proposed measurement methodology as a part of the application. All projects must

be implemented within three months after signing the contract.

**(f) Applicant provides incentives:** To be eligible for TRPP funds, the applicant must provide financial incentives to their own or other employees for ridesharing, using public transportation, car sharing, or nonmotorized commuting.

**(g) Project predictability:** Are the estimates of employee participation, trip reduction, and VMT reduction likely to be achieved based on the assessment of the review committee?

**((g)) (h) Redundancy:** Does the project propose to provide services that are already available ~~((for))~~ to the employees?

**(i) Thoroughness:** Has the project been thoroughly researched and carefully thought out? Are adequate details presented in the application?

**(12) How will the recipient receive the money?** Once the projects have been reviewed, prioritized and selected, the applicant will enter into a contract with the Washington state department of transportation for implementation of the project. This contract will establish the amount of money the ~~((grantee))~~ award recipient can receive for the project, the timelines and performance expectations. The funds will be provided to the ~~((grantee))~~ recipient through three approaches: Start-up, performance and performance bonus. A draft contract will be made available by WSDOT prior to project selection.

**(a) Start-up funds:** The ~~((grantee))~~ basic project award recipient may request up to fifty percent of the awarded ~~((funds))~~ amount after ~~((project start-up))~~ a baseline measurement is completed or accepted. Start-up funds can be requested in the first year of the project. Multi-year project award recipients are eligible for start-up funds through a phased payment approach. To calculate the start-up fund disbursement for multi-year projects, multiply the total project amount by 0.5, then divide that number by the number of years in the project. Start-up funding will be provided on a dollar for dollar ~~((one))~~, cost-reimbursable basis, but ~~((in no circumstances))~~ will ~~((this amount))~~ not exceed fifty percent of the total project award for the duration of the project. The remaining award amount is considered performance funds.

**(b) ~~((Grant))~~ Performance funds:** The remaining funds will be available to the ~~((grantee))~~ recipient following the performance measurement. For basic projects, the ~~((grantee))~~ recipient has the option to measure their performance at the halfway ~~((through the project and at the end of the year))~~ point (interim measurement), but is required to measure at the end of their project. If the ~~((grantee))~~ recipient conducts ~~((a midterm))~~ an interim measurement, they will be eligible to receive half of the performance funding following this measurement with the balance available after the ~~((second))~~ final measurement survey. If the ~~((grantee))~~ recipient elects to ~~((measure only at the end of the project))~~ forego an interim measurement, all of the remaining funds will be available after the final measurement, ~~((depending on))~~ and will be determined by the performance ~~((they achieved through))~~ of their project. ~~((No performance funds will be available for any project that fails to perform.))~~ For multi-year projects, the recipient must measure their performance at the end of each biennium (by June 15th), and at the end of the

PROPOSED

project. All projects must reduce trips to be eligible for performance funds.

**(c) Performance bonus funds:** These funds will only be provided at the end of the contract period and the recipient will receive the funds for additional performance based on the same award rate per trip reduced and same award rate per VMT reduced as identified in their contract. The ((grantee)) recipient will be eligible to receive additional bonus funds up to one hundred twenty percent ((additional funds if the performance of their project)) or up to the maximum per trip cost (whichever is less) for every trip that exceeds their anticipated performance (the projected number of trips reduced). ((These funds will only be provided at the end of the contract period and the grantee will receive the funds for additional performance based on the same award rate per trip reduced and same award rate per VMT reduced as identified in their application and subsequent contract. Note: No one employer, etc., may receive more than one hundred thousand dollars in a FY.)) The performance bonus portion of the funding will only be available if funds are remaining in the ((grant)) TRPP account.

~~(13) ((Project timeline: To receive all eligible grant funds for the fiscal year, the grantee must provide measured data on their project's performance to WSDOT by June 15th.~~

**(14)) Receipt of ((grant)) TRPP funds:** To receive all eligible TRPP funds for the fiscal year, the recipient must provide measured data on their project's performance (baseline, interim and final surveys) to WSDOT by June 15th. The ((grantee)) recipient must submit a ((grant)) TRPP fund disbursement form provided by WSDOT in order to ((receive their grant)) request funds. On this form the ((grantee)) recipient will identify the funds requested and provide documentation of performance or expenditures ((if required)) for reimbursement of start-up costs. For the performance portion of the ((grant)) TRPP award, no funds will be made available without documentation of actual employee reductions in VMT and vehicle trips. Applications for multi-year projects must demonstrate the organization's ability to accept payments for performance, as well as bonus funds, through the end of the project time frame.

~~((15))~~ **(14) Performance documentation:** The applicant must, as part of the application, ((indicate how they will provide evidence of the performance made during the year)) describe the measurement approach for their project. WSDOT will make available a survey instrument that can be used to measure performance at employer worksites. The ((grantee)) recipient may elect to provide performance data in an alternative format ((approved)). The alternative format will be subject to approval by WSDOT. The measurement approach used by the applicant must clearly demonstrate how ((changes)) reduced trips and VMT are calculated and how adjustments will be made for changes in employee population.

~~((16))~~ **(15) Measurement of VMT and commute trips reduced:** Measurement of performance must provide actual counts of vehicle trips and VMT made by the employees in the program, preceding and following the ((grant)) project period. The performance measurement must adjust for changes in employee populations during the ((grant)) project period. WSDOT will use the following methodology

to calculate changes in the number of commute trips and commute VMT at a project worksite(s):

**(a) Baseline survey.** At the beginning of the ((program)) project, the worksite(s) will survey their employees about their commuting behavior using the standard WSDOT commute trip reduction employee survey form. This initial survey is called the baseline survey. WSDOT will calculate a baseline mode split, based on results from the baseline survey. In calculating this mode split, and those from subsequent surveys, WSDOT will calculate assumptions to adjust for missing data, days reported by employees as not worked, inconsistency between commute mode and vehicle occupancy data, and reported use of compressed workweeks as specified in the CTR guidelines published by WSDOT and available on the internet at <http://www.wsdot.wa.gov/tdm/tripreduction/CTRguide/SEC3.cfm>. Any start-up costs are contingent upon completion or acceptance of the baseline survey.

**(b) Performance measurement survey.** For basic projects (one- to two-year), the ((grantee)) recipient will have the option to survey the eligible project employees ((a second time by June 15th. This second survey is called the performance measurement survey)) midway through the project (by June 15th if it is a two-year project), and is required to survey at the end of the project. For multi-year projects (three to five years), the recipient will be required to survey the eligible project employees at the beginning of the project, each biennial (by June 15th), and at the end of the project.

**(c)** WSDOT will calculate the mode split based on the results of the performance measurement ((survey)). Using the number of employees at the site ((during the first measurement survey)) and the mode split from the ((first measurement)) baseline survey, WSDOT will calculate the average number of vehicle trips that employees took per day ((during the first measurement survey period)). Using this same number of employees, WSDOT ((also)) will calculate the average number of trips the employees ((would have taken)) took per day during the ((first)) performance measurement survey ((if they had)) (interim or final) and compare it to the mode split calculated from the baseline survey.

**(d)** The difference between the two numbers calculated under subsection (2)(b) of this section is the change in the average number of trips per day at the site between the two surveys. These calculations take into consideration changes in employment at the site; the employer will not be entitled to increased payments due to a reduction in force or be penalized because of an increase in employment.

**(e)** WSDOT will calculate the average one-way distance for morning commute trips made by each mode in the performance measurement survey, and multiply this by the change in the average number of trips by that mode per day. The sum of these values for motorized commuting modes is the change in VMT.

## WSR 05-16-126

## PROPOSED RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed August 3, 2005, 11:18 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 05-05-079.

Title of Rule and Other Identifying Information: WAC 388-416-0015 Certification periods for categorically needy medical and children's health insurance program (CHIP).

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 September 6, 2005, at 10:00 a.m.

Date of Intended Adoption: Not earlier than September 7, 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](mailto:fernaax@dshs.wa.gov), fax (360) 664-6185, by 5:00 p.m., September 6, 2005.

Assistance for Persons with Disabilities: Contact Stephanie Schiller, DSHS Rules Consultant, by September 2, 2005, TTY (360) 664-6178 or (360) 664-6097 or by e-mail at [schilse@dshs.wa.gov](mailto:schilse@dshs.wa.gov).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS is amending these rules to eliminate the six-month reporting requirement and reinstate the twelve-month eligibility reviews for children's and CHIP (children's health insurance program) medical programs.

Reasons Supporting Proposal: Amending this rule will reduce barriers (six-month reporting requirements) to medical assistance eligibility for children.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: Chapter 279, Laws of 2005.

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: Kathy Johansen, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1321.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not affect small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. This rule revision is exempt from the provisions of RCW 34.05.328 per 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 cli-

ent medical or financial eligibility and rules concerning liability for care of dependents."

July 28, 2005

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-21-064, filed 10/18/04, effective 11/18/04)

**WAC 388-416-0015 Certification periods for categorically needy (CN) medical and children's health insurance program (CHIP).** (1) A certification period is the period of time a person is determined eligible for a categorically needy (CN) medical program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues to the last day of the last month of the certification period.

(2) For a child eligible for the newborn medical program, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) For a woman eligible for a medical program based on pregnancy, the certification period ends the last day of the month that includes the sixtieth day from the day the pregnancy ends.

(4) For families ((and children)) the certification period is twelve months with a six-month report required as a condition of eligibility as described in WAC 388-418-0011.

(5) For children, the certification period is twelve months. Eligibility is continuous without regard to changes in circumstances other than aging out of the program, moving out of state or death. When the medical assistance unit is also receiving benefits under a cash or food assistance program, the medical certification period is updated to begin anew at each:

- (a) Approved application for cash or food assistance; or
- (b) Completed eligibility review.

~~((5))~~ (6) For an SSI-related person the certification period is twelve months.

~~((6))~~ (7) When the child turns nineteen the certification period ends even if the twelve-month period is not over. The certification period may be extended past the end of the month the child turns nineteen when:

- (a) The child is receiving inpatient services on the last day of the month the child turns nineteen;
- (b) The inpatient stay continues into the following month or months; and
- (c) The child remains eligible except for exceeding age nineteen.

~~((7))~~ (8) A retroactive certification period can begin up to three months immediately before the month of application when:

- (a) The client would have been eligible for medical assistance if the client had applied; and
- (b) The client received covered medical services as described in WAC 388-529-0100.

~~((8))~~ (9) If the client is eligible only during the three-month retroactive period, that period is the only period of certification.

~~((9))~~ (10) Any months of a retroactive certification period are added to the designated certification periods described in this section.

~~((10))~~ (11) For a child determined eligible for CHIP medical benefits as described in chapter 388-542 WAC:

(a) The certification periods are described in subsections (1), ~~((4))~~ (5), and ~~((6))~~ (7) of this section;

(b) There is not a retroactive eligibility period as described in subsections ~~((7), (8), and (9))~~ (8), (9), and (10); and

(c) For a child who has creditable coverage at the time of application, the certification period begins on the first of the month after the child's creditable coverage is no longer in effect, if:

- (i) All other CHIP eligibility factors are met; and
- (ii) An eligibility decision is made per WAC 388-406-0035.

### WSR 05-16-128

#### PROPOSED RULES

#### DEPARTMENT OF REVENUE

[Filed August 3, 2005, 11:51 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-096.

Title of Rule and Other Identifying Information: WAC 458-20-193C Imports and exports—Sales of good from or to persons in foreign countries.

Hearing Location(s): Capital Plaza Building, 4th Floor Executive Large Conference Room, 1025 Union Avenue S.E., Olympia, WA 98504, on September 14, 2005, at 10:00 a.m.

Date of Intended Adoption: September 21, 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 September 14, 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 would repeal WAC 458-20-193C. In the absence of a rule specific to imports and exports, the department expects that those transactions will be governed by the principles of WAC 458-20-193 Inbound and outbound sales of tangible personal property, but invites comments on this issue. The department also invites comments on whether the withdrawal of this treatment of imports and exports should be applied retrospectively or prospectively only.

Reasons Supporting Proposal: Rule 193C reflects an outmoded view of the restrictions imposed by the import-export clause of the United States Constitution that is no longer supported by current United States Supreme Court jurisprudence or statutory provisions. It's continued presence invites confusion among taxpayers.

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

Statute Being Implemented: RCW 82.04.4286 and 82.08.0254.

Rule is necessary because of a federal court decision and state court decision: *Michelin Tire Co. v. Wages*, 427 U.S. 276 (1976); *Department of Revenue of Washington v. Assoc. of Washington Stevedoring Cos.*, 435 U.S. 734 (1978); *Itel Containers Int'l. Corp. v. Huddleston*, 507 U.S. 60 (1993); and *Coast Pacific Trading, Inc. v. Department of Revenue*, 105 Wn.2d 912, 719 P.2d 541 (1986).

Name of Proponent: Department of Revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Gilbert 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. A small business economic impact statement is not required because repeal of the rule does not impose any requirements or burdens upon small businesses that are not already required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. This is an interpretive rule as defined in RCW 34.05.328.

August 3, 2005

Janis P. Bianchi, Manager  
Interpretations and  
Technical Advice Unit

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-20-193C

Imports and exports—Sales of goods from or to persons in foreign countries

**WSR 05-16-100**  
**EXPEDITED RULES**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Filed August 2, 2005, 10:36 a.m.]

Title of Rule and Other Identifying Information: WAC 292-09-140 Documents—Filing, the above section is amended to show a new physical office address. This section was overlooked in the previous filing.

**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 Barrie Althoff, Executive Director, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, AND RECEIVED BY October 3, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This is purely a housekeeping detail to update the agency's current physical address where documents are filed under WAC 292-09-140 Ethics in public service, chapter 292-09 WAC, Agency procedural rules. This detail was overlooked in the previous filing.

Statutory Authority for Adoption: RCW 42.17.250 and [42.17].260 and Washington State Constitution, Article IV, Section 31.

Statute Being Implemented: RCW 42.17.250 through 42.17.340.

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

Name of Proponent: Commission on Judicial Conduct, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barrie Althoff, 210 11th Avenue S.W., #400, Olympia, WA 98504, (360) 753-4585.

August 2, 2005

Barrie Althoff

Executive Director

AMENDATORY SECTION (Amending Order 95-01, filed 2/8/95, effective 3/11/95)

**WAC 292-09-140 Documents—Filing.** Any document filed with the commission under the provisions of the Administrative Procedure Act, chapter 34.05 RCW; model rules of procedure, chapter 10-08 WAC; and this chapter shall be filed with the Commission on Judicial Conduct, (~~908-5th Avenue S.E.,~~) 210 11th Avenue SW, #400, Olympia, WA 98504 or P.O. Box 1817, Olympia, WA 98507.

Unless otherwise required by law, filing of a document with the commission shall be made personally, by first class mail, by certified or registered mail, by commercial parcel

delivery company, or by facsimile and same-day mailing or original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

**WSR 05-16-115**

**EXPEDITED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed August 3, 2005, 9:12 a.m.]

Title of Rule and Other Identifying Information: WAC 16-406-015 What is considered "damage" and "serious damage" to apricots?

**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 George Huffman, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, or e-mail ghuffman@agr.wa.gov, AND RECEIVED BY October 3, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department recently adopted rewritten apricot standards (chapter 16-406 WAC, Washington standards for apricots). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the following language was inadvertently deleted from Table 1 in WAC 16-406-015: "(2) **Any deformity or injury causing the skin to break** more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance." The purpose of this filing is to permanently add the deleted language to Table 1.

Reasons Supporting Proposal: This filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots. This permanent rule amendment, when it becomes effective, will replace the emergency rule amendment filed on July 27, 2005 (WSR 05-16-034).

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

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

Name of Proponent: Washington State Department of Agriculture, governmental.

**EXPEDITED**

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, Olympia, Washington, (360) 902-1833.

August 3, 2005  
 Robert W. Gore  
 Assistant Director  
 Commodity Inspection Division

**AMENDATORY SECTION** (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

**WAC 16-406-015** What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1  
 "Damage" and "Serious Damage" for All Varieties of Apricots except the Riland Variety

Except for the Riland variety, the following are considered <b>damage</b> :	Except for the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Well-healed growth cracks</b> over 3/8 of an inch in length.	(1) <b>Well-healed growth cracks</b> that are more than 1/2 inch in length.
(2) <b>Punctures</b> over 3/16 of an inch in diameter.	(2) <b>Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.</b>
(3) <b>Stem pulls</b> over 3/8 of an inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russeting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	((2)) (3) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	((3)) (4) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2  
 "Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Growth cracks</b> exceeding 3/8 inches in length.	(1) <b>Growth cracks</b> that are not well healed and are more than 1/2 inch in length.
(2) <b>Punctures</b> exceeding 1/4 of an inch in diameter.	
(3) <b>Stem pulls</b> exceeding 1/2 inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russeting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

**WSR 05-16-116**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed August 3, 2005, 9:13 a.m.]

Title of Rule and Other Identifying Information: WAC 16-414-155 What specific defects are considered serious to Washington standards for sulphured cherries?

**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 George Huffman, Rules Coordinator, Washington State Department of Agriculture,

EXPEDITED

P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, or e-mail ghuffman@agr.wa.gov, AND RECEIVED BY October 3, 2005.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department recently adopted rewritten cherry standards (chapter 16-414 WAC, Washington standards for cherries). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the word "damage" was inadvertently omitted from the section title for WAC 16-414-155. The correct title should read: "What specific defects are considered serious damage to Washington standards for sulphured cherries?" The word "damage" was also inadvertently omitted from the first sentence of the section. The corrected sentence should read: "The defects listed in the following table are considered serious damage." The purpose of this filing is to permanently add the omitted words "damage" to WAC 16-414-155.

Reasons Supporting Proposal: This housekeeping amendment is necessary to eliminate any ambiguity and confusion in the mind of someone reading WAC 16-414-155.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Statute Being Implemented: Chapter 15.17 RCW.

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

Name of Proponent: Washington State Department of Agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Quigley, Olympia, Washington, (360) 902-1833.

August 3, 2005

Robert W. Gore

Assistant Director

Commodity Inspection Division

**AMENDATORY SECTION** (Amending WSR 05-12-037, filed 5/25/05, effective 6/25/05)

**WAC 16-414-155** What specific defects are considered serious damage to Washington standards for sulphured cherries? The defects listed in the following table are considered serious damage:

DEFECT	DESCRIPTION
(1) <b>Deformed cherry or double cherry</b>	Any deformed sulphured cherry or double sulphured cherry is considered serious damage.
(2) <b>Mechanical injury</b>	Mechanical injury to <b>Washington No. 2 whole cherries</b> is considered serious damage if it causes any: <ul style="list-style-type: none"> <li>• Open pitter holes;</li> <li>• Pitter hole where there is a serious loss of flesh;</li> <li>• Pitter tears; or</li> <li>• Other mechanical injury that seriously affects the cherry's appearance.</li> </ul>

DEFECT	DESCRIPTION
(3) <b>Mechanical injury</b>	Mechanical injury to <b>Washington No. 2 halved cherries</b> is considered serious damage if it causes any: <ul style="list-style-type: none"> <li>• Open pitter holes;</li> <li>• Pitter hole where there is a serious loss of flesh;</li> <li>• Pitter tears; or</li> <li>• Other mechanical injury that seriously affects the cherry's appearance.</li> </ul>
(4) <b>Surface discoloration</b>	Surface discoloration is considered serious damage when any: <ul style="list-style-type: none"> <li>• Light surface discoloration exceeds, in the aggregate, 1/2 of the cherry's surface; or</li> <li>• Dark surface discoloration exceeds, in the aggregate, 1/8 of the cherry's surface.</li> </ul>
(5) <b>Rain cracks</b>	Rain cracks on <b>Washington No. 2 whole cherries</b> are considered serious damage if: <ul style="list-style-type: none"> <li>• In the stem basin and more than 1/2 inch in length; or</li> <li>• Outside the stem basin and more than 3/8 of an inch in length, measured on the circumference.</li> </ul>
(6) <b>Rain cracks</b>	Rain cracks on <b>Washington No. 2 halved cherries</b> are considered serious damage if: <ul style="list-style-type: none"> <li>• In the stem basin and more than 1/4 inch in length; or</li> <li>• Outside the stem basin more than 3/16 of an inch in length, measured on the circumference.</li> </ul>
(7) <b>Blemished</b>	Any blemish or combination of blemishes are considered serious damage if they seriously: <ul style="list-style-type: none"> <li>• Affect the appearance of the cherry; or</li> <li>• Discolor the flesh of the cherry.</li> </ul>

EXPEDITED





**WSR 05-16-005**  
**PERMANENT RULES**  
**YAKIMA VALLEY**  
**COMMUNITY COLLEGE**

[Filed July 21, 2005, 1:34 p.m., effective September 1, 2005]

Effective Date of Rule: September 1, 2005.

Purpose: The purpose of the changes to the colleges' "student records" WAC is to more clearly define staff responsibilities and student understanding. The changes also reflect the addition of photographs, e-mail addresses and enrollment status (number of credits enrolled) as "directory information."

Citation of Existing Rules Affected by this Order: Amending WAC 132P-33-100.

Statutory Authority for Adoption: RCW 28B.50.150, WAC 132P-33-100, and 20 U.S.C. § 1232g.

Adopted under notice filed as WSR 05-10-059 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 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2005.

Tomas Ybarra  
Dean for Student Services

AMENDATORY SECTION (Amending WSR 99-13-140, filed 6/18/99, effective 7/19/99)

**WAC 132P-33-100 ((~~Student records~~)) Disclosure of student records. ((In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.**

~~(1) Education record. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Yakima Valley Community College these are:~~

~~(a) Records pertaining to admission, advisement, registration, grading and progress toward a degree that are maintained by the registrar.~~

~~(b) Testing information used for advisement and counseling purposes by the counseling center.~~

~~(c) Information concerning payment of fees as maintained by the business office.~~

~~(d) Financial aid information as collected by the financial aid office.~~

~~(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.~~

~~(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.~~

~~Note: Charges may be assessed for reproduced copies of education records.~~

~~(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.~~

~~(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:~~

~~(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASYVCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.~~

~~(b) To officials of another school in which the student seeks or intends to enroll.~~

~~(c) To authorized federal, state, or local officials as required by law.~~

~~(d) In connection with financial aid for which the student has applied or received.~~

~~(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.~~

~~(f) To appropriate parties in a health or safety emergency.~~

~~(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.~~

~~In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.~~

~~When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested informa-~~

tion from education records and the nature of the interest in that information.

Educational records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting their party disclosures to other parties listed in subsection (4)(a) through (g) of this section.

(5) ~~Challenge of education records.~~ Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing through a written request to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and  
Privacy Act Office (FERPA)  
Department of Health, Education, and Welfare  
330 Independence Avenue, SW  
Washington, DC 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents  
US Government Printing Office  
Washington, DC 20402)

The Family Educational Rights and Privacy Act (FERPA) permits a student's education records to be disclosed without consent to persons who meet the strict definition of an "education official" who has a "legitimate educational interest" in their records.

(1) Education official. Education official is defined as a person employed by the college in either an administrative, supervisory, academic, research, law enforcement or support staff position; persons serving on official committees such as disciplinary or grievance; an outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Washington state college and university systems.

The college may designate a student employee of the college as an education official, with the approval of the vice-president for instruction and student services, according to the following procedure:

(a) Supervisor establishes job description identifying specific tasks to be performed by the student employee that require access to personally identifiable confidential information about students, including enrollment records, grades, or other education records;

(b) Supervisor submits job description to dean for approval;

(c) Dean submits job description to the vice-president for approval;

(d) Vice-president forwards approved job description to supervisor.

(2) Legitimate educational interest. Educational interest is a need for an education official to review education records in order to fulfill his or her professional responsibilities. These responsibilities may or may not be limited to the following areas:

(a) Performing a task that is specified in his/her position;

(b) Researching a matter related to student discipline;

(c) Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an educational record;

(d) Maintaining safety and security on campus.

(3) Education records. Education records are records, files, and documents containing information directly related to a student or maintained by an educational institution; such as:

(a) Records pertaining to admission, advising, registration, grades and degree information that are maintained by the college;

(b) Testing information used for advising and counseling purposes maintained by the college;

(c) Information maintained by the college concerning payment of fees;

(d) Financial aid information as maintained by the college;

(e) Information regarding students participating in student government or athletics maintained by the college.

The following student records are not considered education records and are not subject to FERPA protection against unauthorized disclosure:

(i) Employment records when the employment is not connected to student status;

(ii) Sole possession records or private notes held by education officials that are not accessible or released to other personnel; other than a temporary substitute;

(iii) Alumni records, which do not relate to the person as a student;

(iv) Application records of students not admitted to the college;

(v) Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;

(vi) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.

(4) Directory information. An educational institution is allowed to designate certain types of information that may be released without seeking written permission from the stu-

dent. Directory information may be provided to the person requesting it either in person, by mail, or by telephone.

All requests for directory information from persons not employed by YVCC shall be referred to enrollment services. Only designated registration personnel are authorized to comply with requests for directory information.

Yakima Valley Community College has designated the following items as directory information:

- (a) Student's name;
- (b) Address;
- (c) Telephone number;
- (d) Date and place of birth;
- (e) Photographs;
- (f) E-mail address;
- (g) Major field of study;
- (h) Eligibility for and participation in officially recognized activities, organizations, and sports;
- (i) Weight and height statistics for members of athletic teams;
- (j) Dates of attendance (quarters in attendance);
- (k) Enrollment status (number of credits enrolled);
- (l) Honor roll;
- (m) Degrees and awards received;
- (n) Most recent previous educational agency or institution attended by the student.

(5) Protecting directory information from disclosure. Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by personally submitting a request in writing to the enrollment services office. This request to prevent the release of information becomes a part of the student's record and remains in effect (even after graduation) until the student instructs the college, in writing, to remove the hold status on the record.

(6) Disclosure exceptions. In addition to directory information the college will, at its discretion, make disclosures from education records without the student's prior written consent or to the following listed parties:

- (a) Education officials with a legitimate educational interest;
- (b) To officials of another school in which the student seeks or intends to enroll;
- (c) To authorized federal, state, or local officials as required by law;
- (d) To persons specified in a lawfully served judicial order or subpoena, provided the college makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification);
- (e) In connection with financial aid for which the student has applied or received;
- (f) To accrediting organizations, or organizations conducting studies for or on behalf of the institution;
- (g) To appropriate parties in a health or safety emergency (campus security will personally relay message of an emergent nature to students);
- (h) To parents of a dependent student, upon receipt of their most recently filed tax return, that shows the student as a dependent or upon receipt of a written statement approving the release of nondirectory information from the student. The

following information can be released to the parents of dependent college students:

- (i) Tuition account balances;
- (ii) Financial aid eligibility;
- (iii) Reason for an account hold (not to include titles of library materials);
- (iv) Explanation of the satisfactory academic progress policy;
- (v) Violation of student conduct policies concerning alcohol and controlled substances.

Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding students. Statements made by college personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if college personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records (grades, GPA, etc.) the person is required to obtain prior written permission from the student. In cases where consent of the student is required for release of education records, the student shall submit a written, signed and dated statement specifying the records to be disclosed, the purpose of the disclosure, and the name of the party to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to education officials or the student, the education official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

(7) Student's rights and responsibilities regarding student records.

(a) Students have the right to inspect and review their records by submitting a written, signed request to the enrollment services office stating the record they wish to review. Charges may be assessed for reproduced copies of education records.

(b) Students have the right to seek to amend their education records. Students who believe that information contained in their education record is inaccurate, misleading, or in violation of privacy rights, may submit a written request to amend their records to the appropriate education official. The education official(s) will make every effort to settle disputes through informal meetings and discussion with the student. In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the education official involved shall advise the student of the right to a hearing by the student submitting a written request, appealing the decision of the education official, to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate education official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

(c) Students have the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.

(d) Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints is:

The Family Educational Rights and Privacy Act Office (FERPA)

Department of Health, Education, and Welfare

330 Independence Avenue, S.W.

Washington, DC 20201

Web site: <http://www.ed.gov/offices/om/fpc/>

(e) Students have the right to obtain a copy of the college's student records policy. Copies are available through the associated student body and the enrollment services office.

## WSR 05-16-006

### PERMANENT RULES

### NORTHWEST

### CLEAN AIR AGENCY

[Filed July 21, 2005, 1:36 p.m., effective August 21, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The regulation amendments will allow the NWCAA to clarify various sections of our rules. (See Summary below).

Citation of Existing Rules Affected by this Order:  
**Amendatory Sections**

**SECTION 100 - NAME OF AGENCY**, revise to facilitate agency name change.

**SECTION 102 - POLICY**, delete option for alternative compliance methods to eliminate Control Officer discretion.

**SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES**, update to incorporate new or revised state and federal regulations.

**SECTION 131 - VIOLATION - NOTICES**, clarify enforcement procedures and authority.

**SECTION 133 - CIVIL PENALTY**, clarify enforcement procedures and increase maximum civil penalty amount to account for inflation.

**SECTION 200 - DEFINITIONS**, revise to provide regulatory clarification.

**SECTION 300 - NEW SOURCE REVIEW**, minor revisions to provide consistency with the state new source review (NSR) program found in WAC 173-400-110. Add a subsection requiring sources to comply with their order of approval to construct (OAC).

**SECTION 301 - TEMPORARY SOURCES**, limit the regulation of nonroad engines to those that operate in a stationary manner.

**SECTION 320 - REGISTRATION PROGRAM**, minor clarifications.

**SECTION 324 - FEES**, clarify fee categories and update fee schedules through calendar year 2007.

**SECTION 325 - TRANSFER OR PERMANENT SHUTDOWN**, rename section and add notification and lockout requirements for sources that are permanently shutdown.

**SECTION 340 - REPORT OF UPSET AND BREAKDOWN**, revise reporting requirements for breakdown and upset events that exceed emissions limits.

**SECTION 341 - REPORT OF SHUTDOWN OR STARTUP**, minor clarifications, reduce the time required for the advanced notification, and add reporting requirement for shutdowns or startups that exceed emission limits.

**SECTION 342 - OPERATION AND MAINTENANCE**, minor clarifications.

**SECTION 424 - OZONE STANDARD**, revise to reflect the new federal 0.08 ppm, 8-hour, ambient ozone standard.

**SECTION 460 - WEIGHT/HEAT RATE STANDARD - EMISSION OF SULFUR COMPOUNDS**, provides clarifications and eliminates an unnecessary exemption.

**SECTION 502 - OUTDOOR BURNING**, add definitions and add a provision to deny the fire permits to a party if there is an outstanding penalty due for a Section 502 violation.

**SECTION 550 - PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE**, minor clarifications and revise the control standard from best available control technology (BACT) to reasonable available control technology (RACT) because RACT is applicable only to existing sources per the Washington State Clean Air Act.

**SECTION 570 - ASBESTOS CONTROL STANDARDS**, revise criteria for asbestos removal notification, remove optional notification amendments and adjust notification fee schedule.

**SECTION 590 - PERCHLOROETHYLENE DRY CLEANERS**, add requirement to keep records on-site and available for inspection.

#### New Sections

**SECTION 305 - PUBLIC INVOLVEMENT**, this new section provides a process for public involvement when handling notice of construction (NOC) application, orders of approval to construct (OAC) revisions and other similar agency actions. This section is being added as an alternative to the state public involvement procedures of WAC 173-400-171.

**SECTION 367 - GENERAL REQUIREMENTS FOR MONITORING AND TESTING**, this new section along with Appendix A is a rewrite of the requirements for operating ambient and continuous emission monitors (CEMs) and the requirements for emission stack testing. Section 367 and Appendix A replaces Sections 360, 365, 366 and the NWCAA "Guidelines for Industrial Monitoring Equipment and Data Handling" that previously applied to these activities.

**SECTION 403 - PARTICULATE STANDARDS (PM-2.5)**, add new federal ambient standard for fine particulate matter.

**SECTION 506 - SOLID BURNING DEVICE STANDARDS**, repeal existing Section 480 and rewrite under Section 506. Revisions include minor clarifications, new requirements for the installation of solid fuel heating devices, and clarifies under which conditions a resident can exercise an exemption during burn bans.

#### Repealers

**SECTION 130 - CITATIONS - NOTICES**, delete as this section is not necessary for enforcement.

**SECTION 312 - ENVIRONMENTAL POLICY GUIDELINES**, this old and outdated version of State Environmental Policy Act (SEPA) rules is being deleted. The agency will address the SEPA processing for applicable action items by incorporating chapter 197-11 WAC, SEPA rules, by reference in Section 104.

**SECTION 360 - TESTING AND SAMPLING**, these requirements are now contained in new Section 367 and Appendix A.

**SECTION 365 - MONITORING**, these requirements are now contained in new Section 367 and Appendix A.

**SECTION 366 - INSTRUMENT CALIBRATION**, these requirements are now contained in new Section 367 and Appendix A.

**SECTION 480 - SOLID FUEL BURNING DEVICE STANDARDS**, this section is being replaced by Section 506.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 05-10-098 on May 4, 2005.

A final cost-benefit analysis is available by contacting Northwest Clean Air Agency, 1600 South Second Street, Mount Vernon, WA 98273, phone (360) 428-1617, fax (360) 428-1620, e-mail jamie@nwcleanair.org.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, 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 5, Amended 20, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 20, Repealed 6.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 14, 2005.

James B. Randles  
Control Officer

**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 05-17 issue of the Register.

## WSR 05-16-033

### PERMANENT RULES

#### DEPARTMENT OF CORRECTIONS

[Filed July 26, 2005, 4:45 p.m., effective August 26, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarify the definitions of sexual assault and add separate infractions for "attempted sexual assault" for data collection purposes for reporting under the Prison Rape Elimination Act; add a new infraction regarding unauthorized entry by an offender into a cell, tier or unit other than the one to which the offender is assigned.

Citation of Existing Rules Affected by this Order: Amending WAC 137-28-160 Definitions and 137-28-260 Serious infractions.

Statutory Authority for Adoption: RCW 72.01.090.

Adopted under notice filed as WSR 05-13-162 on June 21, 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 0, Repealed 0.

Date Adopted: July 26, 2005.

H. W. Clarke  
Secretary

**AMENDATORY SECTION** (Amending WSR 02-12-023, filed 5/28/02, effective 6/28/02)

**WAC 137-28-160 Definitions.** For the purposes of this chapter, the following words have the following meanings:

**Abusive sexual contact** - an incident in which the contact occurs without his/her consent or he/she was unable to consent or refuse. Abusive sexual contact includes one or more of the following behaviors:

• Intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim. It does not include kicking, grabbing or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempted suicide - an unsuccessful attempt to kill oneself as determined by a medical or mental health professional.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the con-

finer contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Deputy secretary - the deputy secretary of the office of correctional operations of the Washington state department of corrections, or the deputy secretary's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Infraction review officer - staff member(s) designated by the superintendent to review a serious infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical staff to determine whether an injury has been sustained shall not be considered medical care.

Mental health professional - an individual with a unique set of knowledge, skills and abilities that makes him/her competent in either development, research, administration, assessment, prevention, treatment, education or training aimed at effecting the onset, occurrence, and maintenance of mental, behavioral and in some cases physical health disorders.

Mitigating factors - factors to be considered by the infracting officer in deciding whether to charge a #328 general infraction rather than a #728 serious infraction. Also, factors to be considered by the infraction review officer, hearings officer, and superintendent for the purpose of deciding whether a #728 serious infraction should be reduced to a #328 general infraction. Mitigating factors may include the seriousness of the sexually explicit material involved, whether the inmate has been convicted of a sexually moti-

vated crime, the treatment needs of the inmate, the prior history of similar behavior, and the source of the material.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Secretary - the secretary of the Washington state department of corrections, or the secretary's designee.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Sexually explicit - means a depiction of one of the following:

- One of the participants in the sexual act is, or appears to be, nonconsenting;
- One of the participants in the sexual act appears to be forceful, threatening, or violent;
- One of the partners in the sexual act is dominating one of the other participants and one of the individuals is obviously in a submissive role or one of the participants is degraded, humiliated, or willingly engages in behavior that is degrading or humiliating;
- One of the participants in the sexual act is a minor, or appears to be a minor, or a minor alone is depicted in a sexually suggestive way;
- Actual penetration, be it penile/vaginal-oral, penile-anal, or penile-vaginal; digital-anal; digital-vaginal; or insertion of any inanimate object in the vaginal or anal cavity, and the depiction in the context presented is deemed to be a threat to legitimate penological objectives;
- Any bodily excretory function which is sexual in nature;
- Bestiality, sadomasochistic behavior, bondage; or
- Material reasonably deemed to be a threat to legitimate penological objectives.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

**AMENDATORY SECTION** (Amending WSR 04-07-163, filed 3/23/04, effective 4/23/04)

**WAC 137-28-260 Serious infractions.**

**(1) Assault/threatening actions/causing injury to another person**

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.

- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.
- 604 - Aggravated assault on a staff member.
- 611 - Sexual assault on a staff member.
- 612 - Attempted sexual assault of staff.\*
- 613 - Abusive sexual contact with staff.
- 633 - Assault on another offender.
- 635 - Sexual assault on another offender.
- 636 - Attempted sexual assault on another offender.\*
- 637 - Abusive sexual contact with another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to another person by resisting orders, resisting assisted movement or physical efforts to restrain.

#### Unauthorized possession

- 559 - Gambling; possession of gambling paraphernalia.
- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.
- 736 - Possession, manufacture or introduction of unauthorized keys.
- 738 - Possession of the clothing of a staff member.

- 739 - Possession of personal information about currently employed staff, contractors or volunteers, or their immediate family members, not voluntarily given to the offender by the individual involved, including, but not limited to: Social Security numbers, unpublished home addresses or telephone numbers, drivers license numbers, medical, personnel, financial or real estate records, bank or credit card numbers, or other like information not authorized by the court or the superintendent.

#### Tattooing

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

#### Theft/possession of stolen property

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

#### Forgery

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

#### Setting fire, damaging or destroying property

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm, tampering, damaging, blocking or interfering with fire alarms, fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.
- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

#### Inciting others/participation in unacceptable group behavior

- 650 - Rioting.
- 651 - Inciting others to riot.
- 652 - Engaging in or inciting a group demonstration.
- 682 - Engaging in or inciting an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.

- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.

- 746 - Engaging in or inciting an organized hunger strike.

#### **Inappropriate sexual behavior**

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728 - Possession of any written, photographic or hand-drawn material that depicts a sexually explicit act as defined in WAC 137-28-160.
- 750 - Indecent exposure.

#### **Providing false statements**

- 551 - Providing false information to a disciplinary hearing officer or on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by providing false information.
- 706 - Giving false information about proposed community residence when proposing a release plan, community placement, etc.

#### **Interfering with staff/impersonating**

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

#### **Failure to follow orders and rules**

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.
- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.
- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.
- 724 - Refusing a cell or housing assignment.
- 745 - Refusing a transfer to another facility.

#### **Counts/unauthorized absence**

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

#### **Escape/attempted escape**

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.
- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

#### **Committing crimes/excess infractions**

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

#### **Unacceptable communication**

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

#### **Misuse of controlled substances, drugs, alcohol and related programs**

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.
- 606 - Possession, introduction or transfer of any tobacco, tobacco products, matches, or tobacco paraphernalia.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.



- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

**Soliciting/fraud**

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

**Creating an emergency situation**

- 712 - Attempted suicide ((~~or self-mutilation~~)) as determined by mental health staff.
- 713 - Self-mutilation or self-harm.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

(2) In determining whether a #728 infraction or a #328 infraction pursuant to WAC 137-28-220 should be charged, the infracting officer shall consider mitigating factors as defined in WAC 137-28-160.

\*Attempts to commit infractions #611 or #635 are now separate infractions #612 and #636 for the Prison Rape Elimination Act (PREA) reporting purposes only and do not impact the definition in WAC 137-28-160 which includes "attempts."

**WSR 05-16-041****PERMANENT RULES****DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:53 a.m., effective September 1, 2005]

Effective Date of Rule: September 1, 2005.

Purpose: This rule pertains to what must be addressed in an employer's salary determination policy.

Citation of Existing Rules Affected by this Order:  
Amending WAC 357-28-035.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 05-12-125 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2005.

Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-01-205, filed 12/21/04, effective 7/1/05)

**WAC 357-28-035 What must be addressed in the employer's salary determination policy?** The employer's salary determination policy must minimally address the following:

- (1) Setting base salary for new employees;
- (2) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a position in a new class;
- (3) Increasing base salary in accordance with WAC 357-28-110 when an employee promotes to a permanent position while in a nonpermanent appointment;
- (4) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;
- (5) Setting base salary when an employee accepts a lay-off option, accepts a demotion in lieu of layoff, is appointed from an internal or statewide layoff list, or is reallocated to a position with a lower range and the employee's previous base salary is not within the salary range of the new position;
- (6) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated;
- (7) Setting a base salary when an employee is reverted following a voluntary demotion; and
- (8) Authorizing premiums for recruitment and retention as provided in WAC 357-28-095 and 357-28-100.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 05-16-042**

**PERMANENT RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:54 a.m., effective September 1, 2005]

Effective Date of Rule: September 1, 2005.

Purpose: This rule pertains to an individual request for review of the removal from an internal or statewide layoff list.

Citation of Existing Rules Affected by this Order: Amending WAC 357-46-145.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 05-12-126 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2005.

Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 04-18-114, filed 9/1/04, effective 7/1/04 [7/1/05])

**WAC 357-46-145 To whom and by when must an individual request a review of the removal from an internal or statewide layoff list?** If the employer is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the employer. If the individual is not in agreement with the results of the employer's review, he/she may request a director's review of the removal. If the director is responsible for maintaining the layoff list, requests for review of removal from a layoff list must be made to the department.

The request for a review must be received at the employer's office or the department's office within twenty (20) calendar days following notice of the action for which a review is requested.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 05-16-043**

**PERMANENT RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:57 a.m., effective September 1, 2005]

Effective Date of Rule: September 1, 2005.

Purpose: This rule pertains to when an employer can certify candidates for affirmative action purposes.

Citation of Existing Rules Affected by this Order: Amending WAC 357-16-135.

Statutory Authority for Adoption: Chapter 41.06 RCW. Adopted under notice filed as WSR 05-12-127 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2005.

Eva N. Santos  
Director

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

**WAC 357-16-135 When may an employer certify candidates for affirmative action purposes?** An employer may use supplemental certification to add to the certified pool when:

(1) Per the employer's certification procedure, the number of eligible candidates being certified is fewer than the total number of candidates eligible for certification;

(2) The employer's approved affirmative action plan shows that a goal exists in the job category for the particular affected group; and

(3) There are no individuals on the internal layoff list ((or statewide layoff)) list for the class who satisfy the competencies and other position requirements for the position.

**WSR 05-16-044**

**PERMANENT RULES**

**DEPARTMENT OF PERSONNEL**

[Filed July 27, 2005, 11:59 a.m., effective September 1, 2005]

Effective Date of Rule: September 1, 2005.

Purpose: This rule pertains to when an employee donates their personal holiday to another employee.

PERMANENT

Citation of Existing Rules Affected by this Order:  
Amending WAC 357-31-095.

Statutory Authority for Adoption: Chapter 41.06 RCW.  
Adopted under notice filed as WSR 05-12-128 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 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 14, 2005.

Eva N. Santos  
Director

**AMENDATORY SECTION** (Amending WSR 05-08-136, filed 4/6/05, effective 7/1/05)

**WAC 357-31-095** If an employee donates a personal holiday to another employee and a portion of the personal holiday is returned, can the donating employee use the remaining hours? An employee who has donated his/her personal holiday for purposes of shared leave and then has a portion of the personal holiday returned to him/her during the same calendar (~~(or fiscal year)~~) may use the remaining hours. If the hours are returned during a different calendar (~~(or fiscal year)~~), the employee cannot use the remaining hours.

## WSR 05-16-046

### PERMANENT RULES

#### HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Order 05-01—Filed July 27, 2005, 12:24 p.m., effective August 27, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Health Care Authority is adopting amendments and new sections to chapters 182-08, 182-12 and 182-16 WAC in order to clarify administrative and eligibility rules affecting PEBB-sponsored insurance coverage; clarify the PEBB appeal process; and effectuate changes enacted by the 2005 legislature in chapters 143 and 195, Laws of 2005.

Citation of Existing Rules Affected by this Order:  
Amending WAC 182-08-196, 182-12-148, 182-12-171, 182-12-205, 182-12-260, 182-12-265, 182-12-270, 182-16-040, and 182-16-050.

Statutory Authority for Adoption: RCW 41.05.160 and 41.05.350.

Other Authority: RCW 41.05.165.

Adopted under notice filed as WSR 05-13-093 on June 16, 2005.

Changes Other than Editing from Proposed to Adopted Version: The words "who are eligible for PEBB insurance benefits" is added to the new section WAC 182-12-116. The words "within the sixty day period" is added to the last sentence of WAC 182-12-205(7).

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 1, 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 4, Amended 9, 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 13, Amended 0, Repealed 0.

Date Adopted: July 25, 2005.

Cyndi L. Presnell  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-08-196** What happens if my health carrier becomes unavailable? (~~(Active)~~) Employees and retirees for whom the chosen health carrier becomes unavailable due to a change in service area, the health carrier no longer contracting, or the retiree's entitlement to Medicare must select a new health (~~(carrier)~~) plan within (~~(thirty one)~~) sixty days after notification by (~~(HCA)~~) the PEBB program.

(~~(Any person)~~) (1) Employees that fail((s)) to select a new health plan within the prescribed time period will be enrolled in the health carrier's successor plan if one is available or will be enrolled in the Uniform Medical Plan and the Uniform Dental Plan with existing dependent enrollment by default.

(2) Retirees and surviving dependents eligible under WAC 182-12-250 or 182-12-265 that fail to select a new health plan within the prescribed time period will be enrolled in the health carrier's successor plan if one is available or will be enrolled in the Uniform Medical Plan and the Uniform Dental Plan, except that retirees enrolled in Medicare Part A and B and who enroll in Medicare Part D may be defaulted to a PEBB-sponsored Medicare plan that does not include a pharmacy benefit.

Any (~~(person)~~) employee or retiree defaulted to a carrier's successor plan, the Uniform Medical Plan or the Uniform Dental Plan may not change ((the)) health ((carrier)) plans until the next open enrollment except as set forth in WAC 182-08-198.

(3) Enrollees continuing PEBB health plan coverage as provided in WAC 182-12-133, 182-12-148 or 182-12-270 (2) or (3) must select a new health plan no later than sixty days

after notification by the PEBB program or their health plan coverage will terminate as of the last day of the month in which the plan is no longer available.

#### NEW SECTION

**WAC 182-08-197 Newly eligible employees must select insurance coverages within thirty-one days of the date they become eligible to apply for coverage.** Newly eligible employees must select a medical and dental plan (if dental is available based on employer participation in PEBB insurance coverages) no later than thirty-one days after they become eligible to apply for coverage. Employees who do not select a medical and dental plan will be defaulted to Uniform Medical Plan and Uniform Dental Plan with existing dependent enrollment.

#### NEW SECTION

**WAC 182-08-198 When may an enrollee change health plans?** (1) Enrollees may change health plans during the annual open enrollment.

(2) Enrollees may change health plans outside of the annual open enrollment period if one of the following events occur, provided the request to change health plans is made no later than sixty days after the event occurs.

(a) The enrollee moves and the health plan they are enrolled in is not available in their new location. If the enrollee fails to select a new health plan they will be automatically defaulted to the Uniform Medical Plan or Uniform Dental Plan.

(b) The enrollee moves and a health plan that was not available to them before is available to them in the new location. The enrollee may choose to enroll in the newly available health plan.

(c) A court order requires the enrollee to provide coverage for an eligible spouse, same-sex domestic partner, or child and the enrollee adds the dependent to the coverage.

(d) The enrollee is a seasonal employee who is off during the annual open enrollment period. In this case the enrollee may select a new health plan upon their return to work.

(e) The employee retires. Employees may change health plans at the time that they apply for PEBB-sponsored retiree coverage.

(f) The enrollee's physician stops participation with the enrollee's health plan and it is determined by the PEBB appeals manager that a continuity of care issue exists. The PEBB appeals manager shall use the following criteria in determining if continuity of care issues exist:

(i) Active cancer treatment, (i.e., chemotherapy and/or radiation);

(ii) Recent transplant (within the last twelve months);

(iii) Scheduled surgery within the next sixty days; or

(iv) Major surgery within the previous sixty days; or

(v) Third trimester of pregnancy.

(g) It is determined by the PEBB appeals manager that there is a language barrier issue (e.g., a Vietnamese speaking provider discontinues participation in a plan and no other Vietnamese speaking provider is available within the subscriber's area that is contracting with that plan and/or within the travel range of the subscriber).

(h) The enrollee reaches their medical plan maximum.

(3) For enrollees making a health plan change during the annual open enrollment, the plan change must be made no later than the last day of the open enrollment period and the plan change is effective the first day of January following the open enrollment.

(4) For enrollees making a health plan change outside of open enrollment, the health plan change must be made no later than sixty days after the triggering event and the plan change is effective the first day of the month following the date the change request is received by the PEBB program.

#### NEW SECTION

**WAC 182-12-116 Who is eligible to participate in the PEBB flexible spending account program?** State agency employees, including those employed by all state higher education institutions, the higher education coordinating board, and the state board for community and technical colleges, who are eligible for PEBB insurance benefits as defined in WAC 182-12-115 are eligible to participate in the PEBB flexible spending account program.

AMENDATORY SECTION (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-148 May an employee continue PEBB insurance coverage during their appeal of dismissal?** (1) Employees awaiting hearing of a dismissal action before any of the following may continue their insurance coverage by self-payment of premium on the same terms as an employee who is granted leave without pay.

(a) For an appeal filed on or before June 30, 2005, the personnel appeals board (~~(higher education personnel board or any court may continue their insurance coverage by self-payment of premium on the same terms as an employee who is granted leave without pay)~~) or any court.

(b) For an appeal filed on or after July 1, 2005, the personnel resources board, an arbitrator, a grievance or appeals committee established under a collective bargaining agreement for union represented employees.

(2) If the (~~hearing board or court upholds the~~) dismissal is upheld, all insurance coverage shall terminate at the end of the month in which the (~~board or court's~~) decision is entered, or the date to which premiums have been paid, whichever is earlier.

(3)(a) If the (~~hearing~~) board, arbitrator, committee, or court sustains the employee in the appeal and directs reinstatement of employer paid insurance coverage retroactively, the employer must forward to HCA the full employer contribution for the period directed by the (~~hearing~~) board, arbitrator, committee, or court and collect from the employee the employee's share of premiums due, if any.

(b) HCA will refund to the employee any premiums the employee paid that may be provided for as a result of the reinstatement of the employer contribution only if the employee makes retroactive payment of any employee contribution amounts associated with the insurance coverage. In the alternative, at the request of the employee, HCA may deduct the employee's contribution from the refund of any premiums self-paid by the employee during the appeal period.

(c) All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively only if the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to restore such optional coverage.

**AMENDATORY SECTION** (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-171 Eligible retirees.** (1) Eligible employees who terminate public employment after becoming vested in a Washington state sponsored retirement system are eligible to continue PEBB sponsored insurance coverage as a retiree provided the following requirements in (a) and (b) of this subsection as well as one of (c) through (g) of this subsection are met:

(a) If the retiree or enrolled dependent(s) is entitled to Medicare and the retiree retired after July 1, 1991, the Medicare-entitled retiree or Medicare-entitled dependent must enroll in both Medicare Parts A and B; and

(b) The ~~((person))~~ retiring employee must submit an ~~((application))~~ election form to enroll or defer health plan coverage within sixty days after ~~((active))~~ their employer paid or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is eligible for retiree benefits under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection;

(c) Except as provided in (c)(vii) of this subsection, the person immediately upon termination begins receiving a monthly retirement income benefit from one or more of the following retirement systems:

(i) Law enforcement officers' and fire fighters' retirement system Plan 1 or 2;

(ii) Public employees' retirement system Plan 1 or 2;

(iii) School employees' retirement system Plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers' retirement system Plan 1 or 2; or

(vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), 41.32.762(1), 41.32.870(1), 41.35.410(1), 41.35.670(1), 41.40.625(1) or 41.40.815(1).

(d) The person is at least fifty-five years of age with at least ten years of state of Washington service credit and a member of one of the following retirement systems:

(i) Public employees' retirement system Plan 3;

(ii) School employees' retirement system Plan 3; or

(iii) Teachers' retirement system Plan 3.

(e) The person is a member of a state of Washington higher education retirement plan, and is:

(i) At least fifty-five years of age with at least ten years service; or

(ii) At least sixty-two years of age; or

(iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system, the person would have been eligible for a monthly

retirement income benefit because of age and years of service had the person been employed under the provisions of public employees' retirement system Plan 1 or Plan 2 for the same period of employment.

(g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not the person receives a benefit from a state retirement system.

(2) Eligible employees who participate in PEBB sponsored life insurance as an active employee and meet qualifications for retiree insurance coverage as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they ~~((apply to the HCA within))~~ submit an election form no later than sixty days after the date their ~~((active))~~ PEBB employee life insurance terminates ~~((and))~~, providing their employee life insurance premium is not being waived ~~((for any PEBB))~~ by the life insurance ~~((coverage))~~ carrier at the time ~~((of application for))~~ they elect retiree life insurance.

(3) The following retired and disabled school district and educational service district employees are eligible to participate in health plan coverage only, provided they meet all of the enrollment criteria stated below and if they are entitled to Medicare, are also enrolled in both Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB health plan coverage not later than the end of the open enrollment period established by the HCA for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(5) The two federal retirement systems, Civil Service Retirement System and Federal ((Civil Service)) Employees Retirement System, shall be considered a Washington state sponsored retirement system for Washington State University ~~((cooperative))~~ Extension ((service)) employees who ~~((hold a federal civil service appointment and who))~~ are covered under the PEBB insurance coverage at the time of retirement or disability.

(6) Employees who do not elect enrollment in PEBB retiree insurance coverage ~~((within))~~ no later than sixty days immediately after termination of employment for retirement, or immediately after continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends, or who terminate PEBB retiree coverage ~~((within))~~ no later than sixty days after retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree insurance coverage unless they retired and deferred PEBB retiree coverage pursuant to WAC 182-12-205 or retired and deferred PEBB retiree coverage pursuant to WAC 182-12-200.

(7)(a) If a retiree's insurance coverage terminates for any reason, coverage will not be reinstated at a later date. Examples of termination include, but are not limited to, any one or more of the following:

- (i) Failure to continue to meet eligibility requirements;
- (ii) Fraud, intentional misrepresentation or withholding of information the enrollee knew or should have known was material or necessary to accurately determine eligibility or the correct premium;
- (iii) Failure to provide information requested by the due date or knowingly providing false information;
- (iv) Abusive or offensive conduct repeatedly directed to an HCA employee, a health plan or other HCA contractor providing coverage on behalf of the PEBB program, its employees, or other persons; or
- (v) Intentional misconduct.

(b) If a retiree fails to pay the premium when due or an underpayment of premium is made, PEBB sponsored insurance coverage will terminate on the last day of the month for which the last full premium was received.

(c) Notwithstanding (a) of this subsection, the PEBB assistant administrator or designee may approve reinstatement of insurance coverage if the retiree or their dependent or beneficiary submits a written appeal and provides proof that extraordinary circumstances made it virtually impossible to make the payment and the retiree agrees to make payment in accordance with the terms of an agreement with the HCA. No insurance coverage will be reinstated more than three times.

(8) Enrollees may not enroll in retiree dental coverage unless they also enroll in retiree medical coverage.

(9) In order to continue retiree term life insurance, an election must be made within sixty days after retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life insurance may not be waived or deferred during periods of other coverage or otherwise.

#### NEW SECTION

**WAC 182-12-175 May a local government entity applying for participation in PEBB insurance coverage include their retirees in the transfer unit?** Local government entities applying for participation in PEBB insurance coverage under WAC 182-12-111(4), may request inclusion of retired employees who are covered under their retiree health plan at the time of application. The PEBB program will use the following criteria for approval of these requests for inclusion of retirees.

(1) The local government retiree health plan must have existed for a minimum of three years prior to the date of application for participation in PEBB health plans.

(2) Eligibility for coverage under the local government's retiree health plan must have required immediate enrollment in retiree health plan coverage upon termination of employee coverage.

(3) The retiree must have maintained continuous enrollment in their local government retiree health plan.

(4) To protect the integrity of the risk pool, if total local government retiree enrollment exceeds ten percent of the total PEBB retiree population, the PEBB program may:

(a) Stop approving inclusion of retirees with local government unit transfers; or

(b) May adopt a new rating methodology reflective of the cost of covering local government retirees.

(5) Retirees and dependents included in the transfer unit are subject to the enrollment and eligibility rules outlined in chapters 182-08, 182-12 and 182-16 WAC.

(6) Employees eligible for retirement subsequent to the local government transferring to PEBB health plan coverage must meet retiree eligibility as outlined in chapter 182-12 WAC.

AMENDATORY SECTION (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-205 Retirees may defer enrollment in PEBB health plan coverage at or following retirement.** (1) Beginning January 1, 2001, retirees may defer enrollment in health plan coverage at or following retirement if they are continuously covered under:

(a) Comprehensive employer sponsored medical coverage as an (~~(active)~~) employee or as the spouse or same sex domestic partner of an (~~(active)~~) employee; or

(b) As a retiree or as the spouse or as the same sex domestic partner of (~~(an employee's)~~) a retiree's retirement insurance from a federal retiree plan.

(2) If a retiree defers enrollment in PEBB health plan coverage, coverage is automatically waived for all eligible dependents.

(3) Election of retiree term life insurance coverage may not be deferred during periods of other coverage or otherwise.

(4) In order to defer health plan coverage, a retiree must submit the appropriate (~~(enrollment)~~) form(~~(s)~~) to the (~~(HCA)~~) PEBB program requesting deferment of coverage. The notice of deferral must be received by (~~(the HCA)~~) PEBB benefit services prior to the date coverage is deferred or within sixty days after the date the retiree is eligible to apply for PEBB sponsored retiree benefits.

(5) Retirees may reenroll in PEBB coverage following the end of a deferral period under conditions listed below.

(a) Retirees who defer PEBB health plan coverage while enrolled in employer sponsored medical coverage, may reenroll in PEBB health plan coverage by submitting the appropriate (~~(enrollment)~~) form(s) and satisfactory evidence of continuous enrollment in comprehensive employer sponsored coverage to the (~~(HCA)~~) PEBB program:

(i) During an annual open enrollment period; or

(ii) No later than sixty days after the last day of the employer sponsored coverage.

(b) Retirees who defer PEBB health plan coverage while enrolled as a retiree or dependent of a retiree in a federal retiree plan will have a one-time opportunity to reenroll in PEBB health plan coverage by submitting the appropriate (~~(enrollment)~~) form(s) and satisfactory evidence of continuous enrollment in a federal retiree medical plan to the (~~(HCA)~~) PEBB program:

(i) During an annual open enrollment period; or

(ii) No later than sixty days after the date their federal retiree coverage ends.

(c) PEBB health plan enrollment will be effective the first day of the month following the date employer sponsored coverage or coverage under a federal retiree plan ended, except that reenrollment in PEBB insurance coverage during the annual open enrollment will become effective the first day of January following the open enrollment period.

**AMENDATORY SECTION** (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-260 Eligible dependents defined.** The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse.

(2) A same sex domestic partner qualified through the declaration certificate issued by PEBB.

(3) Dependent children through age nineteen. The term "children" includes the subscriber's biological children, step-children, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified same sex domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by PEBB are included. To qualify for PEBB approval, the subscriber must demonstrate legal custody for the child with a court order, and the child:

(a) Must be living with the subscriber in a parent-child relationship; and

(b) Must not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(4) Dependent children age twenty through age twenty-three and who are registered students at an accredited secondary school, college, university, vocational school, or school of nursing.

(a) Dependent student coverage begins the first day of the month in which the quarter/semester for which the dependent is registered begins and ends the last day of the month in which the dependent stops attending or in which the quarter/semester ends, whichever is first, except that dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters ((and)).

(b) Dependent student coverage continues during the three month period following graduation provided the subscriber is covered, at the same time, the dependent has not reached age twenty-four, and the dependent meets all other eligibility requirements.

(5) Dependent children of any age with disabilities, developmental disabilities, mental illness or mental retardation who are incapable of self-support, provided such condition occurs prior to age twenty or during the time the dependent was ((covered)) eligible as a student under ((PEBB health plan coverage as a registered student)) subsection (4) of this section. The subscriber must provide proof ((of)) that such disability ((must be furnished)) occurred prior to the dependent's attainment of age twenty or ((loss of)) during the time the dependent satisfies eligibility for student coverage

under subsection (4) of this section, and as periodically requested thereafter by the PEBB program.

(a) The subscriber must notify the PEBB program, in writing, no later than sixty days after the date that a dependent child age twenty or older no longer qualifies under this subsection.

(i) For example, children who become self-supporting are not eligible under this rule as of the last day of the month in which they become capable of self-support. The dependent may be eligible to continue PEBB coverage under provisions of WAC 182-12-270.

(ii) Children age twenty and older that become capable of self-support do not regain eligibility under subsection (5) of this section if they later become incapable of self-support.

(6) Dependent parents.

(a) Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(i) The parent maintains continuous coverage in PEBB sponsored medical coverage;

(ii) The parent qualifies under the Internal Revenue Code as a dependent of an eligible subscriber;

(iii) The subscriber who claimed the parent as a dependent continues enrollment in PEBB insurance coverage; and

(iv) The parent is not covered by any other group medical coverage.

(b) Dependent parents that are eligible under (a) of this subsection may be enrolled with a different health carrier than that selected by the eligible subscriber; however, dependent parents may not add additional dependents to their coverage.

(7) The enrollee must notify the PEBB program, in writing, no later than sixty days after the date that a dependent no longer qualifies under subsection (1), (2), (3), (4) or (6) of this section. The subscriber must notify the PEBB program in writing no later than sixty days after the date a dependent no longer qualifies under subsection (5) of this section. A PEBB continuation of coverage election notice will only be available if the PEBB program is notified in writing within the sixty-day period.

**AMENDATORY SECTION** (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-265 What options for continuing ((insurance)) health plan coverage are available to widows, widowers and dependent children if the employee or retiree dies?** (1) Dependents that lose eligibility due to the death of an eligible employee may continue health plan coverage under a retiree plan provided they immediately begin receiving a monthly retirement benefit from any state of Washington sponsored retirement system.

(a) The employee's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEBB rules.

(c) If a surviving dependent of an eligible employee is not eligible for a monthly retirement benefit or a lump-sum payment because the monthly pension payment would be less than the minimum amount established by the department of



retirement systems, the dependent may continue health plan coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) or WAC 182-12-270.

(d) The ~~((Federal))~~ two federal retirement systems, Civil Service Retirement System and Federal Employees Retirement System, shall be considered a Washington sponsored retirement system for Washington State University ~~((cooperative))~~ extension service employees ~~((who held a federal civil service appointment and))~~ who were covered under PEGB insurance coverage at the time of death.

(2) Dependents that lose eligibility due to the death of a PEGB eligible retiree may continue health plan coverage under a retiree plan.

(a) The retiree's spouse or qualified same sex domestic partner may continue coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEGB rules.

(c) Dependents that are waiving PEGB ~~((insurance))~~ health plan coverage at the time of the retiree's death are eligible to enroll or defer PEGB retiree coverage ~~((if they submit evidence of continuous enrollment in other comprehensive medical coverage within)).~~ A form to enroll or defer PEGB health plan coverage must be hand-delivered or mailed to PEGB benefit services no later than sixty days after the retiree's death. To enroll in PEGB health plan coverage, the dependent must provide satisfactory evidence that enrollment in other health plan coverage was continuous from the most recent open enrollment period for which PEGB coverage was waived.

(3) Surviving spouses or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in PEGB insurance coverage at the time of the subscriber's death may enroll in PEGB sponsored health plan coverage provided the employee died on or after October 1, 1993, and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32, 41.35 or 41.40 RCW.

(a) The employee's spouse or qualified same-sex domestic partner may continue health plan coverage until death.

(b) Other dependents may continue coverage until they lose eligibility under PEGB rules.

(4) Application for surviving dependent coverage must be made in writing on an ~~((enrollment))~~ election form approved by PEGB ~~((within))~~ no later than sixty days after the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree insurance coverage terminated subject to the payment of premium. In order to avoid duplication of group medical coverage, surviving dependents may defer enrollment in PEGB health plan coverage for each full calendar month in which they maintain coverage under other employer sponsored comprehensive medical coverage. Notice of intent to defer PEGB coverage must be sent in writing to ~~((the HCA within))~~ PEGB benefit services no later than sixty days after the date of death of the subscriber.

(5) Surviving dependents that defer coverage while enrolled in an employer sponsored comprehensive medical plan must submit an application to reenroll in PEGB coverage ~~((within))~~ no later than sixty days after the last day of

coverage under the employer sponsored medical plan. Satisfactory evidence of continuous enrollment in an employer sponsored comprehensive medical coverage will be required by the ~~((HCA))~~ PEGB program prior to reenrollment in a PEGB health plan.

AMENDATORY SECTION (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-270 What options are available to dependents that cease to meet the definition of dependent in WAC 182-12-260? If eligible, dependents may continue enrollment in PEGB health plan coverage under one of the continuation options in subsection (1), (2), or (3) of this section by self-paying premiums following their loss of eligibility. PEGB must receive a timely election form as outlined in the PEGB Initial Notice of COBRA and Continuation Coverage Rights.** Options for continuing coverage are based on the reason that eligibility was lost.

(1) Dependents that lose eligibility due to the death of an employee or retiree may be eligible to continue coverage under provisions of WAC 182-12-265.

(2) Dependents of a lawful marriage that lose eligibility because they no longer meet the definition of dependent as defined in WAC 182-12-260 are eligible to continue coverage under provisions of the federal Consolidated Omnibus Budget Reconciliation Act (COBRA); or

(3) Dependents of a qualified same sex domestic partnership that lose eligibility because they no longer meet the definition of dependent as defined ~~((under COBRA))~~ in WAC 182-12-260 may continue under an extension of PEGB coverage for a maximum of thirty-six months.

No extension of PEGB coverage will be offered unless PEGB benefits services is notified through hand-delivery or United States Postal Service mail of a completed notice of qualifying event as outlined in the PEGB Initial Notice of COBRA and Continuation Coverage Rights.

AMENDATORY SECTION (Amending WSR 97-21-128, filed 10/21/97, effective 11/21/97)

**WAC 182-16-040 Appeals—Notice of appeal contents.** Except as provided by RCW 48.43.530 and 48.43.535, any person aggrieved by a decision of the health care authority's PEGB program may appeal that decision by filing a notice of appeal with the ~~((health care authority's))~~ PEGB program's appeals ~~((committee))~~ manager. The notice of appeal must contain:

(1) The name and mailing address of the enrollee;

(2) The name and mailing address of the appealing party;

(3) The name and mailing address of the appealing party's representative, if any;

(4) A statement identifying the specific portion of the decision being appealed making it clear what it is that is believed to be unlawful or unjust;

(5) A clear and concise statement of facts in support of appealing party's position;

(6) Any and all information or documentation that the aggrieved person would like considered and feels substantiates why the ~~((claim or request for coverage))~~ decision should be ~~((covered))~~ reversed (information or documentation sub-



mitted at a later date, unless specifically requested by the appeals ((~~committee~~)) manager, may not be considered in the appeal decision);

(7) A copy of the ((~~plan's~~)) PEBB program's or health carrier's response to the issue the appellant has raised;

(8) The type of relief sought;

(9) A statement that the appealing party has read the notice of appeal and believes the contents to be true, followed by his((~~f~~)) or her signature and the signature of his((~~f~~)) or her representative, if any;

(10) The appealing party shall file((~~, personally~~)) the original notice of appeal with PEBB benefit services using hand delivery, electronic mail or ((by)) United States Postal Service mail((~~, with the health care authority the original notice of appeal~~)). The notice of appeal must be received by ((~~the health care authority~~)) PEBB benefit services within sixty days after the decision of the ((~~agency~~)) PEBB staff was mailed to the appealing party. The ((~~agency~~)) PEBB appeals manager shall acknowledge receipt of the copies filed with ((~~the agency~~)) PEBB benefit services;

(11) ((~~Within thirty days after receipt of notice of appeal, the agency shall notify the appellant of any obvious errors or omissions, and request any additional information.~~))

((~~++~~)) The appeals ((~~committee~~)) officer will render a written decision within ((~~sixty~~)) thirty working days ((~~of~~)) after receipt of the complete notice of appeal.

**AMENDATORY SECTION** (Amending WSR 97-21-128, filed 10/21/97, effective 11/21/97)

**WAC 182-16-050 Appeals—Hearings.** (1) If the health care authority's appeals ((~~committee~~)) officer upholds the original denial, the enrollee may request ((~~a~~)) an administrative hearing ((by)) in writing to the ((health care authority's)) PEBB program's appeals manager. ((The health care authority)) PEBB benefit services must receive the written request for a hearing within fifteen days of the date the appeals ((~~committee's~~)) decision was mailed to the appellant.

(2) The agency shall set the time and place of the hearing and give not less than seven days notice to all parties and persons who have filed written petitions to intervene.

(3) The administrator or his((~~f~~)) or her designee shall preside at all hearings resulting from the filings of appeals.

(4) All hearings shall be conducted in compliance with these rules, chapter 34.05 RCW and chapter 10-08 WAC as applicable.

(5) Within ninety days of the hearing, the administrator or his((~~f~~)) or her designee shall render a decision which shall be the final decision of the agency. A copy of that decision accompanied by a written statement of the reasons for the decision shall be served on all parties and persons who have intervened.

**WSR 05-16-051**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Filed July 28, 2005, 1:36 p.m., effective August 28, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule has been revised to add varicella to the list of requirements for children under thirteen years of age admitted to school or child care centers after July 1, 2006; add subsection (8) giving the immunization program flexibility to develop implementation guidelines consistent with the national immunization guidelines and to develop modified implementation guidelines with the State Board of Health; and correct the professional title for doctor of osteopathy to D.O.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-166.

Statutory Authority for Adoption: RCW 28A.210.140.

Adopted under notice filed as WSR 05-12-139 on June 1, 2005.

A final cost-benefit analysis is available by contacting Ala Mofidi, P.O. Box 47890, Olympia, WA 98504-7890, phone (360) 236-4055, fax (360) 586-7424, e-mail Ala.Mofidi@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.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: July 13, 2005.

Craig McLaughlin  
Executive Director  
State Board of Health

**AMENDATORY SECTION** (Amending WSR 05-08-094, filed 4/1/05, effective 5/2/05)

**WAC 246-100-166 Immunization of child care and school children against certain vaccine-preventable diseases.** (1) Purpose. Under the authority of RCW 43.20.050 and 28A.210.140, the state board of health is empowered to adopt rules to establish immunization requirements upon entry into school and child care. The following rule improves the public health of Washington by preventing vaccine-preventable disease outbreaks.

(2) Definitions. The words and phrases in this section have the following meanings:

(a) Certificate of immunization status (CIS) means:

(i) A certificate of immunization status form approved by the department; or

(ii) A CHILD profile immunization record; or

(iii) Any other immunization form approved by the department.

(b) "Chief administrator" means:

(i) The person with the authority and responsibility for supervising the immediate operation of a school or child care; or

(ii) A person designated in writing by the statutory or corporate board of directors of the school district or school; or

(iii) In the absence of the above, a person or persons with the authority and responsibility for supervising the general operation of the school district.

(c) "Child" means any person regardless of age admitted to:

(i) Any public school district; or

(ii) Any private school or private institution subject to approval by the state board of education or described in RCW 28A.305.130 and 28A.195.010 through 28A.195.060; or

(iii) Any child care center.

(d) "Child care center" means any licensed facility or center that regularly provides care of children for periods of less than twenty-four hours per day subject to licensure by the department of social and health services as described in chapter 74.15 RCW.

(e) "Conditional status" is a type of immunization status where a child is not fully immunized under (g) of this subsection and is in the process of completing the required immunizations for his/her age.

(f) "Exemption" is a type of immunization status where a child is not fully immunized under (g) of this subsection and meets school and child care documentation requirements under subsection (4)(b)(i) of this section.

(g) "Full immunization" or "fully immunized" is an immunization status where a child has been vaccinated at ages and intervals consistent with the national immunization guidelines, with immunizing agents against:

(A) Diphtheria;

(B) Tetanus;

(C) Pertussis (whooping cough);

(D) Poliomyelitis;

(E) Measles (rubeola);

(F) Mumps;

(G) Rubella;

(H) Hepatitis B; ~~(and)~~

(I) Haemophilus influenzae type B disease; and

(J) Varicella for children under thirteen years of age, admitted to school or child care after July 1, 2006.

(h) "Immunizing agent" means any vaccine or other immunologic drug licensed and approved by the United States Food and Drug Administration (FDA), or meeting World Health Organization (WHO) requirements, for immunization of persons against vaccine-preventable diseases.

(i) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county or combined county health district.

(j) "National immunization guidelines" means the schedule for the immunization described in the "Recommended Childhood and Adolescent Immunization Schedule: United States—2005" approved by the Advisory Committee on Immunization Practices (ACIP), the American Academy of

Pediatrics (AAP), and the American Academy of Family Physicians (AAFP).

(k) "Parent" means, for the purposes of signature requirements in this rule:

(i) The mother, father, legal guardian, or any adult in loco parentis of a child seventeen years of age or younger; or

(ii) A person eighteen years of age or older; or

(iii) An emancipated minor.

(l) "School" means a facility, site, or campus for programs of education as defined in RCW 28A.210.070 to include preschool and kindergarten through grade twelve.

(3) Documentation of immunization status required by schools and child care center.

(a) Schools and child care centers shall require documented proof of immunization status in the form of a CIS.

(b) The CIS form must include:

(i) Name of child or student;

(ii) Birth date;

(iii) Type of vaccine(s) administered;

(iv) Month, day, and year of each dose of vaccine received;

(v) Documentation of immunization status to indicate:

(A) Full immunization under subsection (2)(g) of this section; or

(B) Conditional status under subsection (2)(e) of this section; or

(C) Exemption under subsection (2)(f) of this section;

(vi) Notice to parents that if an outbreak of vaccine-preventable disease for which the child is exempted occurs, the child may be excluded from school or child care for the duration of the outbreak;

(vii) Parent signature.

(c) As proof of a child's immunization status against varicella, schools and child care centers may accept one of the following:

(i) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(ii) Documentation by the parent that a child has a history of varicella; or

(iii) Serologic proof of immunity against varicella.

(4) Duty of schools and child care centers.

(a) Schools and child care centers shall require a CIS form, signed by parents, for new enrollees registering for admission into kindergarten through grade twelve or child care as a requirement of admission.

(b) Full immunization is required upon admission unless:

(i) Parent(s) sign and submit a CIS form indicating a medical exemption.

(A) A permanent medical exemption is allowed when a signature of a licensed medical doctor (M.D.), a doctor of osteopathy (~~((O.D.))~~ (D.O.), doctor of naturopathy (N.D.), physician assistant (P.A.), or nurse practitioner (A.R.N.P.), acting within the scope of practice, certifies medical reasons to defer or forego one or more immunizations required for full immunization under subsection (2)(g) of this section.

(B) If immunizations are deferred on a temporary basis, the student must receive the required immunizations upon expiration of the exemption.

(ii) Parent(s) sign and submit a CIS form indicating a religious or philosophical, or personal exemption.

(iii) Parent(s) sign and submit a CIS form indicating conditional status if there is evidence of satisfactory progress toward full immunization, including:

(A) Documentation of start or continuance towards full immunization status;

(B) Documentation that immunizations received are consistent with the National Immunization Guidelines defined in subsection (2)(j) of this section; and

(C) Documentation of when the next immunization is due.

(c) Schools and child care centers maintenance of child immunization records:

(i) Schools and child care centers shall keep a department approved CIS for each enrolled child.

(ii) Schools and child care centers shall keep a list of children with medical, religious, philosophical, or personal exemptions.

(iii) The chief administrator shall retain records for at least three years on a child who is excluded from school under this section. The record must include the child's name, address, and date of exclusion.

(d) Schools and child care centers shall transmit the list of children with medical, religious, philosophical, or personal exemptions to the local health department upon request.

(e) A school or child care center shall return the department approved CIS or a legible copy to the parent if the child is withdrawn from school or child care or transferred from the school.

(f) A school or child care center may not withhold a child's department approved CIS for any reasons, including nonpayment of school child care fees.

(g) A school or child care center shall provide access to immunization records to agents of the state or local health department of each child enrolled.

(h) The chief administrator of a school or child care center shall submit a school immunization status report under chapter 28A.210 RCW either electronically on the internet or on the school immunization status report provided by the department. The report must be:

(i) Submitted to the department by November 1 of each year;

(ii) If a school opens after October 1, the report is due thirty days from the first day of school.

(5) Persons or organizations administering immunizations, either public or private shall:

(a) Furnish each person immunized, or his or her parent, with a written record of immunization containing information required by the state board of health; and

(b) Provide immunizations and records in accordance with chapter 246-100 WAC.

(6) A school or child care center shall exclude a child if one or more of the following applies:

(a) Parent(s) fail to provide a completed CIS form on or before the child's first day of attendance. Schools must use procedures consistent with Title 180 WAC.

(b) A child admitted under conditional status has not received the required immunization(s) within one month from the date due for completion of the next dose.

(c) A child has been admitted under a medical exemption and the particular vaccine for which the exemption was granted is no longer contraindicated and the child has not received the immunization within one month from the due date for completion of the next dose.

(7) A local health officer may exclude a child from school or child care under chapter 246-110 WAC during an outbreak of a vaccine-preventable disease if the child has not been fully immunized against that disease due to:

(a) Medical exemption;

(b) Conditional status;

(c) Religious exemption;

(d) Philosophical exemption; or

(e) Personal exemption.

(8) Implementation.

(a) The department shall develop and distribute implementation guidelines for schools and child care centers that:

(i) Interpret immunization requirements by grade level consistent with the ages specified in the national immunization guidelines and this section; and

(ii) Reflect national immunization guidelines for children who did not receive required immunizations prior to entry into kindergarten or first grade, and for whom a full series of immunizations is not recommended.

(b) The department may develop school implementation guidelines that waive or modify immunization requirements when a phasing-in period is warranted for a new immunization mandate, when there is limited availability of a required immunizing agent, or when new information about the safety or efficacy of an immunizing agent prompts a reevaluation of an existing vaccination requirement. Any waiver or modification must:

(i) Reflect the best available medical research as indicated by the ACIP or the state health officer recommendation;

(ii) Identify a specific vaccine-preventable disease or immunizing agent;

(iii) Identify a specific cohort of children by age or grade level;

(iv) Be limited in duration; and

(v) Be approved by the board.

#### WSR 05-16-055

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 28, 2005, 4:22 p.m., effective August 28, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This change will bring WAC 388-424-0006 Citizenship and alien status—Date of entry, into conformity with federal law, which does not allow social security work quarters to exempt aliens from the five-year bar on TANF (temporary assistance for needy families), nonemergency Medicaid, and SCHIP (state children's health insurance program).

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0006.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 05-12-134 on June 1, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 22, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 04-15-004, filed 7/7/04, effective 8/7/04)

**WAC 388-424-0006 Citizenship and alien status—Date of entry.** (1) A person who physically entered the U.S. prior to August 22, 1996 and who continuously resided in the U.S. prior to becoming a "qualified alien" (as defined in WAC 388-424-0001) is not subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP.

(2) A person who entered the U.S. prior to August 22, 1996 but became "qualified" on or after August 22, 1996, or who physically entered the U.S. on or after August 22, 1996 and who requires five years of residency to be eligible for federal Basic Food, can only count years of residence during which they were a "qualified alien."

(3) A person who physically entered the U.S. on or after August 22, 1996 is subject to the five-year bar on TANF, nonemergency Medicaid, and SCHIP unless exempt. The five-year bar starts on the date that "qualified" status is obtained.

(4) The following "qualified aliens," as defined in WAC 388-424-0001, are exempt from the five-year bar:

- (a) Amerasian lawful permanent residents;
- (b) Asylees;
- (c) Conditional entrants;
- (d) Cuban/Haitian entrants;
- (e) Persons granted withholding of deportation or removal;
- (f) Refugees;
- (g) Victims of trafficking who have been certified or had their eligibility approved by the office of refugee resettlement (ORR);
- (h) Lawful permanent residents, parolees, or battered aliens, as defined in WAC 388-424-0001, who are also an

armed services member or veteran as described in WAC 388-424-0007 ((or who meet the work quarters requirement described in WAC 388-424-0008)).

### WSR 05-16-061

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed July 29, 2005, 2:16 p.m., effective August 29, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Driver training school program—Administration and enforcement, establishes basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses and licensed by the department.

Citation of Existing Rules Affected by this Order: Amending WAC 308-108-100.

Statutory Authority for Adoption: RCW 46.82.290.

Adopted under notice filed as WSR 05-11-099 on May 18, 2005.

Changes Other than Editing from Proposed to Adopted Version: Changed WAC 308-108-020(6) to include additional experience acceptable to qualify a licensed instructor as an "instructor-trainer." Changed WAC 308-108-140(3) to require that driver training school owners include student enrollment information in the monthly report forwarded to the department, deleting the original proposed requirement for student participation and completion information. Changed WAC 308-108-150(2) to remove the prohibition against students under the age of eighteen receiving more than one hour in-vehicle observation time in any one day.

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 12, 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 29, 2005.

Elizabeth A. Luce  
Director

#### NEW SECTION

**WAC 308-108-010 Promulgation—Authority.** Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies

and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

#### NEW SECTION

**WAC 308-108-020 Definitions.** The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions. Behind the wheel instruction is characterized by driving experience.

(2) "Branch office" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.

(3) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(4) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.

(5) "Driver training school" means a commercial business offering instruction in the operation of automobiles for a fee:

(a) To any person for the purpose of securing traffic safety education prior to applying for a basic driver's license; and/or

(b) For the enhancement of an experienced driver's knowledge, skill, and ability.

(6) "Instructor-trainer" means a currently licensed instructor who is training driving instructors and who has:

(a) Not less than one thousand hours or five years of previous experience in providing traffic safety education; or

(b) Not less than one thousand hours or five years experience in the field of traffic safety, documented training acceptable to the director in teaching training techniques to others, and not less than three hundred hours of previous experience in providing training to others.

(7) "Owner" means a person or group that has a financial interest in a driver training school.

(8) "Student" means any person enrolled in a traffic safety education course for which a fee is paid.

(9) "Traffic safety education" means a course of instruction in the operation of automobiles that consists of two phases, classroom instruction and behind the wheel instruction. Each phase must meet basic course requirements established by the department.

#### NEW SECTION

**WAC 308-108-080 Instructor's license—Application—Background check and fingerprint check.** (1) Unless waived by the department under the provisions of RCW 46.82.325(3), an applicant for an instructor's license

must complete a criminal background check, including a fingerprint check, at the time of initial application or, for a previously or currently licensed instructor who has not completed such check, at the time of the first re-qualification examination required under RCW 46.82.320(1) following the adoption of this rule.

(2) The department shall review the instructor's license applicant's complete abstract of driving record at the time of each initial and renewal application. For purposes of RCW 46.82.330 (3)(a):

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the three-year period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or 46.20.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding three years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the three-year period immediately preceding the time of application.

(3) The instructor's license applicant must submit satisfactory evidence of completion of the required sixty hours of instruction in the training of drivers at time of initial application.

#### NEW SECTION

**WAC 308-108-090 Instructing instructors in the training of drivers.** (1) The sixty-hour course of instruction in the training of drivers required under RCW 46.82.330 (3)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) The instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Consist of:

(i) Not less than twelve hours of instruction in behind the wheel teaching methods;

(ii) Not less than six hours of supervised practice behind the wheel teaching of driving techniques;

(iii) Not less than thirty hours total of approved instruction covering each of the following areas:

(A) Education or special education;

(B) Driver education teacher skills training;

(C) Classroom teaching techniques; and

(D) Communication skills; and

(iv) Not less than twelve hours of instruction that shall prepare the instructor to:

(A) Communicate the concepts of driving and traffic safety to others;

(B) Demonstrate educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(C) Develop instructional materials and activities that aid student learning and performance;

(D) Define and describe the nature of the driving task on public highways;

(E) Establish and maintain classroom organization;

(F) Manage enrollment, student scheduling, student records, and required reports; and

(G) Plan a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) Not less than thirty days prior to any instructor training being conducted by an instructor-trainer, the instructor-trainer or owner of the driver training school where the instructor-trainer is employed shall submit a course curriculum for department review and approval.

(4) Any revision to the instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department.

(5) The department may consider other academic instruction in lieu of that listed in subsection (2)(b) of this section.

(6) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

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

**AMENDATORY SECTION** (Amending WSR 91-01-063, filed 12/14/90)

**WAC 308-108-100** (~~Driver training schools—~~ **Place of business—Classroom space.** ~~(In order to comply with the business practices relating to place of business provided for in RCW 46.82.360, a driver training school must meet the requirements of this section.)~~)

(1) ~~(No)~~ The place of business ~~(shall be established nor any business)~~ of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the

place of business to such building. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

~~(A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction.~~

~~(3) A driver training school established, or a driver training school establishing a new location, after July 23, 1989, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple unit dwelling house. This subsection shall not be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.)~~

#### NEW SECTION

##### **WAC 308-108-110 Traffic safety education vehicles.**

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations.

#### NEW SECTION

**WAC 308-108-120 Administration.** (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before:

(a) Enrolling any students in a course of instruction;  
(b) Issuing a verification of enrollment to any student;  
and

(c) Any classroom or behind the wheel instruction begins.

(2) Each driver training school shall adopt a written policy that includes, but is not limited to:

- (a) Enrollment criteria;
- (b) Student fees and student fee refunds;
- (c) Course failures and course repeats; and
- (d) The minimum and maximum course duration.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

- (a) Course attendance;
- (b) Instruction starting and ending dates and times;
- (c) Classroom and behind the wheel progress and time involvement or flowchart;
- (d) Performance evaluation results; and
- (e) The name of the instructor who provided each classroom and behind the wheel training session in which the student participated.

(4) Student records must be maintained by a driver training school for the past five years.

(5) Driver training school records, including but not limited to the school's written curriculum guide, insurance policies, collision or injury reports, traffic safety education vehicle registration records, and records of any traffic violations committed by an instructor employed by the school, must be maintained by a driver training school for the past three years.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

#### NEW SECTION

**WAC 308-108-130 Inspection and review.** (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be immediately available for inspection at a driver training school's primary place of business. Branch office records not immediately available for inspection must be made available for inspection within forty-eight hours following a request for review by the department.

#### NEW SECTION

**WAC 308-108-140 Reporting requirements.** All driver training school owners shall:

(1) Report to the department within thirty days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department a monthly report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Forward to the department a report of the annual inspection of each traffic safety education vehicle conducted under WAC 308-108-110 (1)(b). The driver training school owner must maintain a copy of the report in the school's records.

#### NEW SECTION

**WAC 308-108-150 Curriculum schedule.** A driver training school may offer classroom and behind the wheel instruction to students throughout the year.

(1) Classroom and behind the wheel instruction must be complementary. This means that classroom instruction is augmented in a timely manner by behind the wheel instruction.

(2) Students under age eighteen shall complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction during any single day.

(3) For purposes of meeting the traffic safety education requirement of RCW 46.20.100, instruction for students under the age of eighteen must:

(a) Include not less than thirty hours of classroom instruction; and

(b) Meet the behind the wheel instruction and observation requirements of WAC 308-108-160.

(4) Classroom and behind the wheel instruction must be provided in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length.

(5) Student enrollment in a class may be open for no later than the third class session after the start date of a traffic safety education course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course.

#### NEW SECTION

**WAC 308-108-160 Behind the wheel instruction and observation.** Instruction provided to students under the age of eighteen must include:

- (1) Behind the wheel instruction consisting of:
  - (a) Four or more hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or
  - (b) Three or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and
- (2) One or more hours of additional in-vehicle driver observation.

#### NEW SECTION

**WAC 308-108-170 Ensuring student accomplishment.** (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) At a minimum, all students under the age of eighteen must receive instruction according to the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

#### NEW SECTION

**WAC 308-108-180 Disciplinary action—Term of license denial, suspension, or revocation—Public notice of actions taken.** (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) For purposes of consistently administering RCW 46.82.350 and 46.82.360, the department will use the following guidelines for determining the length of license denial, suspension, or revocation of a driver training school or instructor:

(a) Permanent revocation or denial of a license for conviction of a sexual offense involving a minor;

(b) Revocation or denial of a license for ten years for conviction of a felony, when the felony is related to the activity for which the person is seeking licensure;

(c) Except as otherwise provided in subsections (2)(a) and (2)(b) of this section, revocation or denial of a license for one year for conviction of a felony, crime of violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(d) Revocation or denial of a license for one year for:

(i) Falsification, fraud, or deceit in connection with an original or renewal license or application;

(ii) Fraudulent business practices;

(iii) Fraud or inducement to commit fraud in order to obtain a driver's license; or

(iv) Failure to secure and maintain liability insurance;

(e) Suspension or denial of a license for not less than one hundred eighty days nor more than one year for:

(i) Allowing or conducting unlicensed classroom or behind the wheel instruction, except when under the direct supervision and in the presence of an approved instructor-trainer.

(ii) Failing to satisfactorily adhere to and utilize all required classroom and behind the wheel concepts;

(iii) Failing to maintain or submit student and school records as required by the department; or

(iv) Failing to submit to an inspection or technical assistance visit by the department;

(f) Suspension or denial of a license for ninety days for:

(i) Violating vehicle equipment and signage requirements;

(ii) Instructing a student who is not in possession of a valid instruction permit or driver's license;

(iii) Prohibited advertising;

(iv) Doing business or providing instruction in a prohibited or unlicensed location; or

(v) Instructing or training on a department of licensing driver license testing route;

(g) Suspension or denial of a license for no more than thirty days:

(i) For failing to display the school or instructor license or licenses, or the required minimum curriculum; or

(ii) For failing to satisfy the other conditions of these rules or of chapter 46.82 RCW.

(3) The department may stay all or any portion of the period of a license revocation, suspension, or denial for causes specified in subsections (2)(b), (2)(c), (2)(d), (2)(e), (2)(f), or (2)(g) of this section, subject to such terms and conditions as shall be deemed by the department to be appropriate.

(4) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

WSR 05-16-093

PERMANENT RULES

WASHINGTON STATE PATROL

[Filed August 2, 2005, 9:19 a.m., effective September 2, 2005]

Effective Date of Rule: Thirty-one days after filing.



**Purpose:** The Washington State Patrol Office of Government and Media Relations was contacted by a senator requesting a seat belt exemption for individuals driving delivery vehicles. The constituent who contacted the senator requested an exemption similar to what is currently granted to rural mail carriers, rural newspaper delivery carriers, utility meter readers, and refuse/recycling collectors. The proposed language outlines specifically when a commercially-recognized delivery vehicle operator may be exempt from wearing a seat belt system.

**Citation of Existing Rules Affected by this Order:** Amending chapter 204-41 WAC, Seat belt exemptions.

**Statutory Authority for Adoption:** RCW 46.61.688(2).

**Adopted under notice filed as WSR 05-12-048 on May 26, 2005.**

A final cost-benefit analysis is available by contacting Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504-2614, phone (360) 753-3697, fax (360) 586-8233, e-mail Christine.Fox@wsp.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.

**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 1, 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:** August 2, 2005.

Paul S. Beckley  
for John R. Batiste  
Chief

#### NEW SECTION

**WAC 204-41-080 Commercially recognized delivery vehicles.** Operators of commercially recognized delivery vehicles making frequent stops when traveling wholly within the limits of a town of less than ten thousand population, traveling less than one mile between stops on roads with a posted speed limit not greater than thirty-five miles per hour, while actually on a designated delivery route are not required to wear a seat belt system. Seat belt use is required when traveling to and from the designated route.

**WSR 05-16-096**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 2, 2005, 10:27 a.m., effective September 2, 2005]

**Effective Date of Rule:** Thirty-one days after filing.

**Purpose:** WAC 296-30-090 What are the maximum allowable fees?, is being amended to clarify that the Department of Labor and Industries will establish the reimbursement rates for the crime victims' compensation program.

**Reasons supporting proposal:** RCW 7.68.015 requires the Department of Labor and Industries to operate the crime victims' compensation program within the appropriations and the conditions and limitations on the appropriations provided for this program. RCW 7.68.090(b) [RCW 7.68.080 (2)(b)] authorizes the director to set service levels and fees at a level no lower than those established by the Department of [Social and Health Services].

**Citation of Existing Rules Affected by this Order:** WAC 296-30-090.

**Statutory Authority for Adoption:** RCW 7.68.030.

**Adopted under notice filed as WSR 05-12-114 on May 31, 2005.**

A final cost-benefit analysis is available by contacting Janice Deal, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5369, fax (360) 902-5333, e-mail deal235@lni.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.

**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 1, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; **or Other Alternative Rule Making:** New 1, Amended [1], Repealed 0.

**Date Adopted:** August 2, 2005.

Gary Weeks  
Director

AMENDATORY SECTION (Amending WSR 00-03-056, filed 1/14/00, effective 2/14/00)

**WAC 296-30-090 What are the maximum allowable fees?** (1) Maximum allowable fees for medical and mental health services are those fees (~~(published in the Medical Aid Rules and Fee Schedules)~~) established by the department of labor and industries for the crime victims compensation program, less any available benefits of public or private insurance.

~~((2) Maximum allowable fees for mental health services are those fees published in the Crime Victims Compensation~~

~~Program Mental Health Treatment Rules and Fees less any available benefits of public or private insurance.))~~

EXCEPTION: If any of the maximum allowable fees (~~in the publications entitled Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees~~) established by the department of labor and industries for the crime victims compensation program, are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

~~((3))~~ (2) The percent of allowed charges authorized for hospital inpatient and outpatient services billed by revenue codes are those rates established by the department of social and health services under Title 74 RCW and WAC 388-550-4500 (1)(a) and 388-550-6000 (1)(a) less any available benefits of public or private insurance.

**WSR 05-16-107**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 2, 2005, 4:12 p.m., effective September 2, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To amend WAC 388-310-0600 WorkFirst—Job search, to allow other training programs that meet the high wage/high demand criteria to be accessible to WorkFirst families.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0600.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Adopted under notice filed as WSR 05-13-125 on June 20, 2005.

A final cost-benefit analysis is available by contacting Ian Horlor, DSHS - DEAP, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 413-3493, e-mail Horloit@dshs.wa.gov. The preliminary cost-benefit analysis was not changed and is the final.

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: August 1, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-15-067, filed 7/11/02, effective 8/1/02)

**WAC 388-310-0600 WorkFirst—Job search. (1) What is job search?**

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

- (a) Classroom instruction; and/or
  - (b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or
  - (c) Preemployment training; and/or
  - (d) High-wage/high-demand training.
- (2) What is preemployment training?**

Preemployment training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Preemployment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete preemployment training.

(b) You can find out about current preemployment training opportunities by asking your job service specialist, your case manager or staff at your local community and technical college.

**(3) What is high-wage/high-demand training?**

(a) There are two types of high-wage/high-demand (HWHD) full-time training options for TANF recipients to complete a certificate or degree that will lead to employment in a high-wage/high-demand occupation:

(i) Information technology ((&)), health care or other professional-technical programs: This option allows you to start and finish a one-year or shorter state community or technical college training program in the information technology ((&)), health care fields or other professional-technical programs that meet high-wage high-demand criteria; and/or

(ii) Certificate/degree completion: This option allows you to finish up the last year of ~~((a two or four year))~~ any certificate or degree program in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by employment security department.

(b) For both types of HWHD training, the training can be approved one-time only (barring an approved exception to policy). There is no work requirement with either option for the twelve months of training time.

- (c) To qualify for HWHD training, you must also:
  - (i) Meet all of the prerequisites for the course;
  - (ii) Obtain the certificate or degree within twelve calendar months;
  - (iii) Participate full time in the training program and make satisfactory progress;
  - (iv) Work with colocated ESD staff during the last quarter of training for job placement; and

(v) Return to job search once you completes the educational program if still unemployed.

**(4) Who provides me with job search?**

You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

**(5) How long do I stay in job search?**

Periods of job search may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

- (a) You find a full-time job; or
- (b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or
- (c) Your situation changes and the case manager changes the activities on your IRP to fit your new circumstances (see WAC 388-310-0400); or
- (d) After fully participating in job search, and based on your experience in looking for work in the local labor market, it is determined that you need additional skills and/or experience to find a job; or
- (e) You have not found a job at the end of the job search period.

**(6) What happens at the end of job search if I have not found a job?**

At the end of each job search period, you will be referred back to your case manager who will conduct a new employability evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

**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 05-16-109**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 2, 2005, 4:20 p.m., effective October 1, 2005]

Effective Date of Rule: October 1, 2005.

**Purpose:** To amend WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits?, in order to be consistent with federal food stamp program regulations under 7 C.F.R. 273.10 (a)(1)(i) which specify the income budgeting methodology required in the month of application, and when the department must use the "anticipating monthly income" budgeting method that estimates actual income received each benefit month. Also, the amended text more clearly describes the method in which income that is expected to fluctuate over the certification period is to be averaged.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0215.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Adopted under notice filed as WSR 05-13-169 on June 21, 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 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 29, 2005.

Andy Fernando, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 04-06-052, filed 3/1/04, effective 4/1/04)

**WAC 388-450-0215 How does the department estimate my assistance unit's income to determine my eligibility and benefits?** The department uses prospective budgeting to determine if your assistance unit (AU) is eligible and to calculate your benefits.

(1) We determine if your AU is eligible for benefits and calculate your monthly benefits based on an estimate of your AU's income and expenses for that month. This is known as prospective budgeting.

(2) We base this estimate on what can be reasonably expected based on your current, past and future circumstances.

(3) We determine if our estimate is reasonable by looking at documents, statements, and other verification.

(4) We use two methods to estimate your AU's income:

(a) **Anticipating monthly income:** We estimate the actual amount of income you expect to receive in the month; and

(b) **Averaging income:** We estimate your income based on adding the total income you expect to receive for a period of time and dividing by the number of months in the time period.

(5) When we use the anticipating monthly method, we estimate the actual amount of income your AU expects to receive in the month. Your benefits will vary based on the income that is expected for that month.

(6) In general, you can choose which method we use to estimate your income. However, we **must** use the anticipating monthly method:

(a) For the month you apply for benefits, any income your AU receives in that month. If we do not have to use the anticipating monthly method for any other reason, we may average this income source for the remaining months of your certification period.

(b) For all your AU's income in the following circumstances:

(i) If you receive SSI-related medical benefits under chapter 388-475 WAC; or

(ii) If you are a destitute migrant or destitute seasonal farmworker under WAC 388-406-0021, we must use the anticipating monthly method for the month your AU applied for benefits.

~~((b))~~ (c) For the income of any member of your AU who has income allocated to someone receiving SSI-related medical benefits under chapter 388-475 WAC;

~~((e))~~ (d) For the following sources of income to your AU:

(i) SSI; or

(ii) Social Security benefits;~~(; or~~

~~(iii) Income your AU already received in the month that you applied for benefits. If we do not have to use the anticipating monthly method for any other reason, we may average this income for the remaining months of your certification or review period).~~

(7) When we use the averaging method, we take the expected changes in your AU's income into consideration so your benefits do not change as much:

(a) If you receive your income weekly or every other week, we convert this income to a monthly amount. If you are paid:

(i) Weekly, we multiply your expected pay by 4.3; or

(ii) Every other week, we multiply your expected pay by 2.15.

(b) In most cases if you receive your income other than weekly or every other week, we estimate your ~~((monthly))~~ expected income over the certification period by:

(i) Adding the total ~~((amount of))~~ income ~~((we expect you to receive for your certification or review))~~ in a representative time period; (and)

(ii) Dividing by the number of ~~((months))~~ pay periods in the ~~((period of time))~~ timeframe; and

(iii) Determining the monthly average from this amount.

(c) If you receive your yearly income over less than a year because you are self employed or work under a contract, we average this income over the year unless you are:

(i) Paid on an hourly or piecework basis; or

(ii) A migrant or seasonal farmworker under WAC 388-406-0021.

(8) If you report a change in your AU's income, and we expect the change to last for at least a month beyond the month you reported the change, we recalculate your AU's income based on this change.

(9) If your actual income is different than the income we estimated, we do not make you repay an overpayment under chapter 388-410 WAC or increase your benefits unless:

(a) You provided incomplete or false information; or

(b) We made an error in calculating your benefits.

## WSR 05-16-114

### PERMANENT RULES

#### DEPARTMENT OF ECOLOGY

[Order 04-11—Filed August 3, 2005, 9:11 a.m., effective September 3, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this new rule, chapter 173-546 WAC, is to implement the water resources management recommendations in the Entiat WRIA management plan. The plan was developed collaboratively and agreed to by a broad base of water interests and was formally approved by Chelan County. Therefore, in accordance with the Watershed Planning Act (chapter 90.82 RCW), the plan is considered a primary expression of public interest, and will be used by the department as the framework for making future water resources decisions for the Entiat River watershed.

Statutory Authority for Adoption: Chapters 43.27A, 90.54, 90.22, and 90.82 RCW.

Adopted under notice filed as WSR 05-06-117 on March 2, 2005.

A final cost-benefit analysis is available by contacting Cathy Carruthers, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6564, fax (360) 407-6989, e-mail caca461@ecy.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 15, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 3, 2005.

Polly Zehm  
Deputy Director

### Chapter 173-546 WAC

#### WATER RESOURCES MANAGEMENT PROGRAM— ENTIAT RIVER BASIN WATER RESOURCE INVENTORY AREA (WRIA) 46

#### NEW SECTION

**WAC 173-546-010 General provisions—Authority and applicability.** (1) This chapter is adopted under the authority of the Watershed Planning Act (chapter 90.82 RCW), Water Resources Act of 1971 (chapter 90.54 RCW), Minimum Water Flows and Levels Act (chapter 90.22 RCW), Water resource management (chapter 90.42 RCW), Regulation of public ground waters (chapter 90.44 RCW) and

the Water resources management program rule (chapter 173-500 WAC).

(2) This chapter, including any subsequent additions and amendments, applies to all surface waters in the Entiat River basin, and all ground water hydraulically connected with those surface waters.

(3) This chapter shall not affect existing water rights, including perfected riparian rights, federal Indian and non-Indian reserved rights, or other appropriate rights existing on the effective date of this chapter, unless otherwise provided for in the conditions of the water right in question.

(4) This chapter does not limit the department's authority to establish flow requirements or conditions under other laws, including hydropower licensing under RCW 90.48.260.

#### NEW SECTION

**WAC 173-546-020 Purpose.** (1) In enacting this chapter, the department uses the Entiat watershed plan as the framework for making future water resource decisions for the Entiat watershed, per RCW 90.82.130. The plan recommendations were approved by the Entiat watershed planning unit, a group composed of a broad base of water use interests, and also by Cneian County officials. The plan recommendations are therefore considered an expression of the public interest.

(2) The chapter creates a reservation for future uses that is senior to the instream flows set in WAC 173-546-050.

(3) This chapter sets forth the department's policies to guide the protection, use and management of Entiat River basin surface water and interrelated ground water resources. It protects existing water rights, establishes instream flows, and sets forth a program for the administration of future water allocation and use.

(4) The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Entiat River basin with the instream flows and levels necessary to protect and preserve wildlife, fish, scenic, aesthetic, recreation, water quality and other environmental values, navigational values, and stock watering requirements.

#### NEW SECTION

**WAC 173-546-030 Definitions.** For the purposes of this chapter, the following definitions shall be used:

(1) "**Allocation**" means the designation of specific amounts of water for specific beneficial uses.

(2) "**Appropriation**" means the process of legally acquiring the right to specific amounts of water for beneficial uses, as consistent with the requirements of the ground and surface water codes and other applicable water resource statutes.

(3) "**Beneficial uses**" means uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

(4) "**Commercial agriculture**" means uses related to commercial orchards and vineyards, and commercial livestock and farming operations.

(5) "**Commercial/light industrial**" means a water supply for use by small businesses and commercial users. It also refers to the "value added" uses associated with agriculture, as defined by the Chelan County Code, Ch. 11.04.010, or any subsequent amendments. A "value added operation" means any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage.

(6) "**Consumptive use**" means a use of water that reduces the amount of water in the water source.

(7) "**Department**" means the Washington state department of ecology.

(8) "**Domestic water use**" means, for the purposes of this chapter, use of water associated with human health and welfare requirements, including water used for drinking, bathing, sanitary purposes, cooking, laundering, irrigation of not over one-half acre of lawn or garden per dwelling, and other incidental household uses. Stock watering is also included in this category. Stock watering uses must be consistent with the Chelan County Code, Section 11.88.030 or any subsequent amendments. It does not apply to feed lots and other activities which are not related to normal grazing land uses.

(9) "**Existing water right**" includes perfected riparian rights, federal Indian and non-Indian reserved rights or other appropriate rights.

(10) "**Hydraulic continuity**" means the interrelation between ground water (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams).

(11) "**Instream flow**" as used in this chapter, has the same meaning as a minimum instream flow under chapter 90.82 RCW, a base flow under chapter 90.54 RCW, a minimum flow under chapter 90.03 or 90.22 RCW and an administrative flow in the Entiat watershed plan.

(12) "**Nonconsumptive use**" means a use of water that does not reduce the amount of water in the water source.

(13) "**Plan**" or "**watershed plan**" means the Entiat water resource inventory area (WRIA) management plan, approved by the Entiat WRIA planning unit on May 17, 2004, and by the Chelan County commissioners on September 13, 2004.

(14) "**Planning unit**" means the Entiat water resource inventory area (WRIA) planning unit (EWPU), or a successor which is mutually agreed upon by the EWPU. The planning unit was established in 1998 in accordance with chapter 90.82 RCW, Watershed Planning Act. The EWPU presently consists of the landowner steering committee, the Yakama Nation, a technical assistance group, and other interested stakeholders.

(15) "**Public water system**" means any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence or a system with four or fewer connections all of which serve residences on the same farm. (Consistent with WAC 246-290-020; any subsequent amendments to WAC 246-290-020 will be incorporated by reference.)

(16) "**Reservation**" means an allocation of water set aside for future domestic, stock watering, agricultural, com-

mercial and industrial beneficial uses. For the purposes of this chapter, the priority date of the reservation is senior to the instream flows set in WAC 173-546-050. "Reservation" is the same as "reserved water" in the Entiat WRIA management plan.

(17) "Stream management unit" means a stream segment, reach, or tributary used to describe the part of the relevant stream to which a particular use, action, instream flow level or reserve of water applies. Each of these units contains a control station. A map of the control points is included in this chapter (WAC 173-546-150).

(18) "Withdrawal" means the appropriation or use of ground water or surface water.

(19) "WRIA" means water resource inventory area. This term can be used interchangeably with "basin" and "watershed."

NEW SECTION

**WAC 173-546-040 Establishment of stream management units.** The department hereby establishes the following stream management units. The boundaries of the management units are shown on the map in WAC 173-546-150.

**Stream Management Unit Information**

Stream Management Unit Name Control Station Gauge #	Control Station by River Mile (RM); Section, Township and Range; Latitude (Lat.) and Longitude (Long.); Hydrologic Unit Code (HUC)	Stream Management Reach Description
USGS Gauge #12452990 Entiat River near Entiat, WA. ("Keystone Gauge") (Lower Entiat)	River Mile 1.4	From the confluence of the Entiat and Columbia rivers to the terminal glacial moraine at RM 16.2, including all tributaries except the Mad River.
	Sec. 18, T.25 N., R.21 E.W.M.	
	Lat. 47°39'48"	
	Long. 120°14'58" NAD 27 HUC 17020010	
USGS Gauge #12452800 Entiat River near Ardenvoir, WA (Upper Entiat)	River Mile 18	From the terminal glacial moraine at RM 16.2, to the Entiat River headwaters, including all tributaries.
	Sec. 27, T.27 N., R.19 E.W.M.	
	Lat. 47°49'07"	
	Long. 120°25'19" NAD 27 HUC 17020010	
USGS Gauge #12452890, Mad River at Ardenvoir	River Mile 0.35	From the confluence of the Mad River with the Entiat River to the Mad River headwaters, including all tributaries.
	Sec. 19, T.26, R.20 E.W.M.	
	Lat. 47°44'13"	
	Long. 120°22'03" NAD 27 HUC 17020010	

NEW SECTION

**WAC 173-546-050 Establishment of instream flows.**

(1) The instream flows established in this chapter are based on the recommendations of the Entiat planning unit and public input received during the rule-making process. These instream flows are established in accordance with RCW 90.82.080, and are necessary to meet the water resource management and ecosystem maintenance objectives of the Entiat watershed plan. Instream flows can serve to protect senior water rights.

(2) Instream flows established in this chapter protect stream flows from future withdrawals, and preserve flow levels that are necessary to protect wildlife, fish, water quality, scenic, aesthetic and other environmental values, navigational values, and stock watering requirements. In addition to protecting instream resources, instream flows serve to protect senior water rights.

(3) Instream flows established here are water rights. In accordance with RCW 90.82.080 (2)(a), the planning unit

determined by unanimous vote that the priority date of the instream flows is the effective date of this chapter.

(4) All water rights established after the priority date of the instream flows, and not covered under the reservation, are expressly subject to these instream flows. Water rights junior to the instream flow may be exercised when flow or ground water conditions will provide enough water to satisfy senior rights, including the instream flows. Withdrawals of water which would conflict with instream flows shall be authorized only in situations where it is clear that the overriding considerations of the public interest will be served.

(5) The reservation of water established in WAC 173-546-070 will have a priority date senior to the instream flows. Full use of the reservation will not diminish the protective levels established by the instream flows in WAC 173-546-050, and is necessary to meet the water resource management and ecosystem maintenance objectives under chapters 90.82 and 90.54 RCW.

PERMANENT

(6) Instream flows are expressed in cubic feet per second (cfs). Instream flows are measured at the control stations identified in WAC 173-546-040.

(7) Instream flows are established for the stream management units in WAC 173-546-040, as follows:

**Instream Flows in the Entiat River Basin**  
(cubic feet per second)

Month	Days	USGS Gauge #12452990 Lower Entiat nr. Entiat, RM 1.4	USGS Gauge #12452800 Upper Entiat nr. Ardenvoir, RM 18	USGS Gauge #12452890 Mad River at Ardenvoir RM 0.35
January	1-31	185	175	32
February	1-29	185	175	32
March	1-15	185	175	32
	16-31	250	285	68
April	1-15	250	325	100
	16-30	350	375	100
May	1-15	474	375	100
	16-31	720	375	100
June	1-15	898	325	100
	16-30	617	325	100
July	1-15	359	275	68
	16-31	268	275	68
August	1-15	185	275	68
	16-31	185	275	51
September	1-30	185	175	32
October	1-31	185	175	32
November	1-30	185	175	32
December	1-31	185	175	32

NEW SECTION

**WAC 173-546-060 Lakes and ponds.** In accordance with RCW 90.54.020(3), lakes and ponds in the Entiat watershed shall be retained substantially in their natural condition, including those in the Wenatchee National Forest.

NEW SECTION

**WAC 173-546-070 Reservation of water for specific future uses.** (1) Using the watershed plan as a primary expression of public interest, and consistent with the authority under RCW 90.54.050(1) and 90.82.130(4), the department determines that there is water available, and hereby reserves an amount of surface and ground water, up to five cubic feet per second (5 cfs), for specific future beneficial uses.

(a) The priority date for uses under the reservation is the effective date of this chapter.

(b) The reservation is not subject to the instream flows established in WAC 173-546-050.

(c) Beneficial uses eligible for the reservation include domestic, stock watering, commercial agriculture, and commercial/light industrial uses, consistent with the recommendations of the planning unit and the framework established by the Entiat watershed plan. The 5 cfs of reserved water use will be monitored at the USGS Gauge No. 12452990 (Entiat near Entiat, river mile 1.4), identified in the watershed plan as the "Keystone" gauge. Allocation of water from the reservation will be made as follows.

(2) Domestic and stock watering. The department may allocate up to 1 cfs for these uses. This amount is available for appropriation anywhere within the Entiat River basin.

(a) Outdoor irrigation. The department may allocate water for up to one-half acre of lawn or noncommercial garden from the domestic and stock watering reserve.

(3) Commercial agriculture. The department may allocate up to 3 cfs for these uses. This amount is available for appropriation only in the Lower Entiat stream management

unit as identified in WAC 173-546-040, generally being within the lower 16.2 river miles of the Entiat River watershed, and downstream of the area known as the "Stillwater" reach.

(4) Commercial and light industrial uses. The department may allocate up to 1 cfs for these uses. This amount is available for appropriation only in the Lower Entiat stream management unit as identified in WAC 173-546-040, generally being within the lower 16.2 river miles of the Entiat River watershed, and downstream of the area known as the "Stillwater" reach.

(5) A water right permit issued from the reserve must be consistent with the requirements of RCW 90.03.290.

(6) All water uses from the reserve must be implemented using water use efficiency and conservation practices, consistent with the watershed plan.

(7) This reservation of water shall only be put to beneficial use within the stream management units defined by this chapter. Applications for the withdrawal of water for pur-

poses outside of the stream management units defined in this chapter shall be denied by the department.

(8) A record of all withdrawals from the reservation shall be maintained by the department. For accounting purposes, the department shall use the assumptions and estimates outlined in the plan, which include:

(a) In-house domestic uses: A per capita net use of thirty-five gallons per day.

(b) Outdoor irrigation shall be consistent with the guidelines in Tables 4-14 and 4-15 (below), and with other relevant information as it becomes available.

(c) Commercial agriculture: The consumptive amount of the beneficial use shall be consistent with the crop irrigation requirement specified in Tables 4-14 and 4-15 (below), and with other relevant information as it becomes available. The consumptive amount shall also be consistent, when appropriate, with any amount of conveyance water made unavailable to the river through irrigation bypass.

**Table 4-14. Monthly tree water use(ac-in) at WSU Tree Fruit Research Center, 1972-2002.**

YEAR	APR	MAY	JUN	JUL	AUG	SEP	OCT <sup>2</sup>	SEASON TOTAL
1972	2.03	5.18	7.47	9.20	8.03	4.43	2.00	38.34
1973	2.28	5.40	9.22	11.48	9.80	4.60	2.00	44.78
1974	1.74	4.57	8.69	9.21	8.95	5.21	2.00	40.37
1975	1.72	5.26	8.33	10.49	8.88	4.66	2.00	41.34
1976	1.84	2.82	7.86	10.04	6.71	4.84	2.00	36.11
1977	1.69	4.49	6.67	8.32	5.43	4.32	2.00	32.92
1978	1.92	5.18	8.07	10.20	8.25	4.63	2.00	40.25
1979	2.10	3.78	8.11	9.45	8.31	3.28	2.00	37.03
1980	1.66	4.52	6.25	9.72	7.06	3.61	2.00	34.82
1981	1.61	4.26	6.19	8.53	7.63	3.76	2.00	33.98
1982	1.61	4.60	7.18	8.06	6.74	3.22	2.00	33.41
1983	1.44	5.20	6.66	7.18	6.53	3.89	2.00	32.90
1984	1.47	3.92	6.42	9.86	7.89	3.26	2.00	34.82
1985	1.72	5.18	8.34	10.71	7.93	3.13	2.00	39.01
1986	1.74	4.65	7.69	8.56	7.97	4.08	2.00	36.69
1987	1.88	4.75	7.30	8.28	8.09	4.46	2.00	36.76
1988	1.56	4.22	6.38	10.06	7.57	4.16	2.00	35.95
1989	1.79	4.47	7.65	9.40	7.13	4.43	2.00	36.87
1990	1.78	3.91	6.69	9.39	6.83	4.55	2.00	35.15
1991	1.87	4.21	6.41	10.00	7.42	4.48	2.00	36.39
1992	2.08	6.34	8.58	8.75	7.65	4.22	2.00	39.62
1993	1.10	4.75	6.36	7.46	7.20	3.90	2.00	32.77
1994	1.69	4.74	8.23	12.41	8.53	4.67	2.00	42.27
1995	1.47	5.28	7.90	10.52	7.90	4.66	2.00	39.73
1996	1.53	4.34	8.54	11.02	9.58	4.65	2.00	41.66
1997	1.14	4.27	7.22	9.16	7.30	3.48	2.00	34.57
1998	1.49	3.66	7.81	9.52	8.29	4.75	2.00	37.52
1999	1.60	4.57	8.03	9.31	7.26	4.00	2.00	36.77
2000	1.65	4.38	8.02	9.85	8.56	3.66	2.00	38.12
2001	1.39	4.98	7.06	10.23	7.65	4.35	2.00	37.66

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YEAR	APR	MAY	JUN	JUL	AUG	SEP	OCT <sup>2</sup>	SEASON TOTAL
2002	1.49	4.12	7.69	9.83	7.82	3.81	2.00	36.76
MO. AVG. SINCE 1972	1.68	4.58	7.52	9.55	7.77	4.17	2.00	37.27 ac-in

1. Data have already been adjusted using pan evaporation & KC value to approximate orchard tree water use.
  2. The October value of 2 acre-inches was estimated based on miscellaneous October measurements provided by the WSU Tree Fruit Research Center, and conversations with Tim Smith, WSU Cooperative Extension. April through September values are based on data collected by T. Smith.
- \* Note: Actual irrigation rates must be 10 to 40% higher than tree use, depending on irrigation efficiency

(This table is from the watershed plan, based on the *State of Washington Irrigation Guide* and supplemented by Washington State Tree Fruit Research data collected in Wenatchee WA.)

**Table 4-15. Average monthly tree and pasture/turf irrigation water use (ac-in) estimates.**

Description of Value	Apr	May	Jun	Jul	Aug	Sep	Oct	Season (ac-in)
Average tree fruit water use by month, based on 1972-2002 WSU data.	1.68	4.58	7.52	9.55	7.77	4.17	2.00	37.27
Average tree water use by month, with 65% application efficiency.	2.58	7.05	11.57	14.69	11.95	6.42	3.08	57.34
Average Pasture/Turf water use by month (85% of WSU tree fruit water use avg. value).	1.43	3.89	6.39	8.12	6.60	3.54	1.70	31.68
Average Pasture/Turf water use by month, with 65% efficiency.	2.20	5.99	9.83	12.49	10.16	5.45	2.62	48.74

(This table is from the watershed plan, based on the *State of Washington Irrigation Guide* and supplemented by Washington State Tree Fruit Research data collected in Wenatchee WA.)

(d) Commercial and light industrial: The consumptive amount shall be the amount needed for the specific purpose, as determined by the department and/or the Chelan-Douglas health district.

(9) Since all uses from the reserve will have the same priority date, the following will guide water supply decisions in times of water shortage:

(a) Among the three use categories: Domestic and stock-watering uses will be met first, followed by commercial agriculture and finally commercial/light industrial.

(b) Within each use category, the date of first beneficial use will be used. The use with the earliest date will be satisfied first.

(10) The reservation is created in the context of the year 2025 planning horizon of the watershed plan. Future water supplies may also be available concurrently, using alternative water sources such as storage, reuse and conservation (WAC 173-546-100).

(11) The reservation will be evaluated by the department and the Entiat planning unit no less than every five years: 2010, 2015, and 2020. The allocated and unallocated amounts for each use will be reviewed, as well as the allocated and unallocated amounts for the entire reserve. Modifications to the program may therefore be implemented by rule, if needed.

(12) The department shall notify both Chelan County and the planning unit or its successor, in writing, when it determines that fifty percent, seventy-five percent, and one hundred percent, respectively, of the reservation is allocated. The department shall also issue a public notice in a newspa-

per of general circulation for the region at the same three junctures.

(13) The department shall require metering and reporting for permitted surface and ground water allocations from the reservation. If more accurate water use data is needed the department may, after consulting with the EWPU (or its successor) and Chelan County, require metering and reporting for ground water withdrawals otherwise exempted from permit requirements under RCW 90.44.050. Public water system providers will be required to meter.

**NEW SECTION**

**WAC 173-546-080 Maximum future allocation.**

(1)(a) The department determines that there are certain times when there are surface waters above the instream flows, referred to as "high flows." These high flows provide critical ecological functions such as channel and riparian zone maintenance, flushing of sediments, and fish migration. In order to protect the frequency and duration of these higher flows, the department hereby establishes maximum amounts of water/flow that can be withdrawn from specific streams at specific times above the instream flow levels.

(b) A maximum allocation shall be used to review future applications for beneficial uses from the mainstem Entiat and Mad rivers for the periods and in the amounts specified below:

(i) The maximum allocation from May 1 - June 30 is 100 cfs. Of that 100 cfs, 25 cfs may be allocated from the Mad River.

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(ii) For the period of July 1-15, the maximum allocation is 67 cfs from the mainstem Entiat only.

(iii) For the period of April 16-30, the maximum allocation is 25 cfs from the Mad River only.

(iv) For the periods during which it is clear that no water is likely to be available above the instream flows, no maximum allocation amount is indicated.

**Maximum Future Allocation, Entiat River Basin**

Month	Days	Total Maximum Allocation, Mainstem Entiat (in cfs). Measured at USGS Gauge #12452990, Entiat River nr. Entiat, RM 1.4	Portion of Maximum Allocation Available From Mad River (in cfs). Measured at USGS Gauge #12452890, Mad River at Ardenvoir, RM 0.35
January	1-31		
February	1-29		
March	1-31		
April	1-15		
	16-30		25
May	1-15	100	25
	16-31	100	25
June	1-15	100	25
	16-30	100	25
July	1-15	67	
	16-31		
August	1-31		
September	1-30		
October	1-31		
November	1-30		
December	1-31		

(2) The designation of a maximum allocation does not constitute a determination that water is available, as defined in RCW 90.03.290. A determination of water availability requires the application of four tests: Water is available; the use will not impair senior rights; water will be put to beneficial use; and the use is not detrimental to the public interest. Establishment of a water right from the allocation occurs after proper authorization from the department and after the water is first put to beneficial use. The water rights are subject to the instream flows established in WAC 173-546-050, and other provisions established in statutory, administrative and case law.

(3) The department shall require the metering and reporting of all permitted surface and ground water withdrawals from the maximum allocation.

(4) The department will maintain a record of the amount of water allocated from the Entiat and Mad Rivers. If the maximum amounts are fully appropriated, the department shall notify Chelan County and the planning unit or its successor, in writing. The department shall also issue a public notice in a newspaper of general circulation for the region.

**NEW SECTION**

**WAC 173-546-090 Future permitting actions.** (1) Surface and ground water permits not subject to the instream flows established in WAC 173-546-050 may be issued if:

(a) The proposed use is nonconsumptive, and compatible with the intent of this chapter.

(b) The water use qualifies for the reservation established in WAC 173-546-070.

(2)(a) Future applications for surface waters that are not part of the reserve established in WAC 173-546-070 may be approved subject to the instream flows established in WAC 173-546-050 and the maximum water allocation limits established in WAC 173-546-080.

(b) Future applications for ground waters that are not part of the reservation established in WAC 173-546-070 may be approved subject to the instream flows established in WAC 173-546-050 and the maximum water allocation limits established in WAC 173-546-080. Based upon the findings in the watershed plan, the department determines that there is hydraulic continuity between surface water and ground water sources within both the Lower and Upper Entiat River management units established in WAC 173-546-040. Therefore, water rights shall be issued for ground water only if the department determines that the withdrawal of ground water with proposed mitigation in place would not interfere with or impair the instream flows or the maximum water allocation.

(3) No right to withdraw or store the public surface or ground waters of the Entiat River basin that conflict with the provisions of this chapter will hereafter be granted, except in cases where such rights will clearly serve overriding considerations of the public interest, as stated in RCW 90.54.020 (3)(a).

(4) All future surface and ground water permit holders shall be required to install and maintain measuring devices and report the data to the department in accordance with permit requirements. In addition, the department may require

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the permit holder to monitor stream flows and ground water levels.

**NEW SECTION**

**WAC 173-546-100 Alternative sources of water.** (1) The legislature, in enacting chapter 90.82 RCW, required that strategies for increasing water supplies must be developed as part of the watershed plans. Such strategies may also be implemented through the watershed planning process. WAC 173-546-070 provides a limited reservation of water for specific new uses in the Entiat River basin. However, the ongoing need for reliable sources of new water continues. This need dictates the continued development and use of alternative sources of water, such as:

- Multipurpose water storage facilities;
- Conservation and efficiency measures applied to existing uses and the transfer of saved water; and
- Acquisition, leasing, establishment of a trust water rights program (including water banking).

(2) Alternative sources of water of equal or better quality than the proposed source can be used to improve stream flows for fish, offset impacts of withdrawals on stream flows and provide sources of water for future out-of-stream uses.

**NEW SECTION**

**WAC 173-546-110 Future changes and transfers.** No changes to, or transfers of, existing surface and ground water rights in the Entiat River basin shall hereafter be granted if they conflict with the purpose of this chapter. Any change or transfer proposal can be approved only if there is a finding that existing rights, including the instream flows established in WAC 173-546-050, will not be impaired.

**NEW SECTION**

**WAC 173-546-120 Compliance and enforcement.** (1) To obtain compliance with this chapter the department, with assistance from Chelan County, the planning unit or its successor and partners, shall prepare and distribute technical and educational information regarding the scope and requirements of this chapter to the public. This is intended to assist the public in complying with the requirements of their water rights and applicable water laws.

(2) When the department determines that a violation has occurred, it shall first attempt to achieve voluntary compliance. An approach to achieving this is to offer information and technical assistance to the person, in writing, identifying one or more means to accomplish the person's purposes within the framework of the law.

(3) To obtain compliance and enforce this chapter, the department may impose such sanctions as appropriate under authorities vested in it, including, but not limited to, issuing regulatory orders under RCW 43.27A.190; and imposing civil penalties under RCW 43.83B.336, 90.03.400, 90.03.-410, 90.03.600, 90.44.120 and 90.44.130.

**NEW SECTION**

**WAC 173-546-130 Appeals.** All final written decisions of the department pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter can be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

**NEW SECTION**

**WAC 173-546-140 Regulation review.** Review of this chapter may be initiated by the department whenever significant new information is available, a significant change in conditions occurs, statutory changes are enacted that are determined by the department to require review of the chapter, or if modifications are necessary based on the review described in WAC 173-546-070. Chelan County, the planning unit, or other interested citizens with standing may request that the department initiate a review at any time. If the department initiates a review, it will consult with Chelan County and the planning unit or its successor. If necessary, the department will modify the appropriate provisions of this chapter by rule.

The reservation will be evaluated by the department and the Entiat planning unit no less than every five years: 2010, 2015, and 2020. The allocated and unallocated amounts for each use will be reviewed, as well as the allocated and unallocated amounts for the entire reserve. Modifications to the program may therefore be implemented by rule, if needed.

**NEW SECTION**

**WAC 173-546-150 Map.** For the purposes of administering this chapter, the boundaries of the Entiat River basin identified in the figure below are presumed to accurately reflect the basin hydrology.



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**WSR 05-16-127**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed August 3, 2005, 11:19 a.m., effective September 3, 2005]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This WAC revision is necessary to add language that a recipient of tribal temporary assistance for needy families (TANF) benefits can also receive Medicaid; and clarifies that an adult meeting Medicaid criteria cannot be determined eligible for a family Medicaid program unless the household includes a child eligible for Medicaid.

Citation of Existing Rules Affected by this Order: Amending WAC 388-505-0220.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.530.

Adopted under notice filed as WSR 05-13-170 on June 21, 2005.

Changes Other than Editing from Proposed to Adopted Version: One editorial change was made: In subsection (2), the word *medical* was changed to *Medicaid*.

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: August 2, 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 388-505-0220 Family medical eligibility.** (1) A person is eligible for categorically needy (CN) medical assistance when they are:

(a) Receiving temporary assistance for needy families (TANF) cash benefits;

(b) Receiving Tribal TANF;

(c) Receiving cash diversion assistance, except SFA relatable families, described in chapter 388-222 WAC;

~~((e))~~ (d) Eligible for TANF cash benefits but choose not to receive; or

~~((d))~~ (e) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and (~~WAC 388-470-0050 and~~) 388-470-0026 for recipients.

(2) An adult cannot receive a family Medicaid program unless the household includes a child who is eligible for:

(a) Family Medicaid;

(b) SSI; or

(c) Children's Medicaid.

(3) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC;

(c) Is an unmarried minor parent who is not in a department-approved living situation;

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days;

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or is a probation and parole violator;

(f) Was convicted of a drug related felony;

(g) Was convicted of receiving benefits unlawfully;

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states;

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Is not cooperating with WorkFirst requirements.

~~((3))~~ (4) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical good cause criteria described in chapter 388-422 WAC.

~~((4))~~ (5) Except for a client described in WAC 388-505-0210 (4)(c)(i) and (ii), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

**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

AMENDATORY SECTION (Amending WSR 04-02-014, filed 12/29/03, effective 1/29/04)

**WAC 388-825-120** (~~(Adjudicative proceeding.)~~)  
**When can I appeal department decisions through a fair hearing process?** (1) Fair hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapter 388-02 WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to (~~(an adjudicative proceeding to contest the following department actions:~~

(~~a~~)) a fair hearing.

(3) You have the right to a fair hearing to dispute the following department actions:

(a) Denial or termination of eligibility or services set forth in WAC 388-825-030; (~~(and)~~) 388-825-035 and 388-845-4000;

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

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

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

(~~(e)~~) (d) Refusal to abide by your request not to send notices to any other person;

(e) Refusal to consult with other persons involved in your life during the process of making the decision being disputed;

(f) A decision to move you to a different type of residential service;

(g) Denial or termination of the provider of your choice;

(h) An unreasonable delay to act on an application for eligibility or service;

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

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

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

(2) ~~Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter 388-02~~

WAC. If any provision in this chapter conflicts with chapter 388-02 WAC, the provision in this chapter shall govern.

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

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

(a) Termination of eligibility;

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

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

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

(a) Denial of eligibility;

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

(c) Denial of service;

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

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

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

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

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

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

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

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

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

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

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

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

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

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

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

#### NEW SECTION

#### **WAC 388-825-125 How do I request a fair hearing?**

Your notice of the department decision will include instructions on how to file an appeal, where to send it, and the length of time you have to file for a hearing.

#### NEW SECTION

**WAC 388-825-130 How long do I have to file a request for a fair hearing?** You have to request a fair hearing within ninety days of receipt of the notification of the decision you are disputing.

#### NEW SECTION

**WAC 388-825-135 What if I need help to request an appeal?** You may call the department staff person listed in your notification letter and tell them you want to appeal the decision. The department staff person will notify the office of administrative hearings on your behalf.

#### NEW SECTION

**WAC 388-825-140 Who else can help me appeal a department decision?** You can authorize anyone except an employee of the department to file an appeal on your behalf.

#### NEW SECTION

**WAC 388-825-145 Will the department decision go into effect if I appeal?** No action will be taken by the department until there is a final decision on your appeal to terminate eligibility; or reduce or terminate the payment of SSP set forth in chapter 388-827 WAC. Also, no action will be taken by the department until there is a final decision on your appeal to remove or transfer you to another residential service or terminate your provider of choice unless the circumstances described in WAC 388-825-150 (5) or (6) apply.

#### NEW SECTION

**WAC 388-825-150 When can the department proceed to take action during my appeal?** The department will proceed to take action if:

- (1) It is an eligibility denial and you are not currently an eligible client.
- (2) Your DDD eligibility has expired.
- (3) There is no longer funding for the service.
- (4) The service no longer exists in rule or statute.

- (5) The administrative law judge or review judge rules that you have caused unreasonable delay in the proceedings.
- (6) You are in imminent jeopardy.
- (7) Your provider is no longer qualified to provide services due to:
  - (a) A lack of a contract;
  - (b) Decertification;
  - (c) Revocation or suspension of a license; or
  - (d) Lack of required registration, certification, or licensure.
- (8) The parent of a person under the age of eighteen or the legal guardian approves the department's decision.
- (9) Your appeal was not filed within twenty-eight days of the date you were notified of the department's decision.

**NEW SECTION**

**WAC 388-825-155 What are my appeal rights if I am appealing a decision to move me from a state residential habilitation center to the community?** The procedures in RCW 71A.10.050(2) govern the proceeding.

- (1) No action is taken until there is a final decision on the appeal unless you or your legal representative consent or the administrative law judge rules that you have caused an unreasonable delay in the proceedings.
- (2) The burden of proof is on the department.
- (3) The burden of proof is whether the proposed placement is in your best interest.

**NEW SECTION**

**WAC 388-825-160 When will a decision on my appeal be made?** The administrative law judge shall issue a hearing decision within ninety calendar days after the record is closed, in accordance with WAC 388-02-0515.

**NEW SECTION**

**WAC 388-825-165 Can I appeal the initial order of the administrative law judge?** You may file a petition for administrative review, allowed under WAC 388-02-0215.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-825-170 Community alternatives program (CAP).
- WAC 388-825-180 Eligible persons.
- WAC 388-825-190 Community alternatives program (CAP)—Services.

**INDIVIDUAL PROVIDER AND AGENCY PROVIDER QUALIFICATIONS**

**NEW SECTION**

**WAC 388-825-300 What is the purpose of WAC 388-825-300 through 388-825-400?** A client/legal representative

may choose a qualified individual, agency, or licensed provider. The intent of WAC 388-825-300 through 388-825-400 is to describe:

- (1) Qualification for individuals and agencies providing DDD services in the client's residence or the provider's residence or other setting; and
- (2) Conditions under which the department will pay for the services of an individual provider or a home care agency provider or other provider.

**NEW SECTION**

**WAC 388-825-305 What service providers are governed by the qualifications in these rules?** These rules govern individuals and agencies contracted with to provide:

- (1) Respite care services;
- (2) Companion home services;
- (3) Personal care services through the Medicaid Personal Care program or DDD HCBS Basic, Basic Plus, or CORE waivers;
- (4) Alternative living services; or
- (5) Attendant care services.

**NEW SECTION**

**WAC 388-825-310 What are the qualifications for providers?** (1) Individuals and agencies providing Medicaid personal care (chapter 388-71 and 388-72A WAC) and DDD HCBS waiver personal care (chapter 388-845 WAC) must meet the qualifications and training requirements in WAC 388-71-0500 through 388-71-05909.

(2) Individuals and agencies providing nonwaiver DDD home and community based services (HCBS) in the client's residence or the provider's residence or other setting must meet the requirements in WAC 388-825-300 through 388-825-400.

(3) Individuals and agencies providing HCBS waiver services must meet the provider qualifications in chapter 388-845 WAC for the specific service.

**NEW SECTION**

**WAC 388-825-315 What is your responsibility when you hire an individual respite care, attendant care or personal care provider?** You or your legal representative:

- (1) Have the primary responsibility for locating, screening, hiring, supervising, and terminating an individual respite care, attendant care or personal care provider;
- (2) Establish an employer/employee relationship with the individual provider; and
- (3) May receive assistance from the social worker/case manager or other resources in this process.

**NEW SECTION**

**WAC 388-825-316 How do I choose a companion home or alternative living provider?** You can choose a qualified companion home or alternative living provider contracted with DDD or refer your choice of provider to DDD for contracting if your provider does not have a contract with DDD.

EMERGENCY

NEW SECTION

**WAC 388-825-320 How does a person become an individual provider, companion home provider or an alternative living provider?** In order to become an individual provider, companion home provider or an alternative living provider, a person must:

- (1) Be eighteen years of age or older.
- (2) Provide the social worker/case manager/designee with:
  - (a) Picture identification; and
  - (b) A Social Security card.
- (3) Complete and submit to the social worker/case manager/designee the department's criminal conviction background inquiry application, unless the provider is also the parent of the adult DDD client and exempted, per chapter 74.15 RCW.
  - (a) Preliminary results may require a thumbprint for identification purposes.
  - (b) An FBI fingerprint-based background check is required if the person has lived in the state of Washington less than three years.
  - (4) Provide references as requested.
  - (5) Complete orientation, if contracting as an individual provider.
  - (6) Sign a service provider contract to provide services to a DDD client.
  - (7) Meet additional requirements in WAC 388-825-355.

NEW SECTION

**WAC 388-825-325 What are required skills and abilities for individuals and agencies contracted to provide respite care, companion home services, personal care services through the Medicaid personal care program or the DDD HCBS Basic, Basic Plus or CORE waivers, alternative living services or attendant care services?** (1) As a provider of respite care, companion home services, personal care services through the Medicaid personal care program or the DDD HCBS Basic, Basic Plus, or CORE waivers, alternative living services or attendant care services, you must be able to:

- (a) Adequately maintain records of services performed and payments received;
- (b) Read and understand the person's service plan. Translation services may be used if needed;
- (c) Be kind and caring to the DSHS client for whom services are authorized;
- (d) Identify problem situations and take the necessary action;
- (e) Respond to emergencies without direct supervision;
- (f) Understand the way your employer wants you to do things and carry out instructions;
- (g) Work independently;
- (h) Be dependable and responsible;
- (i) Know when and how to contact the client's representative and the client's case resource manager;
- (j) Participate in any quality assurance reviews required by DSHS;

(2) If you are working with an adult client of DSHS as a provider of alternative living, attendant care or companion home services, you must also:

- (a) Be knowledgeable about the person's preferences regarding the care provided;
- (b) Know the resources in the community the person prefers to use and enable the person to use them;
- (c) Know who the person's friends are and enable the person to see those friends; and
- (d) Enable the person to keep in touch with his/her family as preferred by the person.

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

NEW SECTION

**WAC 388-825-330 What is required for agencies wanting to provide care in the home of a person with developmental disabilities?** (1) Agencies providing personal care services must be licensed as a home care agency or a home health agency through the department of health.

(2) If a residential agency certified per chapter 388-820 WAC wishes to provide Medicaid personal care or respite care in the client's home, the agency must have home care agency certification or a home health license.

NEW SECTION

**WAC 388-825-335 Is a background check required of a home care agency provider?** In order to be a home care agency provider, a person must complete the department's criminal conviction background inquiry application, which is submitted by the agency to the department. This includes an FBI fingerprint-based background check if the home care agency provider has lived in the state of Washington less than three years.

NEW SECTION

**WAC 388-835-340 What is required for a provider to provide respite or residential service in their home?** Unless you are related to the client, or the client lives in a companion home, respite or residential services must take place in a home licensed by DSHS. Services are limited to those age-specific services contained in your license.

NEW SECTION

**WAC 388-825-345 What "related" providers are exempt from licensing?** (1) Relatives of a specified degree are exempt from the licensing requirement and may provide out-of-home respite in their home.

(2) Relatives of specified degree include parents, grandparents, brother, sister, step-parent, step-brother, step-sister, uncle, aunt, first cousin, niece or nephew.

NEW SECTION

**WAC 388-825-355 Are there any educational requirements for individuals providing respite care, attendant care, personal care services, companion home**



**services, or alternative living services?** (1) If you are an individual providing personal care services for adults, you must meet the training requirements in WAC 388-71-05665 through 388-71-05909.

(2) If you are an individual contracted to provide companion homes services or alternative living services, you must:

- (a) Have a high school diploma or GED;
- (b) Successfully complete DDD specialty training within the first six months of beginning service; and
- (c) Complete ten hours of continuing education related to the job responsibilities each subsequent calendar year.

(3) If you provide personal care for children, or provide respite care, there is no required training but DDD retains the authority to require training of any provider.

#### NEW SECTION

**WAC 388-825-360 How does an individual terminate employment as a provider?** State law makes it a crime to abandon a vulnerable adult. "Abandon" means leaving a person without the means or ability to obtain any of the basic necessities of life.

(1) If an individual wishes to "quit" or terminate employment as a provider, the individual must give at least two weeks written notice to his/her employer, their representative (if applicable) and the DDD case manager.

(2) The individual will be expected to continue working until the termination date unless otherwise determined by DSHS.

#### NEW SECTION

**WAC 388-825-365 Are providers expected to report abuse, neglect, exploitation or financial exploitation?** Providers are expected to report any abuse or suspected abuse immediately to child protective services, adult protective services or local law enforcement and make a follow-up call to the person's case manager.

#### NEW SECTION

**WAC 388-825-370 What are the responsibilities of an individual or home care agency when employed to provide respite care, attendant care, personal care, companion home services or alternative living services to a client?** An individual or home care agency employed to provide respite care, attendant care, personal care, companion home services, or alternative living services must:

(1) Understand the client's individual service plan or plan of care that is signed by the client or legal representative and social worker/case manager, and translated or interpreted, as necessary, for the client and the provider;

(2) Provide the services as outlined on the client's service plan, within the scope of practice in WAC 388-71-0202 and 388-71-0203;

(3) Accommodate client's individual preferences and differences in providing care, within the scope of the service plan;

(4) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;

(5) Observe the client for change(s) in health, take appropriate action, and respond to emergencies;

(6) Notify the case manager immediately when the client enters a hospital, or moves to another setting;

(7) Notify the case manager immediately if the client dies;

(8) Notify the department immediately when unable to staff/serve the client; and

(9) Notify the department when the individual or home care agency will no longer provide services. Notification to the client/legal guardian must:

(a) Give at least two weeks' notice, and

(b) Be in writing.

(10) Complete and keep accurate time sheets that are accessible to the social worker/case manager; and

(11) Comply with all applicable laws, regulations and contract requirements.

#### NEW SECTION

**WAC 388-825-375 When will the department deny payment for services of an individual or home care agency providing respite care, attendant care, personal care, companion home services or alternative living services?** (1) The department will deny payment for the services of an individual or home care agency providing respite care, attendant care, personal care, companion home services or alternative living services who:

(a) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a Chore services client. Note: For Chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(b) Is providing services under this chapter to their natural/step/adoptive minor client aged seventeen or younger;

(c) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(d) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(e) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations;

(f) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05665 through 388-71-05909; or

(g) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider).

(2) The department will deny payment for the services of an individual or a home care agency providing companion home services or alternative living services to their natural/step/adoptive adult child.

(3) The department will deny payment for services of a legal representative appointed by the courts providing com-

panion home services to the client for whom they are the legal representative.

(4) In addition, the department may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

#### NEW SECTION

**WAC 388-825-380 When can the department reject the client's choice of an individual respite care, attendant care or personal care provider?** The department may reject a client's request to have a family member or other person serve as his or her individual respite care, attendant care or personal care provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

- (1) Evidence of alcohol or drug abuse;
- (2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842);
- (3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;
- (4) Other employment or responsibilities that prevent or interfere with the provision of required services;
- (5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

#### NEW SECTION

**WAC 388-825-381 When can the department reject the client's choice of a companion home services or alternative living services provider?** The department can reject the client's choice of a companion home services or alternative living services provider for any reason listed in WAC 388-825-380 or when:

- (1) The department has assessed the client to need more than forty hours of alternative living services, thereby requiring services be provided by a DDD certified supportive living agency per chapter 388-820 WAC; and/or
- (2) The client's choice of companion home provider is the client's parent or court appointed legal representative unless the provider was contracted and paid to provide companion home services prior to February 2005.

#### NEW SECTION

**WAC 388-825-385 When can the department terminate or summarily suspend an individual respite care, attendant care, personal care, companion home services or alternative living services provider's contract?** The department may take action to terminate an individual respite care, attendant care, personal care, companion home services or alternative living services provider's contract if the provider's inadequate performance or inability to deliver quality care is jeopardizing the client's health, safety, or well-being. The department may summarily or immediately suspend the contract pending a hearing based on a reasonable, good faith

belief that the client's health, safety, or well-being is in imminent jeopardy. Examples of circumstances indicating jeopardy to the client could include, without limitation:

- (1) Domestic violence or abuse, neglect, abandonment, or exploitation of a minor or vulnerable adult;
- (2) Using or being under the influence of alcohol or illegal drugs during working hours;
- (3) Other behavior directed toward the client or other persons involved in the client's life that places the client at risk of harm;
- (4) A report from the client's health care provider that the client's health is negatively affected by inadequate care;
- (5) A complaint from the client or client's representative that the client is not receiving adequate care;
- (6) The absence of essential interventions identified in the service plan, such as medications or medical supplies; and/or
- (7) Failure to respond appropriately to emergencies.

#### NEW SECTION

**WAC 388-825-390 When can the department otherwise terminate an individual's contract to provide respite care, attendant care, personal care, companion home services or alternative living services?** The department may otherwise terminate the individual's contract to provide respite care, attendant care, personal care, companion home services or alternative living services for default or convenience in accordance with the terms of the contract and to the extent that those terms are not inconsistent with these rules.

#### NEW SECTION

**WAC 388-825-395 What are the client's rights if the department denies, terminates, or summarily suspends an individual's contract to provide respite care, attendant care, personal care, companion home services or alternative living services?** If the department denies, terminates, or summarily (immediately) suspends the individual's contract to provide respite care, attendant care, personal care, companion home services or alternative living services, the client has the right to:

- (1) A fair hearing to appeal the decision, per chapter 388-02 WAC and WAC 388-825-120; and
- (2) Receive services from another currently contracted individual or home care agency, or other options the client is eligible for, if a contract is summarily suspended.
- (3) The hearing rights afforded under this section are those of the client, not the individual provider.

#### NEW SECTION

**WAC 388-825-396 Does the provider of respite care, attendant care, personal care, companion home services or alternative living services have a right to a fair hearing?** (1) The hearing rights afforded under WAC 388-825-395(1) are those of the client.

(2) The provider of respite care, attendant care, personal care, companion home services or alternative living services does not have a right to a fair hearing.

NEW SECTION

**WAC 388-825-400 Self-directed care—Who must direct self-directed care?** Self-directed care under chapter 74.39 RCW must be directed by an adult client for whom the health-related tasks are provided. The adult client is responsible to train the individual provider in the health-related tasks which the client self-directs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-825-260	What are qualifications for individual service providers?
WAC 388-825-262	What services do individuals provide for persons with developmental disabilities?
WAC 388-825-264	If I want to provide services to persons with developmental disabilities, what do I do?
WAC 388-825-266	If I want to provide respite care in my home, what is required?
WAC 388-825-268	What is required for agencies wanting to provide care in the home of a person with developmental disabilities?
WAC 388-825-270	Are there exceptions to the licensing requirement?
WAC 388-825-272	What are the minimum requirements to become an individual provider?
WAC 388-825-276	What are required skills and abilities for this job?
WAC 388-825-278	Are there any educational requirements for individual providers?
WAC 388-825-280	What are the requirements for an individual supportive living service (also known as a companion home) contract?
WAC 388-825-282	What is "abandonment of a vulnerable adult"?
WAC 388-825-284	Are providers expected to report abuse?

**WSR 05-16-012  
EMERGENCY RULES  
SECRETARY OF STATE**

[Filed July 22, 2005, 10:12 a.m., effective July 22, 2005]

Effective Date of Rule: Immediately.

Purpose: To provide rules for the September pick-a-party primary because a court ruled Initiative 872's version of the top two primary is unconstitutional on July 15, 2005 (see *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 9, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 9, Amended 6, 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 22, 2005.

Sam Reed  
Secretary of State

**Chapter 434-220 WAC**

**PARTISAN PRIMARIES**

NEW SECTION

**WAC 434-220-010 Partisan primaries.** This chapter is limited in application to the conduct of partisan primaries and nonpartisan primaries held in conjunction with partisan primaries. If a county holds only a nonpartisan primary, it is exempt from this chapter.

Note: This section is adopted pursuant to *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 434-220-020 Definitions.** As used in this chapter:

(1) "Checkbox" means a voter response position on a consolidated ballot where a voter who desires to participate in a partisan primary must indicate major party affiliation.

(2) "Consolidated ballot" is a single ballot on which the candidates for each political party are separate from the candidates for any other political party and which also includes nonpartisan offices and issues, listed after the candidates of each political party at the end of the ballot.

(a) In the case of a punchcard ballot where the candidates and issues are listed on a separate ballot guide, the ballot guide must be considered part of the ballot.

(b) In the case of a direct recording device, a consolidated ballot must have a beginning screen which contains a check-off box for each of the major political parties. After the voter has affiliated by marking a checkbox, only the party ballot checked by the voter and the nonpartisan ballot must appear to the voter.

(3) "Nonpartisan" means not associated with any one political party.

(4) "Party affiliation" means:

(a) On a consolidated ballot, a voter's selection of a major political party in a manner consistent with the type of voting system used; or, with physically separate ballots, voting a major political party's ballot;

(b) For a write-in candidate, filing as a write-in candidate for a major political party.

(5) "Physically separate ballot" is a ballot specific to a single major political party, listing candidates for that major political party and including nonpartisan offices and ballot measures, or a ballot containing only nonpartisan offices and ballot measures.

(a) In the case of a punchcard ballot where the candidates and ballot measures are listed on a separate ballot guide or a consolidated ballot guide, the ballot guide must be considered part of the ballot.

(b) In the case of a direct recording device, separate ballots must be issued by offering all ballot choices when the poll worker programs their ballot code, from which the voter must choose one.

(6) "Spot color" means coloring a portion of the ballot.

(7) "Void," when applied to unvoted ballots, means keeping them in the sealed container in which they were deposited on election day.

Note: This section is adopted pursuant to *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 434-220-040 Ballot layout and color—Consolidated ballots.** A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. County auditors may use spot coloring, shading, or colored printing to assist the voter in distinguishing between party sections. If color is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative

rule, the following provisions apply to the layout of consolidated ballots:

(1) The two party checkboxes must be listed before all offices and ballot measures, pursuant to RCW 29A.36.106. The checkboxes must be labeled "democratic party" and "republican party."

(2) Optical scan ballots must list candidates in columns or sections by major political party. If a party section spans multiple columns, the next major party section must either:

(a) Begin where the last major party section ended, and there must be a well-defined division between the party sections; or

(b) A new column may be started but each party's section must remain entirely on one side of the ballot.

(3) Punchcard ballots must have separate columns for each political party and nonpartisan sections. At the poll-site, clearly defined ballot pages or other means of division must be used to clearly separate the listing of candidates by party.

(4) Ballot instructions must be printed on the ballot and include:

(a) The definition of "nonpartisan," as defined in WAC 434-220-020;

(b) Direction on how to mark the ballot, including write-in votes; and

(c) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"This ballot contains major political party candidates, nonpartisan candidates, and ballot measures. You may vote for only one political party's candidates and vote on any nonpartisan offices and ballot measures by:

– Selecting one political party, which also entitles you to vote on all nonpartisan offices and ballot measures on the ballot. If you do not select one party or if you select more than one party, your votes for candidates for partisan offices will **not** be counted.

– Voting for only that party's candidates. Votes for another party's candidates will **not** be counted.

– Voting for nonpartisan offices and ballot measures. These votes **will** be counted, even if you do not mark a political party."

(5) For optical scan and Datavote systems, ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

(6) For punchcard ballots, voting instructions may be printed on the ballot itself, on the ballot stub that is removed from the ballot, or on the voting guide as additional instructions for the voter.

Note: This section is adopted pursuant to *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 434-220-050 Ballot layout and color—Physically separate ballots.** A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. The follow-

ing provisions apply to the layout of physically separated ballots:

(1) A separate ballot must be produced for each major political party and for all nonpartisan races. The political party abbreviation after each candidate's name may be eliminated if the ballot layout clearly identifies the candidate's political party. County auditors may use colored ballot stock, spot coloring, shading, or colored printing to assist the voter in distinguishing between the ballots. If colored ballot stock is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. If color is used to distinguish punchcard ballots, the appropriate ballot pages in the poll-site must also be the corresponding color.

(2) Punchcard systems must prepunch each party ballot to ensure that votes are counted for only one party's candidates. Punchcard ballot guides may be consolidated into one guide. In this case, the party and nonpartisan ballots must be printed in the same manner as consolidated ballots. In the case of punchcard systems, if separate ballot cards are provided for each ballot they shall be considered as separate ballots.

(3) Each physically separate ballot must have "democratic party," "republican party," or "nonpartisan" printed on the ballot. In addition to the requirements of RCW 29A.36.121, each ballot must list partisan offices first, then all nonpartisan offices and ballot measures. All ballots must be issued to each voter, both at the poll-site and to voters voting by mail or absentee. Absentee voters must be instructed to vote and return only one ballot.

(4) Ballot instructions must be printed on the ballot and must include:

(a) The definition of "nonpartisan," defined in WAC 434-220-020;

(b) Direction on how to mark the ballot, including write-in votes;

(c) Language advising voters that if they have voted for nonpartisan candidates on one of the partisan ballots, they should return that ballot only and should **not** cast the separate nonpartisan ballot; and

(d) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"Separate ballots have been provided for each political party in addition to a nonpartisan ballot. You must choose only one ballot to vote. Though party affiliation is inferred by choosing a political party ballot, no record will be made of the ballot you choose. Only vote and cast one ballot and deposit the other two ballots in the specified container. If you vote more than one political party ballot, none of your votes for political party candidates will count. You may vote a nonpartisan ballot, regardless of any party affiliation."

(5) For optical scan and Datavote systems, ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

(6) For punchcard ballots, voting instructions may be printed on the ballot itself, on the ballot stub that is removed from the ballot, or on the voting guide as additional instructions for the voter.

Note: This section is adopted pursuant to *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 434-220-060 Order of political parties.** The order of political parties for consolidated ballots and ballot guides, sample ballots, and notices of election must be in the same order as candidates on the general election ballot as determined by RCW 29A.36.161.

Note: This section is adopted pursuant to *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 434-220-070 Ballot programming—Consolidated ballots.** (1) Before a county may use a consolidated ballot format, the ballot counting program must achieve the following:

(a) If a voter marks a check-off box for a major political party, only votes for that party may be counted; and

(b) If a voter does not mark a check-off box for a major political party, no votes for a partisan office may be counted; and

(c) If a voter marks two or more check-off boxes, no votes for a partisan office may be counted; and

(d) In the case of direct recording devices, the voter must be able to select a ballot type on the first screen and have only the ballot selected appear to the voter.

(2) If an optical scan or punchcard ballot counting program cannot use the check-off box to eliminate invalid votes for each of the situations listed in this section, all ballots must be inspected for those marks that cannot be read correctly. Improperly marked ballots must be duplicated to ensure invalid votes are not counted. In the case of precinct ballot counters, ballots must be inspected after they have been returned from the polls. As part of the canvassing process, the county auditor must take appropriate steps to amend the unofficial precinct count totals to reflect the correct count.

Note: This section is adopted pursuant to *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 434-220-080 Polling place procedures—Physically separate ballots.** (1) In the case of optical scan ballots, poll workers must give the voter a ballot for each major political party, which also contains nonpartisan offices and ballot measures, and one ballot that only contains nonpartisan offices and ballot measures. The county auditor must number the ballot stubs in a manner so that it cannot be determined which ballot was cast by the voter. The poll workers must instruct the voter to choose one ballot to vote. The remaining two ballots must be deposited into an "unvoted ballots" container secured with a numbered seal. The county auditor may have the voter select a single ballot and deposit the unselected ballots in the secure container prior to entering the voting booth or the selection may be done after the voter leaves the booth. Regardless of when the ballot selection is made, the

auditor must ensure that only one ballot is deposited in the ballot box and the remaining ballots deposited into an "unvoted ballots" container. The auditor must ensure that, wherever possible, the privacy of the ballot selection by the voter is maintained. The ballot stub must be removed and placed into the ballot stub envelope before the voted ballot is deposited into the ballot box.

(2) The "unvoted ballots" container must remain sealed and be returned to the county auditor with the supplies and voting materials.

(3) If a voter spoils one or more physically separate ballot(s) and wishes to correct the error, the ballot(s) must be returned to the poll worker and placed into the spoiled ballot envelope. The poll worker must issue a new set of ballots, consisting of each major political party's ballot and the non-partisan ballot. The ballot stub number must be recorded in the poll book.

Note: This section is adopted pursuant to *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 434-220-110 No records made at poll-sites.**

Pursuant to RCW 29A.44.231, no record of the political party ballot selected by the voter must be made by any person at the polling place. This prohibition includes poll workers, political observers and any other person who may be present while voting is taking place. The use of devices such as telephones, cameras, or recording devices to report, track, or monitor the ballot selection by voters is prohibited.

Note: This section is adopted pursuant to *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 434-220-210 Partisan primary recounts.** When a recount is requested or mandatory under chapter 29A.64 RCW in a partisan office, the recount must only apply to the candidates of the affected political party. Votes for the same office of other political parties must not be recounted.

Note: This section is adopted pursuant to *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

### AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-230-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the

order provided by RCW ((29A.36.120)) 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

Note: This section is amended pursuant to *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

### AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-230-030 Placement of ballot measures for local units of government.** All county-wide ballot measures shall be listed immediately following state measures or issues. In the absence of state measures or issues, county-wide ballot measures shall appear first on all sample ballots and on all ballots. On a partisan primary ballot, a county-wide ballot measure must appear first on the nonpartisan ballot or nonpartisan section of the consolidated ballot. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

Note: This section is amended pursuant to *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

**AMENDATORY SECTION** (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

**WAC 434-230-160 Electronic voting device instructions.** The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided ~~((on the ballot card or ballot envelope and punch or mark))~~ for such write-in position (if applicable).

~~((Absentee ballots shall be designated in such a manner as to clearly distinguish them from polling place ballots.))~~

**Note:** This section is amended pursuant to Washington State Republican Party, et al. v. Logan, et al., U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

**AMENDATORY SECTION** (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-230-170 Electronic voting devices—Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW 29A.36.010 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together ~~((Each group shall be enclosed in brackets))~~ with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

**Note:** This section is amended pursuant to Washington State Republican Party, et al. v. Logan, et al., U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-253-020 Election supplies—Polling place.** Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Instruction signs for voters;
- (8) Challenge ~~((special))~~ and provisional ballot envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballot ~~((s))~~ stub envelope;
- (15) Emergency plan of action;
- (16) Sample ballot;
- (17) HAVA voter information poster;
- (18) Voter registration forms;
- (19) For partisan primaries in counties using physically separate ballots, an "unvoted ballots" container with a numbered seal.

**Note:** This section is amended pursuant to Washington State Republican Party, et al. v. Logan, et al., U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005).

**AMENDATORY SECTION** (Amending WSR 02-07-029, filed 3/12/02, effective 4/12/02)

**WAC 434-262-150 Rejection of ballots or parts of ballots.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

- (1) Where two ballots are found folded together, or where a voter has voted more than one ballot;
- (2) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;
- (3) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine voter's intent;
- (4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- (5) Where the voter has voted for more candidates for an office than are permissible;

(6) Where the voter has incorrectly attempted to correct a vote on the ballot contrary to the instructions provided pursuant to WAC 434-240-200 unless the voter provides written instructions directing how the vote should be counted.

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule;

(7) In the case of a partisan primary:

(a) Physically separate ballots:

(i) A log must be kept of all voted ballots rejected and included as part of the county canvassing board minutes.

(ii) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank ballot of the same party the voter originally voted for.

(iii) When a party ballot and nonpartisan ballot both have been returned with the nonpartisan offices and ballot measures voted on both ballots, only the party ballot, including the votes cast for nonpartisan candidates and ballot measures, must be counted and the nonpartisan ballot is rejected.

(iv) Write-in votes for a partisan candidate on a nonpartisan ballot must not be counted in the final write-in tally.

(v) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy, thereby affiliating with a major party, must not be counted in the final write-in tally.

(vi) If physically separate ballots are used and a voter returns more than one voted partisan ballot, no votes cast for candidates for partisan office must be counted. If votes are cast for nonpartisan offices and/or ballot measures on only one of the partisan ballots, those votes must be counted. If votes are cast for nonpartisan offices and/or ballot measures on more than one party ballot, only those votes which are the same on each ballot must be duplicated onto a nonpartisan ballot and counted.

(vii) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.

(b) Consolidated ballots:

(i) When voting a consolidated ballot, if the voter does not mark the party check-off box, votes cast for candidates for partisan office must not be counted but votes cast on the nonpartisan portion of the ballot must be counted.

(ii) Write-in votes for a partisan candidate in a partisan office on the nonpartisan section of the ballot must not be counted in the final write-in tally.

(iii) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy must not be counted in the final write-in tally.

(iv) If the voter marks one party check-off box, only those votes for candidates of that party must count. Votes cast for candidates of other political parties must not be counted and do not cause over-votes for races where the voter has also voted for a candidate of the party they have selected for partisan offices.

Note This section is amended pursuant to *Washington State Republican Party, et al. v. Logan, et al.*, U.S.D.C. No. CV 05 0927 FSZ (W.D. Wash. 2005)

WSR 05-16-013  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 05-152—Filed July 22, 2005, 4:36 p.m., effective August 1, 2005, 6:00 a.m.]

Effective Date of Rule: August 1, 2005, 6:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 22, 2005.

J. P. Koenings  
Director

NEW SECTION

**WAC 220-52-07100R Sea cucumbers.** Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. August 1, 2005 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3 and 5 on Monday, Tuesday and Wednesday of each week.

(2) It is unlawful to dive for any purpose from a commercially licensed sea urchin or sea cucumber fishing vessel on Saturday and Sunday of each week.



**WSR 05-16-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-150—Filed July 22, 2005, 4:38 p.m., effective July 25, 2005, 7:00 p.m.]

Effective Date of Rule: July 25, 2005, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-33-01000G; 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 sixth commercial fishing period for the summer season. The summer chinook run is near the preseason forecast and harvest is projected to be within the preseason guidelines. 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 July 22, 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 22, 2005.

J. P. Koenings  
 Director

NEW SECTION

**WAC 220-33-01000G 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 25 to 5:00 a.m. Tuesday July 26, 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 26, 2005:

WAC 220-33-01000G Columbia River season below Bonneville.

**WSR 05-16-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-151—Filed July 22, 2005, 4:39 p.m., effective July 22, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100L and 220-32-05100M; 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 fourth 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 22, 2005. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 22, 2005.

J. P. Koenigs  
Director

### NEW SECTION

**WAC 220-32-05100M 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 25 to 6:00 p.m. July 29, 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 tribal 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.

### REPEALER

The following section of the Washington Administrative Code is repealed 6:01 p.m. July 22, 2005:

WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam. (05-145)

The following section of the Washington Administrative Code is repealed effective August 1, 2005:

WAC 220-32-05100M Columbia River salmon seasons above Bonneville Dam.

### WSR 05-16-019

#### EMERGENCY RULES

#### DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

[Filed July 25, 2005, 9:17 a.m., effective July 25, 2005]

Effective Date of Rule: Immediately.

Purpose: The Office of Archaeology and Historic Preservation becomes an independent Department of Archaeology and Historic Preservation effective July 24, 2005, chapter 333, Laws of 2005. The emergency adoption of these rules will enable the new department to continue operating and serving constituents without interruption or delay while the department completes the permanent rule-making process.

Citation of Existing Rules Affected by this Order: Amending chapters 25-48, 25-46, 25-42, and 25-12 WAC.

Statutory Authority for Adoption: RCW 27.34.220, 27.53.140, 43.21C.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: As of July 24, 2005, a new state Department of Archaeology and Historic Preservation is formed. Current rules for the Office of Archaeology and Historic Preservation must be amended to implement the statutes creating and authorizing the new department. Emergency rules are necessary to allow the new department to exercise its statutory authority while permanent rules are adopted.

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 58, 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 58, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, Amended 44, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 25, 2005.

Allyson Brooks, Ph.D.  
State Historic  
Reservation Officer

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

**WAC 25-48-010 Purpose.** The purpose of this chapter is to establish application and review procedures for the issuance of archaeological excavation and removal permits and for the issuance of civil penalties as provided for in chapter (s 27.44 and) 27.53 RCW.

AMENDATORY SECTION (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 889-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person who:

(a) Has designed and executed an archaeological study as evidenced by a thesis or dissertation(;) and ((has) been awarded an advanced degree such as an M.A., M.S., or Ph.D. ((from an accredited institution of higher education)) in archaeology, anthropology, ((or)) history or other germane discipline with a specialization in archaeology from an accredited institution of higher education; and

(b) Has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist, including no less than

twelve weeks of survey or reconnaissance work~~((;))~~ and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report on the field work produced by the individual ~~((on the field work))~~.

(5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state; including the state's submerged lands under the Submerged Lands Act, 43 U.S.C. Sec. 1301 et seq.

(6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.

(7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(8) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(9) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(10) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest~~((This shall include))~~, including all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.

(11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.-220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(12) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

(13) "Director" means the director of the department of ~~((community development))~~ archaeology and historic preservation or his or her designee.

(14) ~~((Office" means the Washington state office of archaeology and historic preservation, department of community development.~~

~~((15))~~ "Department" means the department of ~~((community development))~~ archaeology and historic preservation.

(15) "State historic preservation officer" means the director, who serves as the state historic preservation officer under chapter 43... RCW (Laws of 2005, chapter 333, s 2).

(16) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.

(17) "Revocation" means the termination of a permit under this chapter.

(18) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

(19) "Abandonment" means that the resource has been deserted and the owner has relinquished ownership rights with no retention, as demonstrated by a writing, oral communication, action, or inaction.

(20) "Person" means any individual, corporation, partnership, trust, institution, association, or other private entity; or any officer, employee, agent, department, or instrumentality of the state or any county, city, or other political subdivision of the state.

(21) "Permittee" means any person who holds an active archaeological excavation permit issued under RCW 27.53.060 and this chapter.

(22) "Respondent" means any person who has received a notice of violation under WAC 25-48-041, a notice of permit denial under WAC 25-48-105, a notice that a right of first refusal has been extinguished under WAC 25-48-108, or a notice of suspension or revocation under WAC 25-48-110, and who has filed an application for an adjudicative proceeding.

**AMENDATORY SECTION** (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-030 Scope and coverage of this chapter.**

(1) This chapter ~~((is applicable))~~ applies to any person, ~~((corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state))~~ as defined in WAC 25-48-020.

(2) This chapter ~~((is applicable))~~ applies to the alteration, digging, excavating, or removal of archaeological objects or sites or historic archaeological resources which have been abandoned thirty years or more, and to the removal of glyptic

or painted records or archaeological resources from native Indian cairns or graves.

(3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites except when there will be removal of glyptic or painted records, or archaeological resources from native Indian cairns or graves.

(4) ~~((This chapter is applicable as follows))~~ The following sections of this chapter apply to the removal of sample artifacts as provided under WAC 25-46-060 (1)(d):

WAC 25-48-010.

WAC 25-48-020.

WAC 25-48-030.

WAC 25-48-050.

WAC 25-48-060 (1)(a)(~~i~~) except for the requirements of a completed inventory form, (1)(d), (f), (g), (h), (m), (n), and (5).

WAC 25-48-090.

WAC 25-48-100.

WAC 25-48-105.

WAC 25-48-120.

#### NEW SECTION

**WAC 25-48-035 Delegation to state archaeologist and assistant state archaeologist.** (1) The director's authority to determine violations of chapter 27.53 RCW and to impose civil penalties under RCW 27.53.095 and this chapter is delegated to the state archaeologist and the assistant state archaeologist, subject to review by the director as provided in WAC 25-48-120. This delegation of authority to the state archaeologist and the assistant state archaeologist is in addition to any other delegation granted in statute, by rule, or otherwise in writing by the director.

(2) The director retains authority to review determinations made by the state archaeologist or the assistant state archaeologist under this chapter and to hear appeals of those determinations.

(3) The state historic preservation officer may delegate to subordinate staff in the office the functions and duties assigned in this chapter to the state historic preservation officer.

#### AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

**WAC 25-48-040 Agency policy.** The overriding policy of the ~~((office))~~ department is to assure the protection of the archaeological resources of the state. This policy results from:

(1) The legislated duty of the ~~((office))~~ department to preserve and protect the heritage of the state in a manner that does not impair the resources (RCW 27.34.220); and

(2) ~~((Recognition of the fact that the public has an interest in the knowledge of the state's heritage and a responsibility to contribute to the preservation and enhancement of that heritage))~~ The public interest in the conservation, preservation, and protection of the state's archaeological resources, and the knowledge to be derived and gained from the scientific study of these resources (RCW 27.53.010).

#### NEW SECTION

**WAC 25-48-041 Notice of violation—Penalties.** (1)(a) It is unlawful for any person to knowingly and willfully remove, alter, dig into, excavate or remove an archeological object or site or archeological resource without a permit required by RCW 27.53.060.

(b) It is unlawful for any person to knowingly and willfully fail to comply with the provisions of a permit issued by the state historic preservation officer under RCW 27.53.060.

(2) Pursuant to RCW 27.53.095, the state archaeologist or the assistant state archaeologist may issue a notice of violation to any person who knowingly and willfully violates RCW 27.53.060 or the provisions of a permit issued under RCW 27.53.060 and this chapter.

(3) The notice of violation shall impose a monetary penalty of five thousand dollars; provided, however, that the state archaeologist or the assistant state archaeologist may decrease the penalty for the first or second violation upon a determination, supported by specific findings, that the circumstances of the violation warrant a lesser penalty than the statutory maximum. This determination shall be based on the factors set out in WAC 25-48-044. The monetary penalty for any subsequent violation will be five thousand dollars.

(4) In addition to any civil penalty imposed under this section, the notice of violation also shall require the respondent to pay the following costs, as determined under WAC 25-48-043:

(a) Reasonable investigative costs incurred by a mutually agreed upon independent professional archaeologist investigating the alleged violation; and

(b) Reasonable site restoration costs.

(5) The notice of violation shall set forth the conduct determined to violate RCW 27.53.060 or a permit issued thereunder, the damage for which restoration is required, the amount of civil penalty assessed, and, if appropriate, the findings warranting a lesser penalty than the statutory maximum. If the reasonable investigative costs incurred by a mutually agreed upon independent professional archaeologist investigating the alleged violation and the reasonable site restoration costs have been determined, they shall be set forth in the notice of violation; if those costs are determined after the notice of violation has been issued, those costs may be levied against the respondent by a later addendum to the notice of violation or in a final order following an adjudicative proceeding.

(6) The notice of violation shall inform the respondent of its right to request a hearing to contest the notice of violation.

(7) In addition to any civil penalty imposed under this section, the state archaeologist or the assistant state archaeologist may refer any alleged violation to any federal, state, or county authority with jurisdiction over the act or acts alleged to constitute the violation.

#### NEW SECTION

**WAC 25-48-043 Procedure for selecting a mutually agreed upon independent professional archaeologist investigator and for determining site restoration costs.** (1) Pursuant to RCW 27.53.095, a person found to have violated chapter 27.53 RCW or a permit issued under RCW 27.53.060

shall pay the reasonable investigative costs incurred by an independent professional archaeologist investigating the alleged violation who has been mutually agreed to by the state archaeologist or the assistant state archaeologist and the respondent. The state archaeologist or the assistant state archaeologist and the respondent may agree to investigation by a qualified employee of the department.

(2) If the state archaeologist or the assistant state archaeologist determines an agreement cannot be reached with the respondent under subsection (1) of this section, the independent professional archaeologist investigator shall be selected as follows:

(a) The state archaeologist or the assistant state archaeologist shall notify the respondent that an agreement cannot be reached and instruct the respondent to provide to the department, within five working days, the name, address, and telephone number of a professional archaeologist together with a summary of the professional archaeologist's professional qualifications. The respondent is responsible for all fees and costs billed by the professional archaeologist the respondent selects.

(b) The state archaeologist or the assistant state archaeologist shall select a professional archaeologist who is not employed or contractually bound to the office. The department is responsible for all fees and costs billed by the professional archaeologist the state archaeologist or the assistant state archaeologist selects.

(c) The professional archaeologists selected by the respondent and by the state archaeologist or the assistant state archaeologist shall jointly select a third professional archaeologist to investigate the alleged violation. Their selection must be communicated to the state archaeologist or the assistant state archaeologist and the respondent within ten working days. The state archaeologist or the assistant state archaeologist shall provide the professional archaeologist investigator with written authorization to conduct the investigation.

(d) The respondent is responsible for all fees and costs billed by the professional archaeologist investigator.

(3) The professional archaeologist investigator agreed to under subsection (1) or (2) of this section shall assess damage and disturbance to the archaeological resource or site caused by the conduct alleged in the notice of violation and prepare a written report containing the following information:

(a) A map and description of the site, indicating the location and extent of damage or disturbance;

(b) An estimate of the volume of soil disturbed;

(c) An inventory of artifacts and archaeological context and data damaged or disturbed;

(d) An estimate of the archaeological value of artifacts and samples damaged or disturbed;

(e) A summary of the site restoration actions required because of damage or disturbance;

(f) An estimate of site restoration costs, supported by a narrative or numerical explanation; and

(g) Any other information the state historical preservation officer reasonably may require.

(4) The written report required under subsection (3) of this section must be provided to the department, the respondent, the affected tribes, local government, and the property owner, within sixty calendar days of the date the professional

archaeologist investigator is authorized by the state archaeologist or the assistant state archaeologist to conduct the investigation.

(5) In determining the site restoration actions required because of damage or disturbance, the professional archaeologist investigator shall include the following, as necessary and appropriate:

(a) Landscaping to return the site to its original geography and configuration;

(b) Recovering, analyzing, and reporting on all archaeological materials damaged or disturbed by the alleged conduct;

(c) Preparing the archaeological materials for curation and the cost of curation or, if appropriate, reburial.

#### NEW SECTION

**WAC 25-48-044 Penalties—Adjustments.** (1) The state archaeologist or the assistant state archaeologist may decrease the penalty imposed under WAC 25-48-041(3) for the first or second violation upon a determination, supported by specific findings based on the following factors, that the circumstances of the violation warrant a lesser penalty:

(a) Whether the respondent's act or acts resulted in actual or potential harm to an archeological site, resource, or object, or to human remains;

(b) Whether the respondent's act or acts involve more than one human remains, the damage or disintegration of human remains, or the use of human remains for profit or other financial gain;

(c) Whether the notice of violation encompasses multiple acts that constitute separate violations of this chapter or chapter 27.53 RCW;

(d) Whether the respondent's act or acts reasonably appear to be part of a pattern of the same or similar conduct, whether or not that conduct previously resulted in any state or federal sanction;

(e) Whether the respondent voluntarily disclosed or reported an act or acts constituting a violation of this chapter or chapter 27.53 RCW;

(f) Whether the respondent voluntarily takes remedial measures to provide increased protection for an archeological site, resource, or object or for human remains;

(g) Whether the respondent voluntarily takes measures to reduce the likelihood the violation will be repeated.

(2) The state archaeologist or the assistant state archaeologist may negotiate an agreed settlement of the penalty with the respondent, on such terms and for such reasons as the state archaeologist or the assistant state archaeologist deems appropriate. Any prior negotiated settlement may be considered by the state archaeologist or the assistant state archaeologist in determining the appropriate penalty for a subsequent violation.

AMENDATORY SECTION (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-050 Application requirements and forms.** (1) Any person or entity covered by this chapter (~~and described in WAC 25-48-030~~) proposing to dig, alter, excavate, and/or remove archaeological objects and sites or his-

toric archaeological resources, or proposing to remove glyphic or painted records of tribes or peoples, or archaeological resources from native Indian cairns or graves shall apply to the ~~((office))~~ department for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the department shall be submitted on the archaeological excavation and removal permit application form approved by the ~~((director-These))~~ state historic preservation officer. An application form~~((s))~~ may be obtained from the ~~((Office))~~ Department of Archaeology and Historic Preservation, ~~((Department of Community Development, 111 West 21st Avenue KL 11, Olympia, WA 98504; telephone (206) 753-5010))~~ P.O. Box 48343, Olympia, WA 98504-8343; telephone 360-586-3065.

**AMENDATORY SECTION** (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-060 Summary of information required of an applicant.** (1) Each application for a permit shall include:

(a) Sufficient background information and summary of previous research and data gaps about the site(s) proposed for excavation such that the reviewers have a cohesive understanding of the sites and current research questions to be able to review the proposal as a complete document.

(b) The nature and extent of the work proposed, including how and why it is proposed to be conducted and the methods proposed for excavation and recovery, proposed time of performance, locational maps, and a completed site inventory form.

~~((b))~~ (c) Summary of the environmental setting with an emphasis on vegetation, past and present available natural resources, geomorphology and formation processes, and their relationship to the archaeological deposits.

(d) An artifact inventory plan detailing the character of the expected data categories to be recovered including the proposed methods of inventorying the recovered data and proposed methods of cleaning, stabilizing, and curating of specimens and recovered data consistent with the Secretary of the Interior's standards for archaeological curation in 36 CFR Part 79.

(e) If human remains are proposed for recovery, a plan for their removal and disposition must be provided; if human remains are not proposed for recovery, a plan for responding to the inadvertent discovery of human remains must be provided.

~~((e))~~ (f) A professional, scientific research design demonstrating that the work will be performed in a scientific and technically acceptable manner taking into account current scientific research issues and cultural resource management plans.

~~((d))~~ (g) The name and address of the individual(s) proposed to be responsible for conducting the work, institutional affiliation, if any, and evidence of education, training, and experience in accord with the minimal qualifications listed in this chapter.

~~((e))~~ (h) The name and address of the individual(s) proposed to be responsible for carrying out the terms and condi-

tions of the permit, if different from the individual(s) enumerated under ~~((d))~~ (g) of this subsection.

~~((f))~~ (i) Financial evidence of the applicant's ability to initiate, conduct, and complete the proposed work, including evidence of logistical support and laboratory facilities and evidence of financial support for analysis and report writing.

~~((g))~~ (j) A plan for site restoration following excavation activities and evidence of plans to secure bonding to cover the cost of site restoration.

~~((h))~~ (k) Evidence of an agreement for the proposed work from the owner, agency, or political subdivision with management responsibility over the land.

~~((i))~~ Evidence of filing of the proposed work with the Washington archaeological research center.

~~((j))~~ For amateur society application, evidence of review and recommendations from the Washington archaeological research center.

~~((k))~~ (l) A site security plan to assure the protection of the site and its contents during the public permit review and excavation process.

~~((l))~~ (m) A public participation plan detailing the extent of public involvement and dissemination of project results.

~~((m))~~ (n) A completed environmental checklist as required by WAC 197-11-100 to assist the ~~((office))~~ department in making a threshold determination and to initiate SEPA compliance.

~~((n))~~ (o) Evidence of abandonment: Abandonment will be presumed where the applicant presents information that thirty or more years have elapsed since the loss of the resource. If it appears to the ~~((office))~~ department from any source that the resource has not been abandoned or may not have been abandoned, and in the case of all United States government warships, aircraft, or other public vessels, the ~~((office))~~ department will find that the presumption does not arise and will require proof of abandonment. Proof may be satisfied by submission of a statement of abandonment from the owner, his or her successors, assigns or legal representatives, or through final adjudication by a court of law.

(p) Disclosure by the applicant of any previous violation of this chapter or any federal or state law regulating archaeological objects or sites, historic archaeological resources, glyphic or painted records, or native Indian cairns or graves. The applicant shall disclose any such violation by the applicant, by the individual(s) proposed to be responsible for conducting the work, or by the individual(s) proposed to be responsible for carrying out the terms and conditions of the permit, and shall provide details, dates, and circumstances of each violation.

(2) Where the application is for the excavation and/or removal of archaeological resources on public lands, the name of the Washington university, museum, repository or other scientific or educational institution meeting the Secretary of the Interior's standards for archaeological curation in 36 CFR Part 79, in which the applicant proposes to store all collections, and copies of records, data, photographs, and other documents derived from the proposed work other than human skeletal remains and funary objects or objects of cultural patrimony. The applicant~~((s))~~ shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the col-



lections, records, data, photographs and other documents and to safeguard, preserve, and allow for the future scientific access to these materials as property of the state.

(3) Where the application is for the excavation and/or removal of archaeological resources on private land, the name of the university, museum, repository, or other scientific or educational institution in which the applicant proposes to store copies of records, data, photographs, and other documents derived from the proposed work and all collections in the event the landowner (~~((does not wish))~~) wishes to take custody (~~((or otherwise dispose of the archaeological resources))~~) of the collection. If the landowner does not wish to take custody of the collection, the name of the university, museum, repository, or other scientific or educational institution in which the collection will be curated. The applicant((s)) shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, if applicable, and/or the records, data, photographs, and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific access to these materials.

(4) An applicant may temporarily curate a collection identified in subsection (2) or (3) of this section in a repository that meets the Secretary of the Interior's standards for archaeological curation in 36 CFR Part 79 until the appropriate Indian tribe has available facilities meeting the Secretary of the Interior's standards for archaeological curation in 36 CFR Part 79 into which the collection may be transferred.

(5) Where the application is for the excavation and/or removal of a historic archaeological resource that is an historic aircraft, the name of the Washington museum, historical society, nonprofit organization, or governmental entity that proposes to assume curatorial responsibility for the resource. The applicant((s)) shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the resource and all associated records, data, photographs and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific and public access to these materials.

~~((5))~~ (6) After review of the application, the ~~((office))~~ department may require additional information to properly evaluate the proposed work and shall so inform the applicant. Field investigation or research may be required of the applicant or conducted by the ~~((office))~~ department at the applicant's cost. A bond in an amount specified by the ~~((office))~~ department may be required of the applicant to ensure payment of the professional expenses incurred by the ~~((office))~~ department. Advance notice of any anticipated cost shall be given to the applicant.

AMENDATORY SECTION (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-070 Notification to Indian tribes.** (1) Upon receipt of a completed application form for archaeological excavation of a native American archaeological site, native Indian cairn or grave, or the removal of glyptic or painted records, the ~~((office))~~ department, at least thirty days before issuing such a permit under this chapter, shall notify

~~((the))~~ any affected Indian tribe which may consider the site to be of historic or cultural significance.

(2) Notice by the ~~((office))~~ department shall be sent to the chief executive officer or other designated official of the native Indian tribe. Any native Indian tribe or other native American group may supply the ~~((office))~~ department in advance with sites or locations for which such tribe or group wishes to receive notice under this section.

(3) Upon request during the thirty-day period, the ~~((office))~~ department may meet with official representatives of any native Indian tribe or group to discuss ~~((their))~~ its interests, including, but not limited to, the proposed excavation methods. Comments received from tribal representatives shall be considered by the department in the issuance or denial of the permit and the issuance of terms and conditions. Mitigation measures requested by the tribal representatives, including stipulations pertaining to the disposition of human remains, may be incorporated into the terms and conditions of the permit.

(4) When the ~~((office))~~ department determines that ~~((a))~~ an emergency permit applied for under this chapter must be issued immediately under WAC 25-48-095 because of an imminent threat of loss or destruction of an archaeological resource, the ~~((office))~~ department shall so notify the appropriate tribe.

(5) The tribes with whom the ~~((office))~~ department has consulted shall be promptly notified in writing of the issuance of the permit.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

**WAC 25-48-080 Public notice.** (1) The ~~((office))~~ department will give public notice of a pending permit application by one or more of the following methods as appropriate for the specific circumstances in order to solicit public and scientific comment:

(a) Notifying public(~~(s)~~) and private groups, tribes, and agencies with ~~((a))~~ known interest in a certain application or type of application being considered;

(b) Notifying individuals with known interest in a certain application or in the type of application being considered;

(c) Publication in a newspaper of general circulation in the area in which the application will be implemented;

(d) Notifying the news media; and/or

(e) Posting on the property site in question.

(2) Comments ~~((from such notified agencies, groups, entities or individuals))~~ on a pending application must be received by the department within thirty days of the notice. Comments may be mailed to following address: Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. Arrangements for alternative delivery of comments may be made by calling 360-586-3065.

(3) Comments timely received shall be considered by the department in the issuance or denial of the permit application and the imposition of terms and conditions in the permit.



AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

**WAC 25-48-085 Applications for excavation and removal of previously registered shipwrecks and historic aircraft.** Where the completed application is for the excavation and/or removal of an historic archaeological resource that is a shipwreck or historic aircraft that has been registered with the department by ~~((an entity))~~ a person other than the applicant, the ~~((office))~~ department will:

(1) Notify the ~~((entity))~~ person by certified mail, return receipt requested, that registered the historic archaeological resource with the department that it shall have sixty days from receipt of notice to submit its own permit application and exercise its first refusal right, or the right shall be extinguished.

(2) Notify the applicant that its permit application will not be acted upon until the ~~((entity))~~ person that has registered the historic archaeological resource has exercised its right of first refusal by submitting a permit application or has allowed its right to be extinguished.

AMENDATORY SECTION (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-090 Issuance of permit.** The ~~((office))~~ department will normally act upon a permit application within sixty days of receipt of a complete permit application, except in the case of an historic archaeological resource where the applicant is not the holder of the right of first refusal. Such applications shall be subject to the provisions of WAC 25-48-085. ~~((The director may issue a temporary permit immediately where delay could cause damage to an archaeological or historic archaeological resource or site. Said permit shall be valid only for thirty days.))~~ The ~~((office))~~ department may issue a permit~~((s))~~ for a specified period of time appropriate to the work to be conducted~~((s))~~ upon determining that:

(1) The applicant, or in the case of an amateur society~~((s))~~ or other group or organization~~((s))~~ the individual proposed to be responsible for conducting the archaeological work~~((s is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable competence in archaeological methods and theory, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed, and also))~~:

(a) Meets the minimum qualifications as a professional archaeologist specified in WAC 25-48-020(4);

(b) Possesses demonstrable competence in archaeological methods and theory, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed; and

(c) Has complied with current and past permits issued under RCW 27.53.060.

(2) The proposed archaeological work is to be undertaken for the purpose of furthering archaeological knowledge in the public interest, which may include but need not be limited to, scientific or scholarly research, and preservation of archaeological data.

(3) The proposed archaeological work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of public lands concerned.

(4) Any Washington university, museum, repository, or other scientific or educational institution proposed as the repository possesses adequate curatorial capability for safeguarding and preserving the archaeological resources and all associated records.

(5) Where the application is for a state-owned historic archaeological resource, a contract between the applicant and the department has been executed. Such a contract shall include but not be limited to the following terms and conditions:

(a) Historic shipwrecks:

(i) The contract shall provide for fair compensation to a salvor. Fair compensation means an amount not less than ninety percent of the appraised value of the objects recovered following successful completion of the contract.

(ii) The salvor may retain objects with a value of up to ninety percent of the appraised value of the total objects recovered, or cash, or a combination of objects and cash. In no event may the total of objects and cash exceed ninety percent of the total appraised value of the objects recovered. A salvor shall not be entitled to further compensation from any state sources.

(iii) The contract shall provide that the state will be given first choice of which objects it may wish to retain for display purposes for the people of the state from among all the objects recovered. The state may retain objects with a value of up to ten percent of the appraised value of the total objects recovered. If the state chooses not to retain recovered objects with a value of up to ten percent of the appraised value, the state shall be entitled to receive its share in cash or a combination of recovered objects and cash so long as the state's total share does not exceed ten percent of the appraised value of the objects recovered.

(iv) The contract shall provide that both the state and the salvor shall have the right to select a single appraiser or joint appraisers.

~~((v) ((The contract shall provide that the applicant agrees to allow the department access to all artifacts and data recovered from the historic shipwreck for purposes of scholarly research and photographic documentation for the period specified by the department.~~

~~((vi))~~ The contract shall ~~((also))~~ provide that title to the objects shall pass to the salvor when the permit is issued. However, should the salvor fail to fully perform under the terms of the contract, title to all objects recovered shall revert to the state. If the salvor should fail to perform the contract terms specified in (a)~~((s))~~ (vi) of this subsection and has disposed of the objects to which title has passed, the salvor shall be liable to the state for liquidated damages in the amount of the appraised value of the objects disposed of.

(vi) The contract shall provide that the applicant agrees to allow the department access to all artifacts and data recovered from the historic shipwreck for purposes of scholarly research and photographic documentation for the period specified by the department.

EMERGENCY

## (b) Historic aircraft:

(i) The contract shall provide that historic aircraft belonging to the state of Washington may only be recovered if the purposes of the salvage operation is to recover the aircraft for a Washington museum, historical society, nonprofit organization, or governmental entity.

(ii) Title to the aircraft may only be passed by the state to one of the entities listed in (b)(i) of this subsection.

(iii) Compensation to the salvor shall only be derived from the sale or exchange of the aircraft to one of the entities listed in (b)(i) of this subsection or such other compensation as one of the entities and the salvor may arrange. The salvor shall not have a claim to compensation from state funds.

## (c) Other historic archaeological resources:

The director, in his or her discretion, may negotiate the terms of such contracts.

(6) Evidence that the applicant agrees to mitigate any archaeological damage which occurs during the excavations and recovery operations.

(7) Evidence that the applicant agrees to allow the department access to all artifacts and data recovered from historic archaeological sites for purposes of scholarly research and photographic documentation for a period to be agreed upon by the parties.

(8) Evidence that the applicant agrees to allow the department to have the right to publish scientific papers concerning the results of all research conducted as project mitigation.

(9) ~~((After the granting of a permit and, when))~~ If information filed with the ~~((office))~~ department becomes inaccurate in any way~~((;))~~ or additions or deletions are necessary, the applicant or permittee shall ~~((submit))~~ provide the department with full details of any such changes and/or correct any inaccuracy, together with copies of any new required documents, ~~((with the office))~~ within fifteen days ~~((following the))~~ after the applicant or permittee becomes aware of the inaccuracy or need for change. The ~~((office))~~ department reserves the right to suspend or revoke a permit under the terms of WAC 25-48-110 or to amend a permit under WAC 25-48-100 if the new or corrected information warrants.

**NEW SECTION**

**WAC 25-48-095 Emergency permits.** (1) The department may issue an emergency permit immediately where delay could cause damage to an archaeological or historic resource or site, or to burial(s) or human remains.

(2) Before issuing an emergency permit, the department shall require the applicant to provide the information required in WAC 25-48-060. The department, in its discretion, may allow the applicant to provide the required information in abbreviated form.

(3) The emergency permit shall include the terms and conditions specified in WAC 25-48-100.

(4) The department may issue an emergency permit without complying with the notification requirements in WAC 25-48-070 and 25-48-080, except as provided in WAC 25-48-070(4).

(5) An emergency permit shall be valid for not more than thirty days. The department, in its discretion, may extend the emergency permit for an additional thirty days.

**AMENDATORY SECTION** (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-100 Terms and conditions of permits.** (1)

In all permits issued, the ~~((office))~~ department shall specify:

(a) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location, and purpose of the work;

(b) The name of the individual(s) responsible for conducting the work and, if different, the name of the individual(s) responsible for carrying out the terms and conditions of the permit.

(c) The name of any university, museum, repository, or other scientific or educational institutions in which any collected materials and data shall be deposited.

(d) Reporting documentation requirements and site restoration and mitigation requirements.

(2) The ~~((director))~~ department may specify such terms and conditions as deemed necessary, consistent with this chapter, to:

(a) Protect the public interest in the conservation, preservation, and protection of the state's archaeological resources, and the knowledge to be derived and gained from the scientific study of these resources;

(b) Protect the public safety and other values and/or resources~~((;))~~;

(c) Secure work areas, ~~((to))~~ safeguard other legitimate land uses, and ~~((to))~~ limit activities incidental to work authorized under the permit.

~~((This may include))~~ (3) The department may require evidence of sufficient bonding to cover cost of site restoration.

~~((3))~~ (4) The department may specify such terms and conditions as deemed necessary that are recommended by persons commenting within the comment period provided in WAC 25-48-080.

(5) The ~~((office))~~ department may include in permits issued for archaeological work on native Indian cairns and graves or glyptic or painted records such terms and conditions as may be requested by the concerned native Indian tribe and approved by the department.

~~((4))~~ (6) Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.

~~((5))~~ (7) The permittee shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

~~((6))~~ (8) The permittee may request that the ~~((office))~~ department extend or modify a permit. Such a request will require compliance with all the provisions of this chapter.

~~((7))~~ (9) The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the ~~((office))~~ department, at least annually.

(10) If at any time the department determines the terms and conditions of the permit are inadequate to provide the

protections addressed under subsections (2) and (3) of this section, the department may add, amend, or delete the terms and conditions of the permit.

**AMENDATORY SECTION** (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-105 Permit denial.** If a permit is denied, a written statement of the reasons for the denial will accompany the notice of permit denial to the applicant as well as notice of the right to request a hearing. A permit may be denied ~~((for failure to adequately meet the requirements of an applicant under WAC 25-48-060 and/or the standards set forth in WAC 25-48-090))~~ if:

(1) The application does not meet the requirements and standards in WAC 25-48-060 and 25-48-090;

(2) The applicant or any individual proposed to be responsible for conducting the work or carrying out the terms and conditions of the permit has failed to meet the terms and conditions of a permit previously issued under this chapter; or

(3) The applicant or any individual proposed to be responsible for conducting the work or carrying out the terms and conditions of the permit has been found to have violated this chapter or any federal or state law regulating archaeological objects or sites, historic archaeological resources, glyptic or painted records, or native Indian cairns or graves.

**AMENDATORY SECTION** (Amending Order 88-06, filed 11/4/88)

**WAC 25-48-108 Right of first refusal—Discovery of new technology.** (1) Any ~~((agency, institution,))~~ person ~~((, firm, or corporation which))~~ that has been denied a permit because the historic archaeological resource would be destroyed beyond mitigation by ~~((their))~~ its method of salvage shall have the right of first refusal for a permit at a future date should technology be found which would make salvage possible without destroying the historic archaeological resource.

(2) Such rights may be assigned, but it is the responsibility of the parties to the assignment to provide written evidence of the assignment to the department, including the correct name and mailing address of the assignee.

(3) Upon receipt of a complete permit application and determination that a new technology can salvage the resource, the ~~((director))~~ department shall notify by certified mail, return receipt requested, the holder of the right of first refusal of a permit application that a new technology exists and the holder has sixty days from the receipt of the ~~((director's))~~ department's determination to submit its own permit application and thereby exercise its first refusal right, or the right shall be extinguished.

(4) If the person ~~((, firm, corporation, institution, or agency))~~ that possesses the first refusal right for a permit does not exercise its first refusal right within the sixty-day time period, the department shall send to that ~~((entity))~~ person a notice by certified mail, return receipt requested, that the ~~((entity's))~~ person's right of first refusal has been extinguished.

**AMENDATORY SECTION** (Amending WSR 90-01-091, filed 12/19/89, effective 1/19/90)

**WAC 25-48-110 Suspension and revocation of permits.** (1) The ~~((office))~~ state archaeologist or the assistant state archaeologist may suspend or revoke a permit issued pursuant to this chapter upon determining that the permittee has failed to meet any of the terms and conditions of the permit and upon at least twenty days written notice. In the case of emergencies which imminently threaten health, safety, or welfare including property, the ~~((office))~~ state archaeologist or the assistant state archaeologist may summarily suspend a permit by immediately issuing a written order which incorporates a finding to that effect.

(2) The ~~((office))~~ state archaeologist or the assistant state archaeologist shall provide the permittee with written notice ~~((and the notice of right to request a public hearing to the permittee))~~ of the suspension or revocation, the cause thereof, and in the case of a suspension, the length of the suspension and the requirements which must be met before the suspension will be removed. The notice shall inform the respondent of its right to request a hearing to contest the revocation or suspension. In addition, a notice of summary suspension shall inform the respondent of its right to request an emergency adjudicative proceeding.

**AMENDATORY SECTION** (Amending Order 88-06, filed 11/4/88)

**WAC 25-48-120 ~~((Appeals relating to permits.))~~ Administrative appeals.** ~~((Any affected person may request a hearing to appeal a denial, suspension, or revocation of a permit or extinguishment of a right of first refusal under WAC 25-48-108 to the director. Said request must be in writing and filed with the director within twenty-one calendar days of receipt of notice of the denial, suspension, revocation, or extinguishment.))~~ (1) An applicant for or holder of a permit issued under this chapter may request a hearing to contest a penalty imposed under WAC 25-48-041, the terms and conditions imposed on a permit under WAC 25-48-100, a denial of a permit application under WAC 25-48-105, a suspension or revocation of a permit under WAC 25-48-110, or the extinguishing of a right of first refusal under WAC 25-48-108.

(2) A request for a hearing shall be made by filing a written application for adjudicative proceeding with the department at the following address: Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. The application must be received by the department within twenty-one calendar days of the date of service of the notice of the penalty, denial, suspension, revocation, or extinguishing. An application contesting the terms and conditions imposed on a permit under WAC 25-48-100 must be received by the department within twenty-one days of the date the permit was issued. The application shall specify the issue or issues to be decided and indicate whether the requester desires a full adjudicative proceeding, a brief adjudicative proceeding, or an emergency adjudicative proceeding.

(3) When the department receives an application for adjudicative proceeding, it will immediately notify the direc-

tor of its receipt and provide the director and the state archaeologist or the assistant state archaeologist with a copy of the application and the notice or document being appealed. The director thereupon will designate a presiding officer as follows:

(a) Where an application requests a full adjudicative proceeding, or where the director determines a full adjudicative proceeding is required, the director will designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW.

(b) Where an application requests a brief adjudicative proceeding or emergency adjudicative proceeding, or where the director determines a brief adjudicative proceeding or emergency adjudicative proceeding is appropriate, the director will designate a senior staff person in the department as presiding officer. The person designated shall not have participated in the matter and shall not be subject to the authority or direction of any person who has participated in the matter.

(4) Upon being designated, the presiding officer shall notify the requestor, the state archaeologist, and the assistant state archaeologist of his or her name and business address and provide any other information required by chapter 34.05 RCW, 10-08 WAC, or this chapter.

(5) Upon receiving the notice required in subsection (4) of this section, the state archaeologist or the assistant state archaeologist shall immediately transmit to the presiding officer the application, together with any accompanying documents provided by the requester, and a copy of the notice or other document being appealed.

#### NEW SECTION

**WAC 25-48-121 Adjudicative proceedings.** (1) The department hereby adopts the model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, for use in adjudicative proceedings of agency action under this chapter.

(2) "Service" and "filing" of documents in adjudicative proceedings, brief adjudicative proceedings, and emergency adjudicative proceedings are defined as in RCW 34.05.010 and WAC 10-08-110.

(3) In the case of a conflict between the model rules of procedure and this chapter, the rules in this chapter shall take precedence.

(4) All factual determinations shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The burden in all proceedings is a preponderance of the evidence.

(a) In all proceedings contesting the denial of a permit application under WAC 25-48-108, the burden shall be on the applicant to establish that the application meets all applicable requirements and standards.

(b) In all proceedings contesting the extinguishing of a right of first refusal under WAC 25-48-108, the burden shall be on the person challenging the extinguishing to establish the timely exercise of its right of first refusal.

(c) In all other proceedings, the burden is on the state historic preservation officer to prove the alleged factual basis set forth in the notice.

#### NEW SECTION

**WAC 25-48-122 Brief adjudicative proceedings.** (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where permitted by law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. A brief adjudicative proceeding is intended to serve as an inexpensive and efficient alternative where the issues can be decided by reference to writings and other documents without a full, formal hearing.

(2) A brief adjudicative proceeding may be used to review the following actions taken under this chapter:

(a) A notice of violation of the terms and conditions of a permit under WAC 25-48-041 (1)(b);

(b) A denial of a permit application under WAC 25-48-105;

(c) Extinguishing a right of first refusal under WAC 25-48-108.

(3) An application for brief adjudicative proceeding shall include a written explanation of the applicant's view of the matter and a copy of any other documents the applicant wishes to have the presiding officer consider. Any response by the department shall be filed with the presiding officer and served on the applicant within fourteen days of receiving an application for a brief adjudicative proceeding.

(4) If the applicant desires an opportunity to make an oral statement to the presiding officer, a request to make an oral statement must be included in the application for a brief adjudicative proceeding. The presiding officer may grant a request to make an oral statement if the presiding officer believes the statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of his or her decision to grant or deny a request to make an oral statement. If the presiding officer grants any request to make an oral statement, all parties shall be entitled to make oral statements, and the presiding officer shall notify all parties of the time and place for hearing oral statements.

(5) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a brief statement of the reasons for the decision. Within ten days of the decision, the presiding officer shall serve upon each party a brief written statement of the reasons for the decision and information about any internal administrative review available.

(6) The presiding officer's brief written statement is an initial order. The initial order shall be the final order without further action unless within twenty-one days of the date of service a party requests administrative review of the initial order or the director initiates review of the initial order.

(7) If the presiding officer determines a more comprehensive hearing is warranted, or on the motion of any party, he or she may convert the proceeding to a full adjudicative proceeding by requesting in writing, with findings supporting the request, that the proceeding be so converted and that the director designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW. The director will act as soon as possible on the request.

(8)(a) A party may request review of the initial order by filing a written request with the director at the following

address: Director, Department of Community, Trade, and Economic Development, P.O. Box 42525, Olympia, WA 98504-2525. A request for review of an initial order shall contain an explanation of the requester's view of the matter and a statement of reasons why the initial order is incorrect. The request must be received by the director and served on all other parties within twenty-one days of the date the initial order was served on the parties. A copy of the request must be served on the state archaeologist or the assistant state archaeologist.

(b) Any response to the request for review of an initial order shall be filed with the director and served on the requester within ten days after receiving the request.

(c) In response to a request for review of an initial order, the director shall immediately obtain the record compiled by the presiding officer. The director, at his or her sole discretion, may act as the reviewing officer or designate a reviewing officer who is authorized to grant appropriate relief upon review.

(d) The reviewing officer may issue an order on review, which shall include a brief statement of the reasons for the decision and include a notice that judicial review may be available.

(e) A request for review of an initial order is deemed to have been denied if the reviewing officer does not issue an order on review within twenty days of the date the request for review of the initial order was filed with the director.

(9)(a) The director may initiate review of the initial order on his or her own motion, without notifying the parties. The director, at his or her sole discretion, may act as the reviewing officer or designate a reviewing officer who is authorized to grant appropriate relief upon review.

(b) The reviewing officer shall obtain and review the record compiled by the presiding officer before taking action.

(c) The reviewing officer may not take any action on review less favorable to any party than in the initial order without giving that party notice and an opportunity to provide a written explanation of its view of the matter. The notice shall specify the deadline for that party to submit its written explanation.

(d) Any order on review shall be issued and served on the parties within twenty days of the date the initial order was served on the parties or within twenty days of the date a request for review of the initial order was filed with the director, whichever occurs later. If an order on review is not issued and served by the applicable deadline in this paragraph, the initial order becomes the final order.

#### NEW SECTION

**WAC 25-48-123 Emergency adjudicative proceedings.** (1) A respondent who receives a notice of summary suspension of a permit under WAC 25-48-110 may request an emergency hearing under RCW 34.05.422 and 34.05.479 to contest the findings included in the notice of summary suspension by filing an application for emergency adjudicative proceeding. A respondent who does not file an application for emergency adjudicative proceeding may contest the findings included in the notice of summary suspension in a regularly scheduled adjudicative hearing.

(2) An application for emergency adjudicative proceeding must be received by the department within seven calendar days of the date of service of the notice of summary suspension. An application for emergency adjudicative proceeding received by the department more than seven calendar days after the date of service of the notice of summary suspension shall be deemed an application for full adjudicative proceeding and will be scheduled accordingly.

(3) An application for emergency adjudicative proceeding shall include a written explanation of the applicant's view of the summary suspension and a copy of any other documents the applicant wishes to have the presiding officer consider.

(4) The presiding officer, in his or her discretion, may provide for telefacsimile or electronic service and filing of documents, using means that are similarly available to all parties, in the notice required in WAC 25-48-120(4).

(5) Upon receiving the notice required in WAC 25-48-120(4), the state archaeologist or the assistant state archaeologist shall immediately transmit to the presiding officer copies of any documents that were considered or relied upon in issuing the notice of summary suspension, in addition to the documents listed in WAC 25-48-120(5).

(6) Within seven business days after receiving an application for emergency adjudicative proceeding, the presiding officer shall issue an order that either:

(a) Affirms that the summary suspension is necessary to prevent or avoid immediate danger to the public health, safety or welfare including property; or

(b) Sets aside the summary suspension as unnecessary to prevent or avoid immediate danger to the public health, safety or welfare including property.

No other issue shall be decided in the emergency adjudicative proceeding. The order shall include a brief statement of findings of fact, conclusions of law, and policy reasons for the decision.

(7) The order is effective when signed by the presiding officer. The presiding officer shall promptly notify each party of the decision and serve each party with a copy of the order.

(8) If other issues remain to be decided, or if the respondent requests review of the order, the presiding officer may request that a full adjudicative proceeding be scheduled and that the director designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW. The request shall summarize the issues that remain to be decided. The director will act as soon as possible on the request. The order issued under this section becomes final unless within seven days of the date of issuance a full adjudicative proceeding is scheduled.

#### AMENDATORY SECTION (Amending Order 88 06, filed 11/4/88)

**WAC 25-48-125 Listing of areas where permits are required to protect historic archaeological sites on aquatic lands.** The following is a list of those areas where permits are required under RCW 27.53.060 to protect historic archaeological sites on aquatic lands:

EMERGENCY

Lake Washington.  
Elliott Bay.  
Columbia River Bar.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

**WAC 25-48-130 Display of permit.** (1) The permit granted by the ~~((office))~~ department shall be prominently displayed at all times upon the archaeological site being excavated during the permitted period.

(2) If more than one archaeological site is being excavated under a single permit, the permittee may obtain from the ~~((office))~~ department such copy or copies of his or her permit as may be necessary to display at each archaeological site being excavated.

(3) The director or his designee, including the state archaeologist and the assistant state archaeologist, may examine at any time the permit, work, and site at which such permitted work is being undertaken.

NEW SECTION

**WAC 25-48-135 Procedure for collecting radiometric data without a permit.** A professional archaeologist, as defined in WAC 25-48-020(4), may collect radiocarbon samples without first obtaining a permit under this chapter if the following conditions are met:

(1) The sample or samples must consist of charcoal or shell; no human or mammal bone may be sampled without a permit;

(2) At least ten working days in advance of the sampling, the professional archaeologist must notify the office of the planned radiocarbon sampling; and

(3) Within thirty days of receiving copies of the results worksheets or their equivalent from the radiocarbon laboratory, the professional archaeologist must submit to the office copies of the results worksheets or their equivalent together with a brief written report documenting sampling and results.

AMENDATORY SECTION (Amending Order 6, filed 5/30/80)

**WAC 25-12-020 Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Advisory council on historic preservation. The advisory council on historic preservation is the council established pursuant to RCW ~~((43.51A.110))~~ 27.34.250 through 27.34.280, and is hereinafter referred to as the "council."

(4) ~~((Office))~~ Department of archaeology and historic preservation. The ~~((office))~~ department of archaeology and historic preservation is that agency established pursuant to RCW ~~((43.51A.030))~~ 27.34.210, and is hereinafter referred to as the "~~((office))~~ department." The ~~((office))~~ department provides staff for the council.

(5) State historic preservation officer. The state historic preservation officer is that person appointed pursuant to RCW ~~((43.51A.060))~~ 27.34.210 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) ~~((Professional public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the state and national registers of historic places. The professional public is further identified in WAC 25-12-050(2).))~~

(7) ~~Nonprofessional public. The nonprofessional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2).))~~ State register. These are buildings, sites, structures, objects or districts which are listed on the Washington Heritage Register of Historic Places, and is hereinafter referred to as the "state register."

AMENDATORY SECTION (Amending Order 6, filed 5/30/80)

**WAC 25-12-030 Description of purpose and staff.** The council is of an advisory nature for the governor and the office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided to the council by the ~~((office))~~ department. The administrative location of the council and that of its staff is at the ~~((Office))~~ Department of Archaeology and Historic Preservation, ((11 West 21st Avenue)) P.O. Box 48343, Olympia, Washington 98504-8343. The council meets on the last Friday of every ~~((third))~~ fourth month unless otherwise agreed by a majority of the members of the council.

AMENDATORY SECTION (Amending Order 6, filed 5/30/80)

**WAC 25-12-050 Procedures—Nominations ~~((proposed by the professional public))~~ to state and/or National Register.** (1) Any member(s) of the ((professional)) public may submit ~~((completed))~~ nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of the nomination is ~~((encouraged))~~ required to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of ~~((the))~~ qualified professional ((public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3))) consultants who meet and/or exceed the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44716). Inclusion on the list shall be limited to those individuals ~~((governmental agencies, or private businesses that))~~ who have demonstrated an ability to prepare nominations consistent with WAC 25-12-060(3) and 36 CFR Part 60.

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

AMENDATORY SECTION (Amending Order 6, filed 5/30/80)

**WAC 25-12-060** (~~Procedures~~) **Nomination—Process.** The following is a statement of the general course and method followed in the nomination and designation of historic properties to the state or National Register.

(1) The SHPO shall not schedule any nomination for review by the council if the nomination is poorly prepared, incomplete in any manner, or (~~treats~~) for a property that does not appear to be eligible for the state or national registers of historic places. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO shall prepare and distribute standards of acceptability for nominations, (~~such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the~~) for both the state and National Register programs.

(4) The SHPO will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the council, such notification to occur not more than (~~45~~) 75 days nor less than 30 days prior to the scheduled meeting date.

(5) In the nomination of an historic district to the state or National Register where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation. The general notice shall be published at least 30 days, but no more than 75 days before the scheduled meeting date. In addition to formal legal notice, proponents of historic districts shall follow an additional notification process to be outlined by the council. For districts of less than 50 property owners, individual notification of the pending nomination will be sent.

(6) (~~Federally affected properties which have been determined under federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without referring the nomination to the council for further consideration.~~)

(7) Following council review, the council will transmit its recommendations to the SHPO. When the council has reviewed and approved a procedurally correct nomination and has forwarded it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination to the National Register is within the discretion of the SHPO. All council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the council of this action at its next regularly scheduled meeting.

(~~8~~) (7) The SHPO shall act upon all nominations reviewed by the council prior to its next regularly scheduled meeting, and shall report those actions to the council at that meeting.

(8) The council alone will determine if properties are eligible for listing on the state register at its regularly scheduled meetings.

AMENDATORY SECTION (Amending Order 6, filed 5/30/80)

**WAC 25-12-070 Public records available.** All public records of the council, as defined in WAC 25-18-020, are available for public inspection (~~any and~~) and copying at the (~~office~~) department location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 25-18-130, except as otherwise provided by RCW 42.17.310.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 25-12-040

Procedures—Nominations proposed by nonprofessional public.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-010 Definitions.** The definitions of the words and terms of WAC 197-11-700 through 197-11-799 are made a part of this chapter along with the following additions:

(1) "~~(Office)~~ Department" means the Washington state (~~office~~) department of archaeology and historic preservation.

(2) "Director" means the state historic preservation (~~office~~) department as provided for in chapter 27.34 RCW.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-020 Impact of SEPA on (~~office~~) department.** The (~~office~~) department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the SEPA rules. The capacity of the (~~office~~) department to provide full service to the public and other agencies is limited by funds and (~~manpower~~) staffing. The (~~office~~) department will make every effort to implement SEPA in the best manner possible with the resources available.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-030 Purpose.** (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to the (~~office~~) department.

(2) These policies and procedures are developed to implement SEPA in a manner which reduces duplication,



establishes effective and uniform guidelines, encourages public involvement, and promotes certainty with respect to the requirements of the act.

(3) These policies and procedures are not intended to cover compliance by the ((office)) department with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where the ((office)) department is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-040 Scope and coverage of this chapter.**

(1) It is the intent of the ((office)) department that compliance with this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all actions as defined in WAC 197-11-704 and applies to all activities of the ((office)) department. Furthermore, although these guidelines normally do not apply to actions of the ((office)) department exempted under WAC 197-11-800, the ((office)) department accepts the responsibility of attempting to follow the intent of SEPA and its decision making process for exempt actions.

(3) To the fullest extent possible, the ((office)) department shall integrate procedures required by this chapter with existing planning and permitting procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-050 Agency policy—Substantive authority and mitigation.** (1) ~~((The overriding))~~ It is the policy of the ((office-is)) department to avoid or mitigate adverse environmental impacts which may result from its decisions. ~~((This policy results from:~~

~~(a) The legislated duty of the office to preserve and protect the heritage of the state in a manner that does not impair the resource (RCW 27.34.200); and~~

~~(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).~~

(2) If an action is subject to SEPA, including an activity or activities requiring a permit from the ((office)) department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, the ((office)) department will:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of the ((office's)) department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact

statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-060 Timing of the SEPA process.** (1) The environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS) when another agency is the lead agency. When the ((office)) department is the lead agency for nonagency actions, review will begin upon receipt of a complete permit application and a complete environmental checklist. The department typically requests plans, a location map, and a project description, pursuant to WAC 197-11-100, but may request additional information of the applicant as needed to make a threshold determination. The applicant should submit this information with the checklist so that review may proceed expeditiously. For agency actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by the ((office)) department to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon the ((office)) department. Final review and determination will be made only upon receipt of detailed project plans and specifications.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-070 Summary of information which may be required of an applicant.** (1) The applicant for each project for which the ((office)) department is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, the ((office)) department may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by the ((office)) department at the applicant's cost.

(3) A draft and final EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. Preparation of the EIS((s)) is the responsibility of the ((office)) department, by or under the direction of its responsible official, as specified by ((office)) department procedures. No matter who participates in the preparation of the EIS, it is the EIS of the ((agency)) department. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with this chapter and chapter 197-11 WAC.

(4) The ((office)) department may have an EIS prepared by ((office)) department staff, an applicant or its agent, or by an outside consultant retained by either an applicant or the



((office)) department. The ((office)) department shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(5) If a person other than the ((office)) department is preparing the EIS, the ((office)) department shall:

(a) Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency and the public;

(b) Assist in obtaining any information on file with other agencies that is needed by the person preparing the EIS;

(c) Allow any party preparing an EIS access to all public records of the ((office)) department that relate to the subject of the EIS, under RCW 42.17.250 through 42.17.340.

(6) Normally, the ((office)) department will prepare an EIS(s) for its own proposals.

(7) For applicant proposals, the ((office)) department normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of this chapter and chapter 197-11 WAC. Expenses shall include fees of any consultants, if required, the ((office's)) department's consultation time and cost of any required materials. A performance bond in an amount specified by the ((office)) department may be required of the applicant to ensure payment of the ((office's)) department's expenses.

(8) The ((office)) department may require an applicant to provide information that the ((office)) department does not possess, including specific investigations. ~~((The applicant is not required to supply information that is not required under this chapter and chapter 197-11 WAC.))~~

(9) A supplemental EIS shall be prepared as an addition to either the draft or final EIS if the ((office decides)) department determines that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal; or

(c) ~~((Its))~~ Written comments on the DEIS warrant additional ~~((discussion for the purposes of its action than that found in the lead agency's FEIS))~~ environmental review.

The provisions of subsections (3), (4), (5), (6), (7), and (8) of this section except for the first sentence of subsection (3) of this section, also pertain to a supplemental EIS or addendum.

(10) Upon the written request of an applicant for a project for which the ((office)) department is the lead agency, the ((office)) department will consider initiating environmental review and preparation of an EIS at the conceptual stage as opposed to the final detailed design state.

#### AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

##### **WAC 25-42-080 Assumption of lead agency status.**

(1) Whenever the ((office feels)) department determines that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to

the resources under ((its)) the department's jurisdiction, the ((office)) department will assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, the ((office)) department will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, the ((office)) department will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

#### AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

##### **WAC 25-42-090 Designation of responsible official.**

Under normal circumstances, the responsible official is the director or ((his)) the director's designee. The responsible official shall carry out duties and functions for the purpose of assuring the ((office's)) department's compliance with SEPA and SEPA guidelines. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC; the responsible official alone, however, is wholly responsible for proper accomplishment of such duties and functions.

#### AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-100 Mitigated DNS.** (1) An applicant may ask the ((office)) department whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the ((office)) department is lead agency; and

(c) Precede the ((office's)) department's actual threshold determination for the proposal.

(2) The responsible official shall respond in writing to the request within ten working days of receipt of the letter((:)). The response shall:

(a) ~~((Be written;~~

~~((b)))~~ State whether the ((office)) department is considering issuance of a DS; ~~((e))~~ and, if so, indicate the general or specific area(s) of concern that led the ((office)) department to consider a DS; and

~~((d))~~ (b) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The ((office)) department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the ((office)) department will make its threshold determination based on the changed or clarified proposal((:)).

(a) If the ~~((office's))~~ department's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the ~~((office shall))~~ department will issue a DNS and circulate the DNS for review and comments ~~((as in))~~ per WAC 197-11-340(2).

(b) If the ~~((office))~~ department indicated general or specific areas of concern but did not indicate specific mitigation measures that would allow it to issue a DNS, the ~~((office))~~ department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The ~~((office))~~ department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the ~~((office))~~ department shall issue a DNS and circulate it for review and comment under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarification or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s) the ~~((office))~~ department may require the applicant to submit a new checklist.

(7) The ~~((office))~~ department may change or clarify features of its own proposals before making the threshold determination.

(8) The ~~((office's))~~ department's written response under subsection (2) of this section shall not be constructed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the ~~((office))~~ department to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless the ~~((office's))~~ department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-110 SEPA public information center.**

The ~~((office))~~ department designates its main ~~((office))~~ department as its SEPA public information center. The mailing address is ~~((111 West 21st Ave.,))~~ P.O. Box 48343, Olympia, Washington 98504-8343; telephone ~~((206) 753-5010))~~ 360-586-3065.

AMENDATORY SECTION (Amending Order 10, filed 6/5/86)

**WAC 25-42-120 Public notice.** (1) When required under chapter 197-11 WAC, the ~~((office))~~ department will

give public notice by one or more of the following methods as appropriate for the specific circumstances:

(a) Notifying public and private groups and agencies and tribes with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(d) ~~((Notifying the news media; and/or~~

~~((e)))~~ Posting on the property site in question.

(2) The ~~((office))~~ department may require an applicant to perform the public notice requirements at the applicant's expense.

AMENDATORY SECTION (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-020 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Historic archaeological resources" means those properties, including, but not limited to all ships, or aircraft, and any part or the contents thereof and all treasure trove which are listed or, in the professional judgment of the department, eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(2) "State-owned aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters.

(3) "Department" means the department of ~~((community development~~

~~((4)) "Office" means the office of))~~ archaeology and historic preservation ~~((, department of community development~~

~~((5)))~~ established in chapter 43... RCW.

(4) "Director" means the director of the department of ~~((community development))~~ archaeology and historic preservation or the director's designee.

~~((6))~~ (5) "Entity" means any person, firm, corporation, institution, or agency.

~~((7))~~ (6) "Previously unreported" means the historic archaeological resource and its location are not known to the ~~((office))~~ department and are not available from public records including but not limited to government records, historic records, or insurance claims.

AMENDATORY SECTION (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-040 Registration forms.** (1) Any person or entity who discovers a previously unreported historic archaeological resource abandoned for thirty years or more on, in, or under state-owned aquatic lands may register it with the department.

(2) Each registration of a previously unreported historic archaeological resource shall be submitted on the Submerged Historic Archaeological Resource Registration Form

approved by the director. These registration forms may be obtained from the ((Office)) Department of Archaeology and Historic Preservation, ((Department of Community Development, 111 West 21st Avenue KL-11)) P.O. Box 48343, Olympia, Washington 98504-8343; telephone ((360) 753-5010)) 360-586-3065.

**AMENDATORY SECTION** (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-060 Summary of information required for registration.** (1) In order to be considered complete, each registration form shall include:

(a) A description of the historic archaeological resource sufficient to identify its historic association, identity, and integrity of its physical remains. Any historic information you have on the resource and the circumstances of its loss.

(b) Locational information including latitude, longitude, and depth, township, range, section and quarter section, and UTM.

(c) A copy of the relevant United States Coast and Geodetic Survey chart indicating the resource's location. The location of the resource plotted on a USGS topography map.

(d) A copy of a photograph or videotape documenting the existence of identifiable physical remains of the resource sufficient to establish its historic identity and integrity. If a photograph or videotape will not establish the existence of identifiable physical remains of the resource sufficient to establish its historic identity and integrity, the applicant may apply to the ((office)) department for permission to obtain a sample artifact for this purpose. In the event the applicant wishes to apply for such permission, the applicant shall be subject to some portions of WAC 25-48-030.

(2) Failure to supply this information to the satisfaction of the ((office)) department may result in the application being deemed incomplete or inadequate under WAC 25-46-100 and 25-46-120.

**AMENDATORY SECTION** (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-080 Competing applications for the same resource.** (1) When registration forms are submitted for the same resource by two or more entities, the applications shall be evaluated, accepted, or denied in sequence based upon the unique log number assigned by the department. The registration forms must be submitted via Fedex or other delivery service which records time and date of delivery.

(2) Notice will be sent by the department to each of the entities submitting the registration application for the same resource notifying them of the competing application and the sequence in which they will be evaluated. No competing application will be evaluated until such time as the first pending application has been denied and all appeal rights of that applicant have been exhausted.

(3) When an historic archaeological resource has been registered with the department all subsequent registration applications for that resource within the five-year time period for right of first refusal will be issued a notice that the

resource has already been registered and the applications are denied.

**AMENDATORY SECTION** (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-100 Issuance of registration acceptance.**

(1) Each registration form shall be assigned a unique sequential log number upon date and time of receipt by the department and shall be evaluated in sequence.

(2) Upon receipt of the registration form, the office shall inform the applicant by registered mail within fourteen calendar days of any incomplete or inadequate information and afford the applicant twenty-one calendar days from the receipt of the notice to provide the missing or inadequate information, plus such time as may be authorized by the department for a sample artifact permit granted under WAC 25-46-060 (1)(d) and chapter 25-48 WAC.

(3) If the applicant does not supply the missing or inadequate information within the specified time period the application shall be considered void and a notice of denial sent to the applicant.

(4) The department will act upon a complete registration application within thirty-five calendar days of receipt and shall so notify the applicant. In all notifications of registration acceptance, the department shall specify:

(a) The name, address, and telephone number of the entity submitting the registration application((-);

(b) A description of the historic archaeological resource sufficient to identify its historic association and identity((-);

(c) The location of the resource including its latitude and longitude and depth((-);

(d) A statement of the director's opinion on the resource's eligibility to the Washington state register of historic places or the National Register of Historic Places((-);

(e) The date of the acceptance of the registration((-);

(f) The date of the expiration of the right for first refusal((-); and

(g) That excavation or removal of any artifacts from the historic archaeological resource will require an archaeological excavation and removal permit and that granting of such a permit is not guaranteed.

**AMENDATORY SECTION** (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-120 Registration denial.** (1) If a registration application is denied, a written statement of the reasons for the denial will accompany the notice of registration denial to the applicant.

(2) Registration may be denied for the following reasons:

(a) The application is incomplete or inadequate and has not been completed or corrected pursuant to WAC 25-46-100;

(b) The resource does not qualify as an historic archaeological resource under WAC 25-46-020(1);

(c) The resource has already been registered;

(d) The resource and its location are already known to the ((office)) department or are part of the public record.

AMENDATORY SECTION (Amending Order 88-07, filed 11/4/88)

**WAC 25-46-140 Appeals relating to registration.** (1) Any affected person may request a hearing to appeal a denial of registration or extinguishment of a right of first refusal under WAC 25-46-160 to the director. ~~((Said request must be in writing and filed with the director within twenty-one calendar days of receipt of notice of registration denial or extinguishment.))~~ A request for a hearing shall be made by filing a written application for adjudicative proceeding with the department at the following address: Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. The application must be received by the department within twenty-one calendar days of the date of service of the notice of the denial or extinguishing. The application shall specify the issue or issues to be decided and indicate whether the requester desires a full adjudicative proceeding, a brief adjudicative proceeding, or an emergency adjudicative proceeding.

(2) When the department receives an application for adjudicative proceeding, it will immediately notify the director of its receipt and provide the director and the state archaeologist or the assistant state archaeologist with a copy of the application and the notice or document being appealed. The director thereupon will designate a presiding officer as follows:

(a) Where an application requests a full adjudicative proceeding, or where the director determines a full adjudicative proceeding is required, the director will designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW.

(b) Where an application requests a brief adjudicative proceeding or emergency adjudicative proceeding, or where the director determines a brief adjudicative proceeding or emergency adjudicative proceeding is appropriate, the director will designate a senior staff person in the department as presiding officer. The person designated shall not have participated in the matter and shall not be subject to the authority or direction of any person who has participated in the matter.

(3) Upon being designated, the presiding officer shall notify the requester, the state archaeologist, and the assistant state archaeologist of his or her name and business address and provide any other information required by chapter 34.05 RCW or 10-08 WAC, or this chapter.

(4) Upon receiving the notice required in subsection (3) of this section, the state archaeologist or the assistant state archaeologist shall immediately transmit to the presiding officer the application, together with any accompanying documents provided by the requester, and a copy of the notice or other document being appealed.

#### NEW SECTION

**WAC 25-46-142 Adjudicative proceedings.** (1) The department hereby adopts the model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, for use in adjudicative proceedings of agency action under this chapter.

(2) "Service" and "filing" of documents in adjudicative proceedings, brief adjudicative proceedings, and emergency adjudicative proceedings are defined as in RCW 34.05.010 and WAC 10-08-110.

(3) In the case of a conflict between the model rules of procedure and this chapter, the rules in this chapter shall take precedence.

(4) All factual determinations shall be based on the kind of evidence upon which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The burden in all proceedings is a preponderance of the evidence.

(a) In all proceedings contesting the denial of registration under WAC 25-46-120, the burden shall be on the applicant to establish that the application meets all applicable requirements and standards.

(b) In all proceedings contesting the extinguishing of a right of first refusal under WAC 25-46-160, the burden shall be on the person challenging the extinguishing to establish the timely exercise of its right of first refusal.

(c) In all other proceedings, the burden is on the state historic preservation officer to prove the alleged factual basis set forth in the notice.

#### NEW SECTION

**WAC 25-46-144 Brief adjudicative proceedings.** (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where permitted by law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. A brief adjudicative proceeding is intended to serve as an inexpensive and efficient alternative where the issues can be decided by reference to writings and other documents without a full, formal hearing.

(2) A brief adjudicative proceeding may be used to review the following actions taken under this chapter:

(a) Denying an application for registration under WAC 25-46-120;

(b) Extinguishing a right of first refusal under WAC 25-46-160.

(3) An application for brief adjudicative proceeding shall include a written explanation of the applicant's view of the matter and a copy of any other documents the applicant wishes to have the presiding officer consider. Any response by the department shall be filed with the presiding officer and served on the applicant within fourteen days of receiving an application for a brief adjudicative proceeding.

(4) If the applicant desires an opportunity to make an oral statement to the presiding officer, a request to make an oral statement must be included in the application for a brief adjudicative proceeding. The presiding officer may grant a request to make an oral statement if the presiding officer believes the statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of his or her decision to grant or deny a request to make an oral statement. If the presiding officer grants any request to make an oral statement, all parties shall be entitled to make oral statements, and the presiding officer shall notify all parties of the time and place for hearing oral statements.

(5) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a brief statement of the reasons for the decision. Within ten days of the decision, the presiding officer shall serve upon each party a brief written statement of the reasons for the decision and information about any internal administrative review available.

(6) The presiding officer's brief written statement is an initial order. The initial order shall be the final order without further action unless within twenty-one days of the date of service a party requests administrative review of the initial order or the director initiates review of the initial order.

(7) If the presiding officer determines a more comprehensive hearing is warranted, or on the motion of any party, he or she may convert the proceeding to a full adjudicative proceeding by requesting in writing, with findings supporting the request, that the proceeding be so converted and that the director designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW. The director will act as soon as possible on the request.

(8)(a) A party may request review of the initial order by filing a written request with the director at the following address: Director, Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343. A request for review of an initial order shall contain an explanation of the requester's view of the matter and a statement of reasons why the initial order is incorrect. The request must be received by the director and served on all other parties within twenty-one days of the date the initial order was served on the parties. A copy of the request must be served on the state archaeologist or the assistant state archaeologist.

(b) Any response to the request for review of an initial order shall be filed with the director and served on the requester within ten days after receiving the request.

(c) In response to a request for review of an initial order, the director shall immediately obtain the record compiled by the presiding officer. The director, at his or her sole discretion, may act as the reviewing officer or designate a reviewing officer who is authorized to grant appropriate relief upon review.

(d) The reviewing officer may issue an order on review, which shall include a brief statement of the reasons for the decision and include a notice that judicial review may be available.

(e) A request for review of an initial order is deemed to have been denied if the reviewing officer does not issue an order on review within twenty days of the date the request for review of the initial order was filed with the director.

(9)(a) The director may initiate review of the initial order on his or her own motion, without notifying the parties. The director, at his or her sole discretion, may act as the reviewing officer or designate a reviewing officer who is authorized to grant appropriate relief upon review.

(b) The reviewing officer shall obtain and review the record compiled by the presiding officer before taking action.

(c) The reviewing officer may not take any action on review less favorable to any party than in the initial order without giving that party notice and an opportunity to provide a written explanation of its view of the matter. The notice

shall specify the deadline for that party to submit its written explanation.

(d) Any order on review shall be issued and served on the parties within twenty days of the date the initial order was served on the parties or within twenty days of the date a request for review of the initial order was filed with the director, whichever occurs later. If an order on review is not issued and served by the applicable deadline in this paragraph, the initial order becomes the final order.

#### NEW SECTION

**WAC 25-46-146 Emergency adjudicative proceedings.** (1) A respondent who receives a notice of registration denial under WAC 25-46-120 may request an emergency hearing under RCW 34.05.422 and 34.05.479 to contest the findings included in the notice of registration denial by filing an application for emergency adjudicative proceeding. A respondent who does not file an application for emergency adjudicative proceeding may contest the findings included in the notice of registration denial in a regularly scheduled adjudicative hearing.

(2) An application for emergency adjudicative proceeding must be received by the department within seven calendar days of the date of service of the notice of summary suspension. An application for emergency adjudicative proceeding received by the department more than seven calendar days after the date of service of the notice of registration denial shall be deemed an application for full adjudicative proceeding and will be scheduled accordingly.

(3) An application for emergency adjudicative proceeding shall include a written explanation of the applicant's view of registration denial and a copy of any other documents the applicant wishes to have the presiding officer consider.

(4) The presiding officer, in his or her discretion, may provide for telefacsimile or electronic service and filing of documents, using means that are similarly available to all parties, in the notice required in WAC 25-46-140(3).

(5) Upon receiving the notice required in WAC 25-46-140(3), the state archaeologist or the assistant state archaeologist shall immediately transmit to the presiding officer copies of any documents that were considered or relied upon in issuing the notice of summary suspension, in addition to the documents listed in WAC 25-46-140(4).

(6) Within seven business days after receiving an application for emergency adjudicative proceeding, the presiding officer shall issue an order that either:

(a) Affirms that the registration denial is necessary to prevent or avoid immediate danger to the public health, safety or welfare including property; or

(b) Sets aside the summary suspension as unnecessary to prevent or avoid immediate danger to the public health, safety or welfare including property.

No other issue shall be decided in the emergency adjudicative proceeding. The order shall include a brief statement of findings of fact, conclusions of law, and policy reasons for the decision.

(7) The order is effective when signed by the presiding officer. The presiding officer shall promptly notify each

party of the decision and serve each party with a copy of the order.

(8) If other issues remain to be decided, or if the respondent requests review of the order, the presiding officer may request that a full adjudicative proceeding be scheduled and that the director designate as presiding officer an administrative law judge assigned by the office of administrative hearings under chapter 34.12 RCW. The request shall summarize the issues that remain to be decided. The director will act as soon as possible on the request. The order issued under this section becomes final unless within seven days of the date of issuance a full adjudicative proceeding is scheduled.

**WSR 05-16-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-153—Filed July 26, 2005, 3:47 p.m., effective July 29, 2005, 12:01 a.m.]

Effective Date of Rule: July 29, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 232-28-62000X; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Catch and effort have been slow enough to provide more opportunity and stay within the quotas through Labor Day. 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 25, 2005.

J. P. Koenings  
Director

NEW SECTION

**WAC 232-28-62000Y Coastal salmon seasons** Notwithstanding the provisions of WAC 232-28-620, effective 12:01 a.m., July 29, 2005 until further notice, it is unlawful to fish for salmon in coastal waters during 2005 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open July 29, 2005 through September 30, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) **Area 2** - Open July 29, 2005 through September 18, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(i) Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 1 until further notice.

(b) **Area 2-1** - Open July 29, 2005 through August 15, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) **Area 2-2 west of the Buoy 13 line:**

(i) Open July 29, 2005 through July 31 2005, open 7 days per week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(ii) Closed August 1 until further notice.

(3) **Area 3** - Open July 29, 2005 through September 18, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(4) **Area 4:**

(a) Open July 1 through September 18, 2005, open Tuesday through Saturday of each week, daily limit 2 salmon not more than one of which may be a chinook, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum.

(i) Effective July 1 through July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line and west of a true north-south line through Sail Rock.

(ii) Effective July 1 through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 p.m. July 28, 2005:

WAC 232-28-62000X Coastal salmon—2005 North of Falcon (05-75)

The following section of the Washington Administrative Code is repealed 15:59 p.m. September 30, 2005:

WAC 232-28-62000Y Coastal salmon (05-153)

**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 05-16-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-154—Filed July 26, 2005, 3:49 p.m., effective August 1, 2005, 12:01 a.m.]

Effective Date of Rule: August 1, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900L; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Summer steelhead brood stock returns to the Reiter Ponds facility have been extremely poor. To date only one hundred forty-eight fish have returned. This is only 42% of the brood stock needs for this facility. This closure is needed until the adult collection goal of three hundred fifty fish is met. Poor fish returns together with drought conditions on the Skykomish River this year are the primary factors affecting brood stock collection efforts. 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 26, 2005.

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 232-28-61900L Exception to statewide rules—Skykomish River (Reiter Pond).** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 1 until further notice, it is unlawful to fish those waters of the Skykomish River in the area 1500' upstream to 1000' downstream of Reiter Ponds outlet.

**WSR 05-16-028**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-155—Filed July 26, 2005, 3:50 p.m., effective July 26, 2005]

Effective Date of Rule: Immediately.

Purpose: Clarify barbed hook sport rules in Areas 5 through 13.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-116.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A county prosecutor has raised the question of whether the barbless hook requirement in Puget Sound for fish other than forage fish is enforceable under the current language. This rule clarifies the intent of the rule. Permanent rules are being promulgated, and this interim rule will cover the period until the permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2005.

J. P. Koenings  
 Director

**NEW SECTION**

**WAC 220-56-11600A Saltwater hook rules.** Notwithstanding the provisions of WAC 220-56-116, effective immediately until further notice:

(1) It is unlawful to fish for salmon in Catch Record Card areas 1 through 4 except with single point barbless hooks, other than in the Westport and Ocean Shores boat basins, which have special terminal gear restrictions as provided for in WAC 220-56-123.

(2) It is unlawful to fish in Catch Record Card Areas 5 through 13 using barbed hooks, or to possess fish taken from Catch Record Card Areas 5 through 13 while fishing with barbed hooks, except that it is lawful to use barbed hooks with forage fish jigger gear and to possess forage fish taken with barbed hooks on forage fish jigger gear.



**WSR 05-16-034**

**EMERGENCY RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed July 27, 2005, 9:10 a.m., effective July 27, 2005]

Effective Date of Rule: Immediately.

Purpose: The department recently adopted rewritten apricot standards (chapter 16-406 WAC, Washington standards for apricots). The chapter was rewritten and reformatted so it was easier to understand and use. No requirements were changed. During the rewrite, the following language was inadvertently deleted from Table 1 in WAC 16-406-015: "(2) **Any deformity or injury causing the skin to break** more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance." The purpose of this filing is to add the deleted language to Table 1. This emergency filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots. The department plans to use the permanent rule adoption process to permanently restore the deleted language to WAC 16-406-015, Table 1.

Citation of Existing Rules Affected by this Order: Amending WAC 16-406-015.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency filing is important because the apricot harvest is currently taking place in Washington state and the language that was inadvertently deleted is important to the department's fruit inspectors who are inspecting harvested apricots.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: July 27, 2005.

William E. Brookreson  
Deputy Director

AMENDATORY SECTION (Amending WSR 05-12-036, filed 5/25/05, effective 6/25/05)

**WAC 16-406-015** What is considered "damage" and "serious damage" to apricots? The following tables explain the differences between "damage" and "serious damage" as applied to apricots:

Table 1  
"Damage" and "Serious Damage" for All Varieties of Apricots **except** the Riland Variety

Except for the Riland variety, the following are considered <b>damage</b> :	Except for the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Well-healed growth cracks</b> over 3/8 of an inch in length.	(1) <b>Well-healed growth cracks</b> that are more than 1/2 inch in length.
(2) <b>Punctures</b> over 3/16 of an inch in diameter.	(2) <b>Any deformity or injury causing the skin to break more than 3/8 of an inch in diameter or which seriously affects the apricot's appearance.</b>
(3) <b>Stem pulls</b> over 3/8 of an inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russetting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	((2)) (3) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	((3)) (4) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

Table 2  
"Damage" and "Serious Damage" for the Riland Variety of Apricots

For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(1) <b>Growth cracks</b> exceeding 3/8 inches in length.	(1) <b>Growth cracks</b> that are not well healed and are more than 1/2 inch in length.
(2) <b>Punctures</b> exceeding 1/4 of an inch in diameter.	

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For the Riland variety, the following are considered <b>damage</b> :	For the Riland variety, the following are considered <b>serious damage</b> :
(3) <b>Stem pulls</b> exceeding 1/2 inch in diameter.	
(4) <b>Smooth shallow limb rubs</b> more than 1/4 of an inch in diameter.	
(5) <b>Russeting</b> affecting more than ten percent of the apricot's surface.	
(6) <b>Bruises</b> exceeding five percent of the apricot's surface.	(2) <b>Bruises</b> exceeding ten percent of the surface of the apricot.
(7) <b>Hail marks</b> that are:	(3) <b>Hail marks</b> that are more than:
(a) Not shallow and superficial; or	(a) 3/16 of an inch deep; or
(b) More than 3/8 of an inch in diameter in the aggregate; or	(b) 1/2 of an inch in diameter in the aggregate; or
(c) More than 1/8 inch in diameter when the skin has been broken.	(c) 1/2 inch in diameter when the skin has been broken.

**WSR 05-16-048  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-156—Filed July 27, 2005, 4:56 p.m., effective July 27, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100R; and amending WAC 220-52-051.

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: 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 27, 2005.

J. P. Koenings  
Director

NEW SECTION

**WAC 220-52-05100S 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, 23A-E and 23A-W.

ii) Effective 12:01 am August 1, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Area 23A-C.

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, 6 and in Fish/Shellfish Management and Catch Reporting Area 23A-C.

(d) Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Management and Catch 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

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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.

(e) 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.

(f) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Management and Catch Reporting Area 23A is divided into four sub-areas: 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 220-52-05100R Puget Sound shrimp pot and beam trawl fishery—Season (05-146)

### WSR 05-16-049 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 05-157—Filed July 27, 2005, 4:57 p.m., effective July 27, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000, 232-28-62000Y and 232-28-62000Z; and amending WAC 232-28-620.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Catch and effort have been slow enough to provide more opportunity and stay within the quotas through Labor Day. 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 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 27, 2005.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-62000Z Coastal salmon seasons** Notwithstanding the provisions of WAC 232-28-620, effective 12:01 a.m., July 29, 2005 until further notice, it is unlawful to fish for salmon in coastal waters during 2005 except as provided in this section, provided that unless otherwise amended all permanent rules remain in effect:

(1) **Area 1** - Open July 29, 2005 through September 30, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(2) **Areas 2, 2-1, and 2-2:**

(a) **Area 2** - Open July 29, 2005 through September 18, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(i) Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 1 until further notice.

(b) Area 2-1 - Open July 29, 2005 through August 15, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho. Open August 16 until further notice, daily limit 6 salmon, not more than two of which may be adult salmon.

(c) Area 2-2 west of the Buoy 13 line:

(i) Open July 29, 2005 through July 31 2005, open 7 days per week, daily limit 2 salmon, not more than 1 of which may be a chinook, except release wild coho.

(ii) Closed August 1 until further notice.

(3) Area 3 - Open July 29, 2005 through September 18, 2005, open 7 days per week, daily limit 2 salmon, except release wild coho.

(4) Area 4:

(a) Open through September 18, 2005, open Tuesday through Saturday of each week, daily limit 2 salmon not more than one of which may be a chinook, except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective beginning August 1, release chum.

(i) Effective immediately through July 31, lawful to retain chinook east of the Bonilla-Tatoosh Line and west of a true north-south line through Sail Rock.

(ii) Effective immediately through July 31 closed to salmon angling east of a true north/south line through Sail Rock.

**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.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 29, 2005:

WAC 232-28-62000X Coastal salmon—2005 North of Falcon (05-75)

The following section of the Washington Administrative Code is repealed:

WAC 232-28-62000Y Coastal salmon seasons. (05-153)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 30, 2005:

WAC 232-28-62000Z Coastal salmon seasons. (05-157)

**WSR 05-16-057  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-158—Filed July 29, 2005, 9:52 a.m., effective July 29, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-351 and 232-28-352.

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: Deer populations in GMUs 142 and 162 have declined due to unseasonable drought conditions and disease. Reductions in the permit seasons are inadequate to ensure that overharvest of the deer resource will not occur, so the second tag early season opportunity will be curtailed. The elk population in Elk Area 3911 continues to cause property damage, and offering a second elk tag will reduce damage claims. An earlier season opening in GMU 181 will also reduce damage to agricultural crops and reduce damage claims. There is insufficient time to promulgate permanent rules prior to the opening of the respective seasons.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 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 28, 2005.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 232-28-35100D Deer general seasons and permits.** Notwithstanding the provisions of WAC 232-28-351, effective immediately until further notice no second deer tags will be issued for the Columbia whitetail antlerless hunt in Deer Area 1010 and GMU 163. Second tags issued for the Almota B antlerless hunt in GMU 142 will be reduced to 100.

#### NEW SECTION

**WAC 232-28-35200D Elk general seasons and special permits.** Notwithstanding the provisions of WAC 232-28-352, effective immediately until further notice:

(1) Advanced Hunter Education Master Hunters who hunt in Elk Area 3911 from August 1 through September 30, 2005, who successfully take an antlerless elk, and who notify the department by October 31, 2005, may purchase a second elk transport tag. Notification must be following the harvest of an elk from Elk Area 3911 and no later than October 31, 2005. These hunters will be issued a second elk transport tag valid for the general season for the same hunting method as specified on the first tag.

(2) The Couse B modern firearm special permit in GMU 181 is open only August 27 through September 7, 2005.

**WSR 05-16-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-159—Filed July 29, 2005, 4:16 p.m., effective August 1, 2005, 12:01 a.m.]

Effective Date of Rule: August 1, 2005, 12:01 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100S; and amending WAC 220-52-051.

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: 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 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 29, 2005.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-52-05100T 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 23A-C, 23A-E, 23A-W and 26D.

ii) Until further notice, it is unlawful to harvest shrimp for commercial purposes in that portion of 26A-W (west) from the Shipwreck west to a point one mile offshore then paralleling the shoreline southerly to the 26B line.

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) Until further notice, it is unlawful for the harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 200 pounds per week from Shrimp Management Areas 1A or 1C.

(d) 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 or 6.

(e) Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Management and Catch 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 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 Management and Catch Reporting Area 23A is divided into four sub-

areas: 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 21A and 22A within Shrimp Management Area 1B is open immediately, until further notice.

(c) Until further notice, Marine Fish/Shellfish Management and Catch Reporting Area 20A is open.

(d) It is unlawful to set or pull shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 31, 2005:

WAC 220-52-05100S Puget Sound shrimp pot and beam trawl fishery—Season (05-156)

Eva N. Santos  
Director

**WSR 05-16-067**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**

[Filed July 29, 2005, 4:57 p.m., effective July 29, 2005]

Effective Date of Rule: Immediately.

**Purpose:** WAC 357-49-010 specifies what actions are subject to review by the Department of Personnel (DOP) director. WAC 357-49-017 identifies when the director's review process is the initial step of the appeal process. WAC 357-49-018 identifies what actions are subject to appeal to the Personnel Resources Board and Personnel Appeals Board. WAC 357-52-010 specifies what actions are subject to appeal to the Personnel Resources Board and Personnel Appeals Board.

**Citation of Existing Rules Affected by this Order:** Amending WAC 357-49-010 and 357-52-010.

**Statutory Authority for Adoption:** Chapter 41.06 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

**Reasons for this Finding:** The amendments to WAC 357-49-010 and 357-52-010 are necessary to clarify that an employee's appeal of a layoff action must be filed directly with the board and not subject to a review by the DOP director. The new sections of WAC 357-49-017 and 357-49-018 are necessary to clarify when a director's review is part of the appeal process and when the results of director's reviews may be appealed to the board on an exceptions basis. These clarifications are necessary to insure that civil service employees are afforded the appeal rights guaranteed to them under RCW 41.06.170 and that the director's review process does not result in an employee's appeal to the board being challenged as untimely.

**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 2, Repealed 0.

**Number of Sections Adopted Using Negotiated Rule Making:** New 0, Amended 0, Repealed 0; **Pilot Rule Making:** New 0, Amended 0, Repealed 0; or **Other Alternative Rule Making:** New 0, Amended 0, Repealed 0.

Date Adopted: July 29, 2005.

**AMENDATORY SECTION** (Amending WSR 05-01-190 [05-12-082], filed 12/21/04 [5/27/05], effective 7/1/05)

**WAC 357-49-010 For what actions may an individual request a director's review?** (1) If the department is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results or the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.

(2) An individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.

(3) An employee may request a director's review of the following:

(a) Allocation or reallocation per WAC 357-13-080; or

(b) Performance evaluation process or procedure per WAC 357-37-080.

(4) In addition to the subject((s)) listed in section (2) of this rule, an employee may request a director's review of an alleged violation of the civil service laws or rules within thirty calendar days of the date the employee could reason-

ably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later. An employee may not request a director's review of:

(a) ~~(a)~~ Allegations arising from the development and adoption of the classification plan under the provisions of WAC 357-10-020;

(b) An alleged violation of civil service laws or rules pertaining to layoff, except for removal of his/her name from a layoff list as provided in subsection 2 of this section; or

(c) ~~(c)~~ The actions of reduction, dismissal, suspension, demotion or separation.

(5) An individual may request the director review his/her request for remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

#### NEW SECTION

**WAC 357-49-017 When is a director's review part of the appeal process?** When an individual requests a director's review for any of the following type of actions, the director's review constitutes the initial step of the appeal process:

(1) Review of an employee's allocation or reallocation per WAC 357-13-080;

(2) Review of an alleged violation of civil service law or rules per WAC 357-49-010 (2) and (4); and

(3) Review of a remedial action request per WAC 357-49-010(5).

#### NEW SECTION

**WAC 357-49-018 Does an individual or an employer have the right to appeal the results of a director's review to the Board?** Except as provided in WAC 357-49-010(1), either party may appeal the results of the director's review to the board by filing written exceptions to the director's determination in accordance with chapter 357-52 WAC. In accordance with WAC 357-52-010, written exceptions for appeals of allocation or reallocation are filed:

(1) Through December 31, 2005, with personnel appeals board; and

(2) As of January 1, 2006, with personnel resources board.

**AMENDATORY SECTION** (Amending WSR 05-01-190, filed 12/21/04, effective 7/1/05)

**WAC 357-52-010 What actions may be appealed?** (1) Any permanent employee subject to the statutory jurisdiction of the board who is dismissed, suspended, demoted, or separated or whose base salary is reduced may appeal to the board.

(2) Any employee, subject to the statutory jurisdiction of the board who is affected by a violation of the state civil service law (chapter 41.06 RCW) or the rules contained in Title

357 WAC, or an employer, may appeal to the board as follows:

(a) For a violation of state civil service law or rules relating to a layoff action, excluding removal from a layoff list, the employee may appeal directly to the board.

(b) For a violation of state civil service law or rules relating to any other subject, including removal from a layoff list, the employee or employer may appeal to the board by filing written exceptions to the director's review determination, except as provided in WAC 357-49-010(1).

(3) Through December 31, 2005, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel appeals board by filing written exceptions to the director's review determination in accordance with Title 358 WAC. As of January 1, 2006, an employee in a position at the time of its allocation or reallocation or the employer may appeal to the personnel resources board by filing written exceptions to the director's review determination.

(4) An employee whose position has been exempted from chapter 41.06 RCW may appeal the exemption to the board.

(5) An individual or the employer may appeal remedial action to the board by filing written exceptions to the director's review determination.

(6) Any permanent Washington management service employee who is dismissed, suspended, demoted, or separated, or whose base salary is reduced may appeal to the board. A determination of which Washington management service positions will be eliminated in a reduction-in-force action is not subject to appeal.

#### WSR 05-16-068

#### EMERGENCY RULES

#### DEPARTMENT OF PERSONNEL

[Filed July 29, 2005, 4:57 p.m., effective July 29, 2005]

Effective Date of Rule: Immediately.

Purpose: WAC 357-58-465 specifies the layoff options available to a permanent employee being laid off from a WMS position.

Citation of Existing Rules Affected by this Order: Amending WAC 357-58-465.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendment to WAC 357-58-465 clarifies that a permanent employee being laid off from a WMS position may have an option to a position in a WGS classification if the employee held status in a WGS classification. The determination of which position the employee may have an option to is determined by WAC 357-46-035(1). This amendment is necessary to insure that permanent employees being laid off from WMS positions are provided layoff options appropriately.

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 0, Repealed 0.

Date Adopted: July 29, 2005.

Eva N. Santos  
Director

**AMENDATORY SECTION** (Amending WSR 05-12-071, filed 5/27/05, effective 7/1/05)

**WAC 357-56-465** **What option does a permanent ((WMS)) employee in a WMS position have to take a position when the employee is scheduled for layoff?** (1) Within the layoff unit, a permanent ((WMS)) employee scheduled for layoff from a WMS position must be offered the option to take a position, if available, that meets the following criteria:

(a) The employee has the required competencies for the position.

(b) The WMS position is at the same salary standard and/or evaluation points. If no option to a position with the same salary standard and/or evaluation points is available, the employer must consider other WMS positions with a lower salary standard and/or evaluation points, or general service positions in accordance with WAC 357-46-035(1) ((classes in which)) if the employee has held permanent status in a WGS classification, in descending salary order. At the agency's discretion, the employee may be offered a vacant position at higher evaluation points.

(2) The position is funded and vacant, or if no vacant position is available, the position is occupied by the employee with the lowest retention rating. If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an acting position in the layoff unit for which the employee is qualified.

**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 05-16-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 05-162—Filed August 1, 2005, 2:23 p.m., effective August 5, 2005, 12:01 a.m.]

Effective Date of Rule: August 5, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-230.

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: Canary rockfish are one of eight overfished groundfish stocks, which are managed under rebuilding plans by the Pacific Fishery Management Council. The Pacific council has adopted harvest guidelines for canary rockfish for state recreational fisheries to ensure that rebuilding goals are met. Management measures to achieve these rebuilding goals include prohibiting the retention of canary rockfish in recreational fisheries to encourage conservation of the stock and discourage targeting by anglers. 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: August 1, 2005.

J. P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-56-23000D** **Bottomfish closed areas.** Notwithstanding the provisions of WAC 220-56-230, WAC 220-56-235, WAC 220-56-240, and WAC 220-56-250, effective 12:01 a.m. August 5, 2005 until further notice, in Marine Catch Areas 2, 3, and 4, it is unlawful to fish for or possess bottomfish and lingcod for personal use seaward of a line approximating the 30-fathom depth contour, as defined by the following coordinates:

48°24.79'N lat.	124°44.07'W long.;
48°24.80'N lat.	124°44.74'W long.;
48°23.94'N lat.	124°44.70'W long.;
48°23.51'N lat.	124°45.01'W long.;
48°22.59'N lat.	124°44.97'W long.;
48°21.75'N lat.	124°45.26'W long.;
48°21.23'N lat.	124°47.78'W long.;
48°20.32'N lat.	124°49.53'W long.;
48°16.72'N lat.	124°51.58'W long.;
48°10.00'N lat.	124°52.58'W long.;
48°05.63'N lat.	124°52.91'W long.;
47°53.37'N lat.	124°47.37'W long.;
47°40.28'N lat.	124°40.07'W long.;
47°31.70'N lat.	124°37.03'W long.;
47°25.67'N lat.	124°34.79'W long.;
47°12.82'N lat.	124°29.12'W long.;
46°52.94'N lat.	124°22.58'W long.;
46°44.18'N lat.	124°18.00'W long.;
46°38.17'N lat.	124°15.88'W long.

**WSR 05-16-103  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-160—Filed August 2, 2005, 11:23 a.m., effective August 3, 2005, 12:01 a.m.]

Effective Date of Rule: August 3, 2005, 12:01 a.m.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M; 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: Catches of wild spring/summer chinook in the tribal and recreational fisheries in the Hoh River are little more than half of what was expected pre-season, leading state and tribal biologists to conclude that the run is likely significantly lower than forecast. The number of wild chinook spawners is projected to be below the targeted spawning escapement goal. Closing the river to retention of chinook during the month of August will allow additional needed chinook escapement. 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: August 1, 2005.

J. P. Koenings  
Director

NEW SECTION

**WAC 232-28-61900M Exceptions to statewide rules—Hoh River (Jefferson County)** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 3 through August 31, 2005, it is unlawful to retain salmon in those waters of the Hoh River from the mouth upstream to the mouth of Willoughby Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 2005:

WAC 232-28-61900M Exceptions to statewide rules—Hoh River (Jefferson County)

**WSR 05-16-104  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 05-161—Filed August 2, 2005, 11:23 a.m., effective August 4, 2005, 7:00 p.m.]

Effective Date of Rule: August 4, 2005, 7:00 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000H; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets the initial early fall commercial fishing period. Season is consistent with the 2005-2007 interim management agreement and the 2005 non-Indian allocation agreement. A biological opinion covering Columbia River fisheries was received from NMFS on May

EMERGENCY



9, 2005. Regulation is consistent with compact action of July 28, 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: August 1, 2005.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-33-01000H 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:

a. 7:00 p.m. Thursday August 4 to 7:00 a.m. Friday August 5

b. 7:00 p.m. Sunday August 7 to 7:00 a.m. Monday August 8

c. 7:00 p.m. Tuesday August 9 to 7:00 a.m. Wednesday August 10

d. 7:00 p.m. Thursday August 11 to 7:00 a.m. Friday August 12

3. GEAR: Drift gill nets only. 8-inch minimum mesh and 9-3/4 inch maximum mesh

4. ALLOWABLE SALE: Salmon and sturgeon. A maximum of five sturgeon total (white or green) may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. The five sturgeon possession/sales limit includes both mainstem and Select Area fisheries.

5. SANCTUARIES: Grays River, Elokomina-A, Cowlitz River, Kalama-A, Lewis-A, Washougal and Sandy Rivers.

6. OTHER: Quick reporting required for Washington wholesale dealers, WAC 220-69-240.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 12, 2005:

WAC 220-33-01000H Columbia River season below Bonneville.

#### WSR 05-16-125 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 05-163—Filed August 3, 2005, 10:22 a.m., effective August 3, 2005]

Effective Date of Rule: Immediately.

Purpose: Amend fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-72-089.

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: The discovery of this [Denman Island] Disease requires prompt action to prevent the further spread of this shellfish disease into other areas of Washington. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 2, 2005.

J. P. Koenings  
Director

#### NEW SECTION

**WAC 220-72-08900D Denman Island Disease prohibited areas.** Notwithstanding the provisions of WAC 220-72-089, effective immediately until further notice, the following are new Denman Island Disease prohibited areas;

(a) Carr Inlet — Northerly of a line projected from the northern tip of South Head on Key Peninsula to the most western point of Green Point.

(b) Eld Inlet — Southerly of a line projected due north from the northern most point of Cooper Point to the mainland at Edgewater Beach.

(c) Port Orchard — Southerly of a line projected from Battle Point projected due west to the mainland; westerly of a line projected from Point White due south to the mainland; and westerly of a line projected from the southern most point of Point Herron due south to the mainland.

(d) Kilisut Harbor — Southerly of a line projected from the north easterly most point on Indian Island north to the most north westerly point of Marrowstone Island.

EMERGENCY

WSR 05-15-110
RULES OF COURT
STATE SUPREME COURT

[Filed July 18, 2005, 12:09 p.m.]

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

GR 9 Cover Sheet
Suggested Changes

IRLJ 1.2 DEFINITIONS

Purpose: The suggested change to IRLJ 1.2(c) more accurately defines the term "defendant" for purposes of parking infractions. Parking citations only name the registered owner of the vehicle, who may not be the person who committed the infraction. As a result, individuals other than the registered owner named on the citation often appear to contest or mitigate a parking ticket and these other persons should be included in the term "defendant" for purposes of the infraction rules.

The other suggested change to IRLJ 1.2, which is to add an additional definition in new section (m), is one of several rule changes the DMCJA is proposing for the purpose of replacing the term "community service" with the term "community restitution" throughout the Infraction Rules for the Courts of Limited Jurisdiction. In 2002, the legislature enacted Senate Bill 6627, which replaced the term "community service" with "community restitution" in statutes relating

to the sentencing of adults and juveniles on felony, misdemeanor and infraction offenses. (Chapter 175, Laws 2002.) The DMCJA recommends that the language in the infraction rules be consistent with the statutory terminology, for ease of understanding and practice. The DMCJA suggests using the same definition for "community restitution" for IRLJ 1.2(m) that the legislature used in Senate Bill 6627. See, for example, RCW 9.94A.030(8).

INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)

RULE 1.2 DEFINITIONS

For the purposes of these rules:

(a) Infraction Case. "Infraction case" means a civil proceeding initiated in a court of limited jurisdiction pursuant to a statute that authorizes offenses to be punished as infractions.

(b) Notice of Infraction. "Notice of infraction" means a document initiating an infraction case when issued and filed pursuant to statute and these rules.

(c) Defendant. "Defendant" means a person named in a notice of cited for an infraction, a registered owner of a vehicle cited for a parking infraction, or the person who responds to the parking infraction or requests a hearing.

(d) Court. "Court" means a court of limited jurisdiction organized pursuant to RCW Title 3, RCW Title 35, or RCW Title 35A.

(e) Judgment. "Judgment" means any final decision in an infraction case, including but not limited to, a finding entered after a hearing governed by these rules or after payment of a monetary penalty in lieu of a hearing.

(f) Plaintiff. "Plaintiff" means the governmental unit issuing the notice of infraction, including, but not limited to, the state, a county, or a municipality.

(g) Department. "Department" means the Washington State Department of Licensing.

(h) Lawyer. "Lawyer" means any person authorized by Supreme Court rule to practice law.

(i) Statute. "Statute" means any state statute, local or county ordinance, resolution, or regulation, or agency regulation.

(j) Citing Officer. "Citing officer" means a law enforcement officer or other official authorized by law to issue a notice of infraction.

(k) Prosecuting Authority. "Prosecuting authority" includes prosecuting attorneys, city attorneys, corporation counsel, and their deputies, and assistants, or such other persons as may be designated by statute.

(l) Judge. "Judge" means any judge of any court of limited jurisdiction and shall include every judicial officer authorized to preside over infraction cases.

(m) Community Restitution. "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the defendant.

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GR 9 Cover Sheet  
Suggested Changes

#### IRLJ 2.1 NOTICE OF INFRACTION

( **Purpose:** IRLJ 2.1 (a) requires the use of infraction forms prescribed by the Administrative Office of the Courts (AOC). The Infraction Rules supersede all conflicting rules or statutes covering procedures for infractions, unless a rule indicates a statute or rule controls, pursuant to Rule 1.1 (c). Therefore, since Rule 2.1 (a) gives the AOC the authority to prescribe the infraction forms, the resulting forms should be cloaked with the authority of the rule itself.

#### INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)

##### RULE 2.1 NOTICE OF INFRACTION

(a) ~~Traffic Infraction Form Prescribed by Administrator for the Courts~~ the Administrative Office of the Courts. Traffic infraction cases shall be filed on a form entitled "Notice of Traffic Infraction" prescribed by the ~~Administrator for the Courts~~ Administrative Office of the Courts; except that the form used to file cases alleging the commission of a parking, standing or stopping infraction shall be approved by the ~~Administrator for the Courts~~ Administrative Office of the Courts. Traffic infraction forms prescribed by the Administrative Office of the Courts are presumed valid and shall not be deemed insufficient by reason of defects or imperfections which do not prejudice substantial rights of the defendant.

(b) **Contents.** [Unchanged.]

GR 9 Cover Sheet  
Suggested Changes

#### IRLJ 2.2 INITIATION OF INFRACTION CASES

( **Purpose:** The purpose of the proposed change to IRLJ 2.2 (a) is to specify when "issuance" of a citation occurs. IRLJ 2.2 (d) requires that the filing of a notice of infraction occur within two days of the issuance of the notice of infraction. However, the rule does not specify when "issuance" of the notice occurs. When an infraction is not filed at the scene, but only after investigation, some courts have decided that the date of "issuance" is the date the infraction is filed with the court. However, IRLJ 2.2 (b) makes it clear that it is the citing officer or the prosecuting attorney who "issue" infractions. Therefore, the date of "issuance" of infractions should be the date the infraction is signed by the officer or by the prosecuting attorney.

Our courts should not "issue" infractions, yet specifying that an infraction is "issued" on the date it is filed would more appropriately line up with court-issued infractions. (Please note that IRLJ 2.2, as currently written, modifies RCW 7.80.050, which states that only the court may issue a citation when the civil infraction is not committed in the officer's presence.)

Rule 2.2(d) has long been the subject of debate and confusion. The rule is intended to ensure that infractions are filed within a reasonable time after they are written. The utility of requiring the filing of infractions a second time, however, is very low. In addition, many of the infractions which

are dismissed without prejudice for late filings are not filed again. The proposed amendment seeks to strike a compromise between the need for timely filing and the stated purpose of the IRLJ, for the just, speedy, and inexpensive determination of every infraction case.

#### INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)

##### RULE 2.2 INITIATION OF INFRACTION CASES

(a) **Generally.** An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. An infraction is issued on the date the infraction is signed by the citing officer or prosecuting authority.

(b) **Who May Issue.** A notice of infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to law:

(1) By a citing officer. The infraction need not have been committed in the officer's presence, except as provided by statute;

(2) By the prosecuting authority.

(c) **Service of Notice.** A notice of infraction may be served either by:

(1) The citing officer serving the notice of infraction on the person named in the notice of infraction at the time of issuance;

(2) The citing officer affixing to a vehicle in a conspicuous place the notice of a traffic infraction if it alleges the violation of a parking, standing, or stopping statute; or

(3) The citing officer or the prosecuting authority filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address. If a notice of infraction served by mail is returned to the court as undeliverable, the court shall issue a summons.

(d) **Filing of Notice.** When a notice of infraction has been issued, the notice shall be filed with a court having jurisdiction over the infraction or with a violations bureau subject to such court's supervision. The notice must be filed within ~~two~~ five days of issuance of the notice, excluding Saturdays, Sundays, and holidays. A In the absence of good cause shown, a notice of infraction not filed within the time limits of this section may shall, upon motion, be dismissed without with prejudice.

GR 9 Cover Sheet  
Suggested Changes

#### IRLJ 2.4 RESPONSE TO NOTICE

**Purpose:** To provide specific authority permitting written statements for contested hearings and mitigation hearings to be submitted by e-mail. IRLJ 2.4, 2.6 (c) and 3.5 allow contested hearings and mitigation hearings to be heard by written statements. Many courts now allow written statements for both types of hearings to be submitted by e-mail. However, the IRLJ, as currently written, require that both types of statements be signed under penalty of perjury, and the rules do not specify how to sign a written statement submitted by e-mail under penalty of perjury. The receipt of a

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typed signature should satisfy the need for certification under the provisions of this rule.

The suggested changes to the rule delete any reference to the certification statute, RCW 9A.72.085. Instead, the IRLJ will provide the authority required to allow typewritten signatures. The infractions covered by these rules are civil and allow for greater informality, as is already reflected in the procedures allowing written statements to be used in both contested and mitigation hearings. Individuals already have the opportunity to deny that the signature on a written statement is their signature, although very few ever have. If a defendant were to deny that he or she wrote the letter or e-mail, a hearing would be held in either case and the court would weigh the testimony and determine whether to grant a new contested or mitigation hearing.

To save time and money, as well as provide greater convenience to court users, some courts of limited jurisdiction are already allowing defendants to e-mail statements contesting or mitigating infractions, and other courts are anxious to start this practice, given the widespread acceptance and use of e-mail communications in this state. The changes to the infraction rules are necessary to specify how to submit written statements via e-mail, and establish standard statewide rules for those communications.

An additional suggested change to subsection (b) (4) is to add a separate form for written statements for mitigation hearings. The current rule includes a form for written statements for contested hearings, but not mitigation hearings. There is no reason not to include a form for written statements for mitigation hearings, as well.

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)**

**RULE 2.4 RESPONSE TO NOTICE**

(a) **Generally.** A person who has been served with a notice of infraction must respond to the notice within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(b) **Alternatives.** A person may respond to a notice of infraction by:

- (1) Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;
- (2) Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law;
- (3) Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law; or

(4) Submitting a written statement either contesting the infraction or explaining mitigating circumstances, if this alternative is authorized by local court rule. The statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. For contested hearings the statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

~~I hereby state as follows: certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true:~~

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

[Date and Place]	[Signature]
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(I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.)

For mitigation hearings, the statement shall be executed in substantially the following form:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

(Date and Place)	(Signature)
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(I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.)

(c) **Method of Response.** A person may respond to a notice of infraction either personally, or if allowed by local rule by mail or by e-mail. If the response is mailed or e-mailed, it must be mailed postmarked or e-mailed not later than midnight of the day the response is due.

GR 9 Cover Sheet  
Suggested Changes

**IRLJ 2.6 SCHEDULING OF HEARINGS**

**Purpose:** The suggested change to IRLJ 2.6(a)(1) and (e) would provide additional clarity to the rules for setting contested hearings. While the IRLJ has its own "speedy trial rule" in IRLJ 2.6(a)(1), the rule does not currently contain any excluded periods. Rather than adding a large new section dealing with excluded periods, new subsection (e) stating that the time for hearing rule, Rule 2.6(a)(1), is not violated if the failure to hold the hearing was attributable to the defendant or the defendant's counsel should be sufficient.

The suggested change to IRLJ 2.6(a)(2) gives the court an additional seven days, from 14 to 21 days, to notify defendants of the time, place and date of a contested hearing. The current 14-day requirement is too short, in light of the increased workload on the courts. Increasing the notification period to 21 days will not cause any harm to defendants. In conjunction with the increased notification period for courts is the suggested change set forth in new subsection (a)(4) imposing new consequences on courts that fail to meet the 21-day deadline.

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The purpose of the suggested change to IRLJ 2.6(a)(4) is to establish a remedy for the failure of the court to set a contested hearing within 21 days of the court's receipt of the request by the defendant. Current subsection 2.6(e) provides a remedy when the defendant is not brought to hearing within the time required by the rules (dismissal with prejudice). However, the rules do not provide a remedy for the failure of the court to set the hearing in a timely manner. Any requirement in the IRLJ should include a reasonable remedy or include a reasonable consequence for failure to comply with its provisions. This suggested change would allow the court to dismiss the infraction upon a showing of prejudice if the court does not send written notice of hearing within 21 days of the receipt of the request for a hearing.

The purpose of suggested new subsection (g) is to clarify the rule regarding requests for a change of judge in infraction cases. The Civil Rules for the Courts of Limited Jurisdiction (CRLJ) include a rule for change of judge at CRLJ 40(f). That rule applies to infraction cases pursuant to CRLJ 1 and 81(a). Adding new section (g) to this rule will greatly assist courts and parties in quickly determining the law without the necessity for a search of three court rules.

#### INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)

##### RULE 2.6 SCHEDULING OF HEARINGS

###### (a) Contested Hearings.

(1) Except as provided in sections (1)(i) and (ii), upon receipt of a response submitted pursuant to rule 2.4(b)(2), the court shall schedule a hearing to determine whether the defendant committed the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction or the date a default judgment is set aside, ~~unless otherwise agreed by the defendant in writing.~~

(i) If authorized by local court rule, a defendant who requests a contested hearing may first be scheduled for a prehearing conference, which shall be scheduled for not less than 14 days from the date the written notice of the hearing is sent by the court nor more than 45 days from the date of the notice of infraction or the date a default judgment is set aside, unless otherwise agreed to by the defendant in writing.

(ii) The prehearing conference may be waived by the defendant in writing if the waiver is received by the court before the time set for the prehearing conference. If the prehearing conference is waived, the case will be set for contested hearing. The contested hearing shall be scheduled for not more than 90 days from the date of the prehearing conference or, if the prehearing conference is waived, from the date the waiver of the prehearing conference is received by the court.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within ~~14~~ 21 days of the request for a hearing. The notice shall also include statements advising the defendant of the defendant's rights at the hearing and stating that failure to appear may be a crime for which the defendant may be arrested, and, in a traffic infrac-

tion case, the defendant's privilege to operate a motor vehicle may be suspended.

(3) The court may schedule the hearing on a contested infraction for the same time as the hearing on another infraction alleged to have been committed by the defendant. The court may schedule the hearing on a contested infraction for the same time as the trial on a misdemeanor arising out of the same occurrence as the infraction.

(4) The infraction may be dismissed upon a showing of prejudice if the court does not send a defendant written notice of a hearing within 21 days of receipt of the request for a hearing.

###### (b) Mitigation Hearings.

(1) Upon receipt of a response submitted pursuant to rule 2.4(b)(3) the court shall schedule a hearing to determine whether there were mitigating circumstances surrounding the commission of the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction or the date a default judgment is set aside, unless otherwise agreed by the defendant in writing.

(2) The court shall send the defendant written notice of the time, place, and date of the hearing within ~~14~~ 21 days of the request for a hearing. The notice shall also include statements advising the defendant of the defendant's rights at the hearing and stating that failure to appear may be a crime for which the defendant may be arrested, and, in a traffic infraction case, the defendant's privilege to operate a motor vehicle may be suspended.

(3) The court may schedule the mitigation hearing for the same time as the mitigation hearing on another infraction alleged to have been committed by the defendant.

(c) **Decisions on Written Statements.** If the court has adopted a local rule authorizing decisions on written statements submitted by mail, and/or e-mail, it shall, upon receipt of a statement pursuant to rule 2.4(b)(4), consider the case in accordance with rule 3.5. The requirements of GR 30.5 are not applicable to e-mail statements submitted pursuant to rule 2.4(b)(4). The court is not required to notify the parties of a date for the examination of the statements.

(d) **Objection to Hearing Date.** A defendant who objects to the hearing date set by the court upon the ground that it is not within the time limits prescribed by this rule shall file with the court and serve upon the prosecuting authority a written motion for a speedy hearing date within 10 days after the notice of hearing is mailed or otherwise given to the defendant. Failure of a party, for any reason, to make such a motion shall be a waiver of the objection that a hearing commenced on such a date is not within the time limits prescribed by this rule. The written notice of the hearing date shall contain a copy of IRLJ 2.6(d).

(e) Time for Hearing; Effect of Delay or Continuances. A motion for dismissal for the failure to hold a hearing within the time period provided by this rule shall not be granted if the failure to hold the hearing was attributable to the defendant or the defendant's counsel.

(f) Dismissal With Prejudice. An infraction not brought to hearing within the time period provided by this rule shall, upon motion, be dismissed with prejudice.

(g) Change of Judge. The provisions of CRLJ 40(f) apply.

GR 9 Cover Sheet  
Suggested Changes

**IRLJ 3.1 CONTESTED HEARINGS -  
PRELIMINARY PROCEEDINGS**

( **Purpose:** The purpose of the suggested change to Rule 3.1(a), requiring that a request for an officer's presence at a contested hearing be filed on a separate pleading, is to ensure that this request is not overlooked by the court. Requests for the presence of the citing officer are often buried in lengthy notices of appearance. This suggested change ensures that the court has notice that the officer is needed, allowing the court to reschedule the hearing for that officer's set court date. Many courts set hearings for a date on which that officer is already scheduled to appear in court. Courts work with all stakeholders in the justice system to ensure that scarce resources are used appropriately. Scheduling hearings on specific days for specific officers contributes to that goal. The requirement for a separate pleading ensures that the request for an officer is taken into account by the court at the earliest possible opportunity.

The suggested changes to Rule 3.1(b) will clarify and simplify the discovery process for infraction cases. Requiring the filing of discovery requests on a separate pleading will ensure that all parties are aware of the request in a timely manner. At present, requests for discovery are often buried in lengthy notices of appearance.

Many individuals do not understand the necessity to serve requests for discovery upon the prosecuting authority and to file the notice with the court. The suggested changes to Rule 3.1(b) clarify this issue.

The suggested changes to Rule 3.1(b) also simplify a party's request for a list of witnesses. The rationale for a witness list is satisfied when each party provides the opposing party with the names of persons having knowledge of the alleged infraction. Nothing is gained by the requirement that a party produce a list of witnesses expected to be called. Neither party is required to call a witness simply because they are set forth on a witness list.

The suggested changes to Rule 3.1(b) provide a specific remedy for failure to provide discovery, and failure to provide discovery in a timely manner. Discovery should always be provided in a timely manner, yet the failure to do so in civil cases will rarely result in suppression of the evidence sought unless the violation was willful, as stated in this proposed rule change. All other discovery violations will generally result in a continuance of the case, and perhaps the imposition of terms, to allow the opposing party the opportunity to examine the missing evidence and prepare accordingly.

**INFRACTION RULES FOR COURTS  
OF LIMITED JURISDICTION (IRLJ)**

**RULE 3.1 CONTESTED HEARINGS—  
PRELIMINARY PROCEEDINGS**

**(a) Subpoena.** The defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge,

court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court and with the office of the prosecuting authority assigned to the court in which the infraction is filed on the same day it is sent out for service. A request that an officer appear at a contested hearing pursuant to rule 3.3(c) shall be filed on a separate pleading. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c), or it may be served by first-class mail, postage prepaid, sent to the witnesses' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, a judge must approve of the subpoena.

**(b) Discovery.** Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the plaintiff's lawyer shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with a list of the witnesses the plaintiff intends to call at the hearing and a copy of the citing officer's sworn statement if it will be offered into evidence at the hearing and with the names of any witnesses not identified in the citing officer's sworn statement a list of the witnesses the defendant intends to call at the hearing. If the prosecuting authority provides the citing officer's sworn statement less than 7 days before the hearing but not later than one day before the hearing, the citing officer's sworn statement shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. If the prosecuting authority, without reasonable excuse or justification, fails to provide the citing officer's sworn statement, the statement shall be suppressed. No other discovery shall be required. Neither party is precluded from investigating the case, and neither party shall impede another party's investigation. A request for discovery pursuant to this section shall be filed on a separate pleading.

**(c) Amendment of Notice.** The court may permit a notice of infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

**(d) Sufficiency.** No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of defects or imperfections which do not tend to prejudice substantial rights of the defendant.

GR 9 Cover Sheet  
Suggested Change

**IRLJ 3.3 PROCEDURE AT CONTESTED HEARING**

**Purpose:** To replace the term "community service" with the term "community restitution" in the Infraction Rules for the Courts of Limited Jurisdiction. In 2002, the legislature

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enacted Senate Bill 6627, which replaced the term "community service" with "community restitution" in statutes relating to the sentencing of adults and juveniles on felony, misdemeanor and infraction offenses. (Chapter 175, Laws 2002.) The DMCJA recommends that the language in the infraction rules be consistent with the statutory terminology, for ease of understanding and practice. The DMCJA suggests using the same definition for "community restitution" for IRLJ 1.2(m) that the legislature used in Senate Bill 6627. See, for example, RCW 9.94A.030 (8).

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)**

**RULE 3.3 PROCEDURE AT CONTESTED HEARING**

(a) - (d) [Unchanged.]

(e) **Disposition.** If the court determines that the infraction has been committed, it may assess a monetary penalty against the defendant. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service restitution as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

GR 9 Cover Sheet  
Suggested Change

**IRLJ 3.4 HEARING ON MITIGATING CIRCUMSTANCES**

**Purpose:** To replace the term "community service" with the term "community restitution" in the Infraction Rules for the Courts of Limited Jurisdiction. In 2002, the legislature enacted Senate Bill 6627, which replaced the term "community service" with "community restitution" in statutes relating to the sentencing of adults and juveniles on felony, misdemeanor and infraction offenses. (Chapter 175, Laws 2002.) The DMCJA recommends that the language in the infraction rules be consistent with the statutory terminology, for ease of understanding and practice. The DMCJA suggests using the same definition for "community restitution" for IRLJ 1.2(m) that the legislature used in Senate Bill 6627. See, for example, RCW 9.94A.030 (8).

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)**

**RULE 3.4 HEARING ON MITIGATING CIRCUMSTANCES**

(a) - (b) [Unchanged.]

(c) **Disposition.** The court shall determine whether the defendant's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the defendant committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service restitution as provided by law. The court has continu-

ing jurisdiction and authority to supervise disposition for not more than 1 year.

GR 9 Cover Sheet  
Suggested Change

**IRLJ 3.5 DECISION ON WRITTEN STATEMENTS**

( **Purpose:** Rule 3.5 outlines the method by which courts hear contested infraction cases based upon written statements but does not outline a procedure by which courts may consider facts in mitigation based upon written statements. Rule 2.4(b)(4) authorizes defendants to submit written statements contesting infractions or explaining facts in mitigation, if permitted by local rule. Rule 2.6(c) requires that courts consider such written statements in accordance with Rule 3.5. The current version Rule 3.5 only addresses contested infraction cases and not mitigation hearings. The suggested change will add a procedure by which the courts may consider written statements submitted for purposes of mitigation.

**INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)**

**RULE 3.5 DECISION ON WRITTEN STATEMENTS (LOCAL OPTION)**

(a) **Generally Contested Hearings.** The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

(b)(1) **Factual Determination.** The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

(c)(2) **Disposition.-** If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.

(d)(3) **Notice to Parties.** The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(e)(4) **No Appeal Permitted.** There shall be no appeal from a decision on written statements.

(b) **Mitigation Hearings.** Mitigation hearings based upon written statements may be held in chambers.

GR 9 Cover Sheet  
Suggested Change

**IRLJ 4.2 FAILURE TO PAY OR COMPLETE COMMUNITY SERVICE FOR TRAFFIC INFRACTION**

( **Purpose:** To replace the term "community service" with the term "community restitution" in the Infraction Rules for the Courts of Limited Jurisdiction. In 2002, the legislature enacted Senate Bill 6627, which replaced the term "community service" with "community restitution" in statutes relating to the sentencing of adults and juveniles on felony, misdemeanor and infraction offenses. (Chapter 175, Laws 2002.) The DMCJA recommends that the language in the infraction rules be consistent with the statutory terminology, for ease of understanding and practice. The DMCJA suggests using the same definition for "community restitution" for IRLJ 1.2(m)

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that the legislature used in Senate Bill 6627. See, for example, RCW 9.94A.030 (8).

INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ)

RULE 4.2 FAILURE TO PAY OR COMPLETE COMMUNITY SERVICE RESTITUTION FOR TRAFFIC INFRACTION

(a) Failure to Pay or Complete Community Service Restitution. Unless the traffic infraction is a parking, standing, stopping, or pedestrian infraction, the court shall notify the Department within 10 days:

(1) If the defendant fails to pay the monetary penalty assessed after a hearing to contest the traffic infraction or a hearing to explain mitigating circumstances, or after a decision on written statements, if authorized by local court rule, or

(2) If the defendant fails to meet a time payment authorized by the court or fails to complete community service restitution approved by the court.

(b) Notice to Department. The notice to the Department shall be in the form prescribed by the Department.

(c) Removal of the Failure to Pay or Complete Community Service Restitution. When the defendant has paid all monetary penalties owing, including completion of community service restitution, the court shall notify the Department within 10 days of payment or of completion of community service restitution on a form prescribed by the Department.

GR 9 Cover Sheet Suggested Change

IRLJ 6.7 FAILURE TO PAY OR COMPLETE COMMUNITY SERVICE FOR TRAFFIC INFRACTION

( Purpose: To replace the term "community service" with the term "community restitution" in the Infraction Rules for the Courts of Limited Jurisdiction. In 2002, the legislature enacted Senate Bill 6627, which replaced the term "community service" with "community restitution" in statutes relating to the sentencing of adults and juveniles on felony, misdemeanor and infraction offenses. (Chapter 175, Laws 2002.) The DMCJA recommends that the language in the infraction rules be consistent with the statutory terminology, for ease of understanding and practice. The DMCJA suggests using the same definition for "community restitution" for IRLJ 1.2(m) that the legislature used in Senate Bill 6627. See, for example, RCW 9.94A.030 (8).

SUPERIOR COURT OF WASHINGTON FOR

STATE OF WASHINGTON

Plaintiff

vs.

Defendant

NO.

STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO NON-SEX OFFENSE (STDFG)

INFRACTION RULES FOR COURTS OF LIMITED JURISDICTION (IRLJ) RULE 6.7 RELIEF FROM JUDGMENT

A motion to waive or suspend a fine, or to convert a penalty to community service restitution, or to vacate a judgment is governed by CRLJ 60(b).

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.

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 05-15-112 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.

MISC.

1. My true name is: \_\_\_\_\_.
2. My age is: \_\_\_\_\_.
3. I went through the \_\_\_\_\_ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: \_\_\_\_\_  
The elements are: \_\_\_\_\_
5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:
  - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
  - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
  - (c) The right at trial to hear and question the witnesses who testify against me;
  - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
  - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
  - (f) The right to appeal a finding of guilt after a trial.
6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:
  - (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

MISC.

(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.150 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.120(6))	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

[ ] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

MISC.

- I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.
- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
  - (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
  - (k) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64\_\_\_\_ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
  - (l) Public assistance will be suspended during any period of imprisonment.
  - (m) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- [n] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- [o] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- [p] If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- [q] If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- [r] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- [s] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under former RCW 9.94A.120(6) (for offenses committed before July 1, 2001) or RCW 9.94A.660 (for offenses committed on or after July 1, 2001). (Effective for sentences imposed on or after October 1, 2005, the court may sentence me to a prison-based alternative.) This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph 6(e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose community custody of at least one-half of the midpoint of the standard range. Effective for sentences imposed on or after October 1, 2005, the judge may sentence me to a residential chemical dependency treatment-based alternative. This sentence could include a term of community custody for one-half of the midpoint of the standard range or two years, whichever is greater, on the condition that I enter and remain in residential chemical dependency treatment for three to six months, plus all of the conditions described in paragraph 6(e). During community custody, I will be required to undergo substance abuse assessment and participate in treatment as provided by the Department of Corrections. At a treatment termination hearing scheduled three months before the expiration of the term of community custody, the judge could impose a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody. During confinement, I would be required to undergo substance abuse assessment and participate in treatment as provided by the Department of Corrections. Any term of community custody imposed upon me under the special drug offender sentencing alternative must include appropriate substance abuse treatment, a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could prohibit me from using alcohol or controlled substances, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, including affirmative conditions.

MISC.

- [t] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [u] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401 (2)(b).
- [v] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- [w] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.
- [x] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).
- [y] The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- [z] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- [aa] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.
- [bb] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- [cc] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

7. I plead guilty to:

count \_\_\_\_\_

count \_\_\_\_\_

count \_\_\_\_\_

in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney \_\_\_\_\_ WSBA No. \_\_\_\_\_

Defendant's Lawyer \_\_\_\_\_ WSBA No. \_\_\_\_\_

Print Name \_\_\_\_\_

Print Name \_\_\_\_\_

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ for the defendant from English into that language. (Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

Location: \_\_\_\_\_

<b>SUPERIOR COURT OF WASHINGTON FOR</b>	
STATE OF WASHINGTON _____ Plaintiff	
vs.	
_____ Defendant	

NO.

**STATEMENT OF DEFENDANT ON  
PLEA OF GUILTY TO SEX OFFENSE  
(STTDFG)**

1. My true name is: \_\_\_\_\_
2. My age is: \_\_\_\_\_.
3. I went through the \_\_\_\_\_ grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

MISC.

- (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
- (b) I am charged with: \_\_\_\_\_  
The elements are: \_\_\_\_\_

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a STANDARD SENTENCE RANGE as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) other deadly weapon

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

MISC.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Burglary in the first degree	

MISC.



(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I understand that I will be ineligible to vote until that right is restored in a manner described in RCW 10.64\_\_\_\_ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.
- (n) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100 DNA collection fee.
- (o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

- [p] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.
- [q] Special sex offender sentencing alternative:  
For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.  
For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.
- [r] If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- [s] If the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- [t] If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.
- [u] The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].

[v] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[w] I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon or firearm enhancements.

7. I plead guilty to:

count \_\_\_\_\_  
count \_\_\_\_\_  
count \_\_\_\_\_

in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant  
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney WSBA No.

\_\_\_\_\_  
Defendant's Lawyer WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

MISC.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**INTERPRETER'S DECLARATION**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ for the defendant from English into that language.  
(Identify document being translated)

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

Location: \_\_\_\_\_

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.

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 05-16-001**  
**AGENDA**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed July 20, 2005, 1:26 p.m.]

**Semi-Annual Agenda for Rules Under Development**  
**July 1, 2005 - December 31, 2005**

**DIVISION OF CONSUMER SERVICES**

- 1. Chapter 208-630 WAC, Check cashers and sellers, amendments to the rules to conform to statutory changes.
- 2. Chapter 208-620 WAC, Consumer Loan Act, amendments to the rules to conform to statutory changes.

**DIVISION OF SECURITIES**

- 1. WAC 460-24A-105, amendments to conform with a 2004 Model Rule of the North American Securities Administrators Association (NASAA) concerning requirements imposed on investment advisors who take "custody" of client funds or securities.

**WSR 05-16-004**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF ECOLOGY**  
[Filed July 21, 2005, 11:26 a.m.]

According to section 3, of chapter 42.17 RCW, [(1)] Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this

chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and annually every year thereafter.

The Department of Ecology appoints Diane Pratt, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6046, fax (360) 407-7231, e-mail dpra461@ecy.wa.gov, as the agency's public records officer.

**WSR 05-16-007**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed July 21, 2005, 4:30 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title and Subject: 05-67 MAA - Vision Care Services.

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 updated included changes to fees and procedure codes.

MISC.

To receive a copy of the interpretive or policy statement, contact Rebecca McAferty, Office of Rules and Publications, Department of Social and Health Services, Health and Recovery Services Administration (HRSA), 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](mailto:mcaferl@dshs.wa.gov).

July 20, 2005

Rebecca McAferty  
for Ann Myers, Manager  
Rules and Publications Section

**WSR 05-16-008**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Regional Fisheries Enhancement Group Advisory Board)

[Memorandum—July 21, 2005]

There is a date and venue change for the September Regional Fisheries Enhancement Group Advisory Board meeting. The September meeting originally set for September 9 and 10 in Bellingham has been moved to September 16 and 17 in Port Orchard.

**WSR 05-16-009**

**RULES COORDINATOR  
HIGHLINE COMMUNITY COLLEGE**

[Filed July 22, 2005, 9:17 a.m.]

The rules coordinator for Highline Community College is Vice-President for Administration, Highline Community College, Mailstop 1-1, P.O. Box 98000, Des Moines, WA 98198-9800, phone (206) 878-3710 ext. 3203, fax (206) 870-3754.

Connie Johnson, Director  
Contracts, Leases and Special Projects

**WSR 05-16-010**

**RULES COORDINATOR  
COLUMBIA RIVER  
GORGE COMMISSION**

[Filed July 22, 2005, 9:17 a.m.]

Our agency's rules coordinator is Nancy Andring, Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, phone (509) 493-3323 ext. 0, fax (509) 493-2229, [andring@gorgecommission.org](mailto:andring@gorgecommission.org).

Martha J. Bennett  
Executive Director

**WSR 05-16-011**

**PUBLIC RECORDS OFFICER  
COLUMBIA RIVER  
GORGE COMMISSION**

[Filed July 22, 2005, 9:18 a.m.]

Our agency's public records officer is Nancy Andring, Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, phone (509) 493-3323 ext. 0, fax (509) 493-2229, [andring@gorgecommission.org](mailto:andring@gorgecommission.org).

Martha J. Bennett  
Executive Director

**WSR 05-16-017**

**RULES COORDINATOR  
DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

[Filed July 25, 2005, 9:17 a.m.]

Stephenie Kramer is the designated rules coordinator for the Department of Archaeology and Historic Preservation.

If you have any questions or concerns about this appointment, please do not hesitate to contact Allyson Brooks at (360) 586-3066 or by e-mail at [Allyson.Brooks@dahp.wa.gov](mailto:Allyson.Brooks@dahp.wa.gov).

Allyson Brooks  
State Historic  
Preservation Officer

**WSR 05-16-018**

**PUBLIC RECORDS OFFICER  
DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

[Filed July 25, 2005, 9:17 a.m.]

Rick Anderson is the designated public records officer for the Department of Archaeology and Historic Preservation.

If you have any questions or concerns about this appointment, please do not hesitate to contact Allyson Brooks at (360) 586-3066 or by e-mail at [Allyson.Brooks@dahp.wa.gov](mailto:Allyson.Brooks@dahp.wa.gov).

Allyson Brooks  
State Historic  
Preservation Officer

**WSR 05-16-020**

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Memorandum—July 22, 2005]

The board of trustees of Eastern Washington University will hold a meeting via teleconference call on the Cheney campus on Monday, July 25, 2005, at 9:00 a.m. in Showalter

Hall, Room 214. Action will be taken on the selection of a presidential search consultant.

**WSR 05-16-024**  
**AGENDA**  
**INTERAGENCY COMMITTEE FOR**  
**OUTDOOR RECREATION**  
**SALMON RECOVERY FUNDING BOARD**

[Filed July 26, 2005, 8:38 a.m.]

**SEMIANNUAL RULE DEVELOPMENT AGENDA**

To comply with RCW 34.05.314, Interagency Committee for Outdoor Recreation (IAC)/Salmon Recovery Funding Board (SRFB) has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the state register by January 31 and July 31 each year. Within three days of publication, IAC/SRFB will provide copies to each person so requesting, the director of Office of Financial Management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact: Greg Lovelady, Rules Coordinator, (360) 902-3008, GregL@IAC.WA.GOV.

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
Farmlands preservation, Washington wildlife and recreation program, chapter 286-27 WAC.	This program was assigned to IAC in 2005 (chapter 303, Laws of 2005) and WACs concerning project conversions, planning requirements, deeds of right, and possibly other subjects need to be considered.
Riparian habitat, Washington wildlife and recreation program, chapter 286-27 WAC.	This program was assigned to IAC in 2005 (chapter 303, Laws of 2005). WACs concerning project conversions, planning requirements, deeds of right, and possibly other subjects need to be considered.
Restoration-enhancement of state lands, Washington wildlife and recreation program, chapter 286-27 WAC.	This program, in the habitat conservation account of the Washington wildlife and recreation program (WWRP), was assigned to IAC in 2005 (chapter 303, Laws of 2005). WACs concerning project conversions, planning requirements, deeds of right, and possibly other subjects need to be considered.
Development-renovation of state lands, Washington wildlife and recreation program, chapter 286-27 WAC.	This program, in the outdoor recreation account of the Washington wildlife and recreation program (WWRP), was assigned to IAC in 2005 (chapter 303, Laws of 2005). WACs concerning project conversions, planning requirements, deeds of right, and possibly other subjects need to be considered.

Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
Matching resources mitigation funds: WAC 286-13-040(3), 286-13-045, 286.26-110, 286.27.075, 286-30-050, 286-35-060, 286-40-030.	Mitigation funds involve money from cash payments intended to alleviate the results of actions expected to harm the social or natural environment. The IAC and the SRFB propose to develop WACs that are jointly consistent, including when mitigation funds may be used as a match and when funds from one of these boards are used to match funds from the other.
Matching resources: WAC 286-13-040(3), 286-13-045, 286-26-110, 286-27-075, 286-30-050, 286-35-060, 286-40-030.	In programs where a project sponsor is required to provide matching funds, IAC does not allow the matched dollars to originate from another IAC administered grant program (WAC 286-13-050(2)). This policy will be reconsidered giving thought to such factors as using matching funds: To demonstrate sponsor commitment a project; so that more projects may be funded; in compliance with other requirements (for example, some programs may allow their funds to match IAC funds only under certain conditions).

**WSR 05-16-029**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
 [Memorandum—July 21, 2005]

The Walla Walla Community College board of trustees (District 20) will not hold a meeting during the month of August 2005. The regular meeting of the board of trustees had been scheduled for August 17, 2005.

If you have any questions, please feel free to contact Jerri Ramsey at (509) 527-4274 or via e-mail at jerri.ramsey@wwcc.edu.

MISC.

**WSR 05-16-030**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**INFORMATION SERVICES**  
 (Information Services Board)  
 [Memorandum—July 22, 2005]

The Information Services Board will be holding a special meeting on August 8, 2005, from 3:00 p.m. to 5:00 p.m., in the Department of Information Services Boardroom, 605 East 11th Street, Olympia, WA 98504. The agenda is as follows: Department of Corrections report on the offender management network information project; Washington State Patrol request for approval of the integrated wireless network-east project; and Department of Licensing report on the biometrics project.

If you have any questions, please contact Laurel McMillan at (360) 902-3566.

**WSR 05-16-032**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 [Filed July 26, 2005, 4:38 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Numbered Memorandum 05-71 MAA.  
 Subject: Enteral nutrition program: Fee schedule updates.

Effective Date: September 1, 2005.

Document Description: **Effective for dates of service on and after September 1, 2005**, the Medical Assistance Administration (MAA) will update the maximum allowable fees for the enteral nutrition program.

To receive a copy of the interpretive or policy statement, contact Amelia Holl, 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 [hollag@dshs.wa.gov](mailto:hollag@dshs.wa.gov).

July 26, 2005  
 Barbara Salmon  
 for Ann Myers, Manager  
 Rules and Publications Section

**WSR 05-16-035**  
**PUBLIC RECORDS OFFICER**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
 [Filed July 27, 2005, 9:19 a.m.]

Sherry Hartford, Director of Human Resources, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362-9267, phone (509) 527-4323, fax (509) 527-4249, e-mail [sharon.hartford@wwcc.edu](mailto:sharon.hartford@wwcc.edu), has recently been designated as the new public records officer for Walla Walla Community College.

Steven L. VanAusdle  
 President

**WSR 05-16-045**  
**AGENDA**  
**HEALTH CARE AUTHORITY**  
 [Filed July 27, 2005, 12:22 p.m.]

**SEMI-ANNUAL RULE MAKING AGENDA**

Following please find the semi-annual rule-making agenda for publication in the Washington State Register.

If you have any questions, Cyndi Presnell can be reached at (360) 923-2802.

**July 31, 2005, Semi-Annual Rule-Making Agenda**

<b>Approximate Preproposal</b> 1. <b>Date</b> 2. <b>Subject Area</b> 3. <b>Contact/Telephone Number</b>	<b>Purpose of the Rule</b> <b>Why is this Significant?</b>	<b>Rule(s)</b> <b>Mandate</b>	<b>Other Agencies who</b> <b>may have interest in</b> <b>the Subject of Rule(s)</b>
1. CR-102 July 2005 2. WAC 182-12-115 Employee eligibility 3. Katie Rogers, (360) 923-2735	The Health Care Authority (HCA) anticipates filing a CR-102 proposing that the content of the emergency rule adopted under Order 05-02 be extended through April 2006. The purpose of extending the emergency rule is to allow the agency additional time to conduct a thorough and principled review of employees that work on a seasonal/instructional year basis before drafting a permanent rule. The HCA also anticipates that the Public Employees' Benefits Board (PEBB) will adopt amendments to WAC 182-12-115 sometime in late July or early August of 2005.		Employing agencies, higher education institutions, K-12 school districts and employer groups that purchase PEBB benefits for their employees.

MISC.

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have interest in the Subject of Rule(s)
1. CR-103 July 2005 2. Chapters 182-08, 182-12 and 182-16 WAC 3. Barbara Scott (360) 923-2642	The HCA anticipates adoption of proposed amendments and new rules filed on May 26, 2005, as WSR 05-12-050. The proposed rules clarify administrative and eligibility rules affecting PEBB-sponsored insurance coverage; clarify the PEBB appeal process; and effectuate changes enacted by the 2005 legislature in chapters 143 and 195, Laws of 2005.		Employing agencies, higher education institutions, K-12 school districts and employer groups that purchase PEBB benefits for their employees.

Cyndi Presnell  
Rules Coordinator

**WSR 05-16-047**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed July 27, 2005, 12:26 p.m.]

570-5865, fax (360) 586-7602, internet VelindaB@dor.wa.gov.

Alan R. Lynn  
Rules Coordinator

The designated public records officer for Department of Financial Institutions is Deborah Bortner, Mailing Address is P.O. Box 41200, Olympia, WA 98504-1200, Physical Address is 150 Israel Road S.W., Tumwater, WA 98501, mailstop 41200, phone (360) 902-0511, fax (360) 704-6997, e-mail dbortner@dfi.wa.gov.

**WSR 05-16-060**  
**RULES COORDINATOR**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
[Filed July 29, 2005, 1:31 p.m.]

Effective immediately, Cheryl Price, accreditation manager, will serve as the rules coordinator for the Washington State Criminal Justice Training Commission (WSCJTC). Cheryl can be reached at the Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7358, e-mail cprice@cjtc.state.wa.us.

In addition, Brian Elliott, fiscal manager, will serve as the records officer for the WSCJTC. Brian can be reached at the Washington State Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, phone (360) 486-2436, e-mail belliott@cjtc.state.wa.us.

Michael D. Parsons, Ph.D.  
Executive Director

**WSR 05-16-058**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed July 29, 2005, 11:18 a.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

This announcement is being published in the Washington State Register under the requirements of RCW 34.05.230 (4).

The Department of Revenue has cancelled the following property tax advisory.

**PTA 3.0.2000 Implementation of the Agricultural Burning Legislation, E2SHB 1987, effective March 22, 2000.**

PTA 3 explains the property tax exemption provided by RCW 84.36.580 for equipment used as alternatives to the field burning of cereal grains and field and turf grass grown for seed. The information provided in this document is no longer needed because the property tax exemption was repealed by chapter 420, Laws of 2005 (2SSB 5663).

Questions regarding the cancellation of this advisory may be directed to Velinda Brown, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, phone (360)

**WSR 05-16-063**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed July 29, 2005, 4:20 p.m.]

Following is the Department of Social and Health Services' semi-annual rule-making agenda for July 1, 2005, through December 31, 2005. This agenda will be published in the state register under RCW 34.05.314 and distributed to

MISC.



interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Andy Fernando  
RPAU Manager  
DSHS Rules Coordinator

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 05-18 issue of the Register.

**WSR 05-16-064**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 29, 2005, 4:22 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Public Notice.

Subject: Medicaid state plan amendment 05-010.

Effective Date: September 1, 2005.

Document Description: The Department of Social and Health Services, Health and Recovery Services Administration, is updating the Medicaid state plan through state plan amendment 05-010 to:

- Further describe policy used to define the school-based health services program for special education student, explained in Attachments 3.1-A and 3.1-B, including provider qualifications and covered services; and
- To describe methods used to establish school-based health services payment rates explained in Attachment 4.19-B.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Department of Social and Health Services, Health and Recovery Services Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1345, TDD (800) 848-5429, fax (360) 586-9727, e-mail [Myersea@dshs.wa.gov](mailto:Myersea@dshs.wa.gov).

Ann Myers

**WSR 06-16-074**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Fryer Commission)

[Memorandum—July 28, 2005]

Due to unexpected construction/renovation of our normal meeting room at the Silver Cloud, we have changed the meeting venue to the Washington Fryer Commission Office at 2003 Maple Valley Highway, Suite 212, Renton, WA 98055.

If you have any questions, please call JoAnne Naganawa at (425) 226-6125.

**WSR 05-16-075**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 1, 2005, 12:47 p.m.]

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on August 1, 2005, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after August 31, 2005.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at [www.lni.wa.gov/TradesLicensing/PrevWage](http://www.lni.wa.gov/TradesLicensing/PrevWage) or call (360) 902-5335.

Cindy Hanson  
Acting Prevailing Wage Manager  
Industrial Statistician

**WSR 05-16-094**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Advisory Board of Plumbers)

[Memorandum—August 2, 2005]

Per chapter 42.30 RCW, the Open Public Meetings Act, the Advisory Board of Plumbers will be holding additional meetings on:

DATE	TIME	LOCATION
August 15, 2005	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
September 30, 2005	9:00 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA
October 24, 2005	9:30 a.m.	Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA

Please call (360) 902-6411, if you have questions.

MISC.

**WSR 05-16-101**

**DEPARTMENT OF AGRICULTURE**

[Filed August 2, 2005, 10:54 a.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON**

**LEGAL NOTICE:** The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2005, and October 31, 2005. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tidelands of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, and crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write: WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington State Department of Ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

**WSR 05-16-102**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
SERVICES FOR THE BLIND**

[Memorandum—August 2, 2005]

**DSB Community Meeting  
Friday, September 9, 2005  
3:30 - 5:30 p.m.**

**Location:**

**Yakima Valley Regional Library  
102 North 3rd Street  
Yakima, WA 98901**

**We Want To Hear From You!**

Community meetings give us a chance to inform you about the latest changes at the Department of Services for the Blind and to discuss issues and challenges. We want to know about your experience with our services. What is working well in your community? What could we do better? What needs are not being met? We will use your comments to develop our state and strategic plans for the coming year.

Whether you are a past, present, or potential consumer of the Department of Services for the Blind, a family member, a community service provider, a friend to someone who is blind, a member of a blind consumer organization, or an interested citizen, we want to hear from you. Please join us to talk to us in person at our upcoming Yakima community meeting.

**Rehabilitation Council Meeting**

**Saturday, September 10, 2005**

**9 a.m. - 4 p.m.**

**Location:**

**Red Lion Hotel Yakima Gateway  
9 North 9th Street  
Yakima, WA 98901  
(509) 452-6511**

The State Rehabilitation Council meets on a quarterly basis. The purpose of the council is to develop, analyze, make recommendations, and agree to state goals, the state plan, state policies, and state activities to insure that persons who are blind in Washington state receive the most effective and efficient services possible. **Public comment is scheduled from 11:30 to 12 noon.** An agenda is available upon request. Requests for alternative format need to be made by August 26, 2005.

For more information on either of the meetings, contact Marla Oughton directly at (206) 721-6430 or toll-free at 1-800-552-7103 or by e-mail at maroughton@dsb.wa.gov. Both meeting sites are barrier free, including the restrooms.

**WSR 05-16-113**

**DEPARTMENT OF ECOLOGY**

[Filed August 3, 2005, 9:09 a.m.]

Below is a table of toxics cleanup program (TCP) policies, procedures, or implementation memos that have been updated, deleted, or are newly created. A description of each document, the document number, description of the document contents, and the action taken are included.

This information is also being forwarded to Linda Thompson to be included in the Toxics Cleanup Program Site Register. In addition, Carol Dorn, TCP's Forms and Records Analyst, and Barb Huether, TCP's Internet Coordinator, are being notified of the changes.

To receive a copy of any one of the following documents please contact Carol Dorn at (360) 407-7224. These documents are also available on ecology's toxics cleanup program's web site [http://www.ecy.wa.gov/programs/tcp/policies/pol\\_main.html](http://www.ecy.wa.gov/programs/tcp/policies/pol_main.html)

MISC.

TCP Policy (POL) Number	Title	Description	Change	Contact for Copies
POL 840	Data Submittal Requirements	This policy describes the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the sediment management standards.	Rescind Procedure 840 and replace with this new policy.	Carol Dorn (360) 407-7224
Natural Attenuation Guidance for Petroleum Contaminated Ground Water	Guidance on Remediation of Petroleum-Contaminated Ground Water by Natural Attenuation, Washington State Department of Ecology, Pub. No. 05-09-091;	Provides technical guidance on evaluating the feasibility and performance of cleanup action alternatives that use natural attenuation, either alone or in conjunction with other cleanup action components, to clean up petroleum-contaminated ground water.	New Guidance	Carol Dorn (360) 407-7224
Natural Attenuation Guidance for Petroleum Contaminated Ground Water	User's Manual: Natural Attenuation Analysis Tool Package for Petroleum-Contaminated Ground Water, Washington State Department of Ecology, Pub. No. 05-09-091A; and,	Provides instructions for the use of the data analysis tool package described below.	New Guidance	Carol Dorn (360) 407-7224
Natural Attenuation Guidance for Petroleum Contaminated Ground Water	Data Analysis Tool Package: Two MS Excel Workbooks (for 2002 Version)	Provides Excel spread sheets for conducting natural attenuation evaluations using site-specific data.	New Guidance	Carol Dorn (360) 407-7224

James J. Pendowski  
Program Manager  
Toxics Cleanup Program

**WSR 05-16-117**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**

[Memorandum—August 2, 2005]

Pursuant to RCW 42.30.075, the following is the revised 2005 schedule for District 22 Tacoma Community College board of trustees meetings, as well as the meeting dates through June 2006.

September 19, 2005	4:00
October 13, 2005	4:00
November 10, 2005	4:00
December 7, 2005	4:00
January 12, 2006	4:00
January 20-21, 2006	Winter Board retreat (tentative)
February 2, 2006	4:00
March 9, 2006	Tenure Review: 2:30 Regular Meeting: 4:00
April 13, 2006	4:00
May 11, 2006	Tenure Review: 2:30 Ellen Pinto Interviews: 3:00 Regular Meeting: 4:00
June 8, 2006	4:00

June 23-24	Summer Board Retreat
August	No regular meeting

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail at cbitz@tcc.ctc.edu.

**WSR 05-16-119**  
**AGENDA**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed August 3, 2005, 9:27 a.m.]

**Semi-annual Rules Development Agenda**  
**(July 1, 2005 - December 31, 2005)**

This report is the Utilities and Transportation Commission's semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

MISC.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

maintains a schedule of rule-making activity that is updated several times per month. See <www.wutc.wa.gov>.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
480-70 480-73 480-75 480-90 480-92 480-100 480-110 480-120 480-121 480-140 480-146	Rule on reporting transactions between regulated companies and subsidiaries	Fred Ottavelli Regulatory Services (360) 664-1297	10/2/02 10/28/02 Supp. 3/13/03 Supp.	9/1/04 12/22/04 Supp. 5/4/05 Supp.	10/13/04 2/1/05 6/15/05	Consider establishing rules that would require reporting of transactions between regulated companies and their subsidiaries.
480-30 480-40	Bus rules	Bonnie Allen Transportation (360) 664-1226	5/28/02	10/26/05	1/2006	Review of rules as a result of Governor Locke's Executive Order 97-02.
480-100-238 480-90-238	Resource planning rules	Graciela Etchart Energy Section (360) 664-1310	4/15/03	To be determined	To be determined	Consider resource planning process revisions. Review of rules as a result of Governor Locke's Executive Order 97-02.
480-107	Electric companies—Purchasers of electricity	Graciela Etchart Energy Section (360) 664-1310	4/15/03	To be determined	To be determined	Review of rules as a result of Governor Locke's Executive Order 97-02.
480-11	SEPA procedures	Not assigned	10/26/05 (estimated)	To be determined	To be determined	Incorporate Department of Ecology rules by reference; identify commission's responsible official.
480-15	Household goods	Not assigned	11/9/05	5/2006	7/2006	Reflect federal definition, update tariff fees, reconcile with Tariff 15A, and house-cleaning.
480-51	Commercial ferries	Not assigned	To be determined	To be determined	To be determined	Update and incorporate changes in law. On hold pending outcome of legislative interim policy review committee and direction from legislature.
"999" Sections in various chapters of Title 480 WAC	Adoption by reference expedited rule making	Sharyn Bate Telecom Section (369) [(360)] 664-1295	N/A	CR-105 7/20/05	9/28/05	Update the citations to material that's incorporated by reference.
480-75-240 480-93-240	Review of pipeline safety fee methodology	Tim Sweeney Pipeline Safety (360) 664-1118	8/11/04	4/20/05 6/16/05 Supp.	7/29/05	Review pipeline safety fee methodology at the request of a pipeline operator.
480-62	Grade crossing protection fund safety project rules	Mike Roswell Rail Safety (360) 664-1205	8/24/05	11/2/05	1/2006	Consider adopting rules reflecting the commission's policy interpretive statement on the grade crossing protective fund (chapter 81.53 RCW).
480-04 480-07	Procedural rules tune-up	Dennis Moss ALD (360) 664-1164	7/15/05	To be determined	To be determined	Consider changes based on experience since the rules underwent a major revision in 2003.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102	CR-103 HEARING	
480-93-005(18), 480-93-017, 480-93-178, 480-93-200 (1)(e) and 480-93-200 (6)(c)	Pipeline safety rules	Sondra Walsh Pipeline Safety (360) 664-1286	8/3/05	10/5/05	11/9/05	Consider possible corrections and clarifications to selected sections of chapter 480-93 WAC.
480-90	Natural gas decoupling	Roger Braden Energy (360) 664-1312	4/5/05	To be determined	To be determined	Explores whether it is feasible to utilize an alternative pricing structure for fixed cost recovery that would disassociate such costs from commodity sales volumes and whether rules are necessary or appropriate.
480-120-311	Eligible telecommunications carrier (ETC) designation issues	Robert Shirley Telecom Section (360) 664-1292	5/4/05	To be determined	To be determined	Review FCC's recent recommendations for ETC designation and determine whether to adopt similar rules, different rules, or no rules.
480-100	Rules governing interconnection	Dick Byers Policy (360) 664-1209	8/24/05	To be determined	To be determined	
480-140-020	Budget filing requirement for telecom companies	Not assigned	To be determined	To be determined	To be determined	Consider removing subsection (3) referencing telecom companies.
480-31, 480-51, and 480-70	Special needs transportation, commercial ferries, and solid waste	Not assigned	To be determined	To be determined	To be determined	Implement provisions of SB 5105: Amend, revoke, suspend, or issue certificates on notice of opportunity for hearing.

Please direct any questions to Karen M. Caille at (360) 664-1136 or kcaille@wutc.wa.gov.

Carole J. Washburn  
Executive Secretary

### WSR 05-16-123

#### AGENDA

### EMPLOYMENT SECURITY DEPARTMENT

[Filed August 3, 2005, 9:44 a.m.]

Following is the Employment Security Department's semi-annual rule-making agenda for July 31, 2005, through January 31, 2006, for publication in the Washington State Register pursuant to RCW 34.05.314.

#### Semi-Annual Rule-Making Agenda (July 31, 2005 - January 31, 2006)

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapters 192-110, 192-170, 192-180 WAC	Part-time workers (2ESB 6097)	Juanita Myers (360) 902-9665	Hearing on proposed rules on 8/2. CR-103 filed by 8/30	Adopt new rules necessary to implement RCW 50.20.119, which authorizes the payment of benefits to certain workers seeking only part-time work.
Chapters 192-300, 192-310, 192-320 WAC	Tax rules (2ESB 6097)	Juanita Myers (360) 902-9665	Hearing on proposed rules on 8/2. CR-103 filed by 8/30	Amend existing rules and adopt new rules on predecessor/successor employers, employer penalties, and defining terms.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-210 WAC	Referral unions	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 11/05 Hearing - To be determined	Adopt rules to clarify job search and availability requirements for individual members of full referral unions. Clarify requirements of unions participating in the referral union program.
Chapter 192-250 WAC	Shared work	Juanita Myers (360) 902-9665	CR-101 - 5/03 CR-102 - 10/05	Amend and adopt rules to modify eligibility requirements for employers and participants applying for the shared work program, clarify expectations of participating employers, address the number of plans an employer may have, and define terms.
WAC 192-180-030	Penalties for failure to attend job search review	Juanita Myers (360) 902-9665	CR-101 - 8/05	Amend regulations to provide for indefinite denial of benefits for individuals who fail to attend a scheduled job search review. The denial may be lifted when the claimant appears for the interview.
Title 192 WAC	Employer representatives	Juanita Myers (360) 902-9665	CR-101 - 9/05	Adopt rules clarifying the responsibilities of third party employer representatives, and when powers of attorney are needed.
Chapter 192-140 WAC	Late claims	Juanita Myers (360) 902-9665	CR-101 - 8/05	Amend rules to define when a weekly claim for benefits is considered to be filed late and when a claim "reopen" is timely.
Title 192 WAC	Nonunion apprentices	Juanita Myers (360) 902-9665	CR-101 - 10/05	Amend rules to treat nonunion apprentices as enrolled in commissioner approved training and exempt from job search requirements for duration of apprenticeship.
WAC 192-220-030 (tentative)	Equity and good conscience	Juanita Myers (360) 902-9665	CR-101 - 9/05	Amend rule to define "equity and good conscience" consistent with the Court of Appeals' published decision in the case of <i>Delagrave v. ESD</i> .

Larry Oline  
Rules Coordinator

**WSR 05-16-124**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—August 3, 2005]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 18, 2005, 9:00 - 11:00 a.m., in the College Services

Board Room on the Bellingham Technical College campus.  
Call 752-8334 for information.

## Table of WAC Sections Affected

### KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited rule making
- XA = Expedited adoption
- XR = Expedited repeal
- No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3- 20-200	DECOD	05-15-036	16-218-030	REP-P	05-04-111	16-239-074	REP-P	05-07-120
3- 20-300	REP-P	05-05-100	16-218-030	REP	05-07-150	16-239-074	REP	05-11-058
3- 20-300	REP-W	05-07-126	16-218-035	NEW-P	05-04-111	16-239-075	REP-P	05-07-120
3- 20-300	REP-P	05-07-127	16-218-035	NEW	05-07-150	16-239-075	REP	05-11-058
3- 20-300	REP	05-11-046	16-218-040	NEW-P	05-04-111	16-239-076	REP-P	05-07-120
3- 20-390	NEW-P	05-05-100	16-218-040	NEW	05-07-150	16-239-076	REP	05-11-058
3- 20-390	NEW-W	05-07-126	16-228-1010	PREP	05-11-034	16-239-077	REP-P	05-07-120
3- 20-390	NEW-P	05-07-127	16-229-010	AMD	05-05-036	16-239-077	REP	05-11-058
3- 20-390	NEW	05-11-046	16-230-860	PREP-W	05-06-097	16-239-078	REP-P	05-07-120
3- 20-390	DECOD	05-15-036	16-237-195	AMD	05-07-080	16-239-078	REP	05-11-058
3- 20-400	NEW-P	05-05-100	16-239	PREP	05-04-078	16-239-079	REP-P	05-07-120
3- 20-400	NEW-W	05-07-126	16-239-010	REP-P	05-07-120	16-239-079	REP	05-11-058
3- 20-400	NEW-P	05-07-127	16-239-010	REP	05-11-058	16-239-080	REP-P	05-07-120
3- 20-400	NEW	05-11-046	16-239-020	REP-P	05-07-120	16-239-080	REP	05-11-058
3- 20-400	DECOD	05-15-036	16-239-020	REP	05-11-058	16-239-0801	REP-P	05-07-120
3- 20-410	NEW-P	05-05-100	16-239-030	REP-P	05-07-120	16-239-0801	REP	05-11-058
3- 20-410	NEW-W	05-07-126	16-239-030	REP	05-11-058	16-239-0802	REP-P	05-07-120
3- 20-410	NEW-P	05-07-127	16-239-040	REP-P	05-07-120	16-239-0802	REP	05-11-058
4- 25-530	PREP	05-02-051	16-239-040	REP	05-11-058	16-239-0803	REP-P	05-07-120
4- 25-530	AMD-P	05-06-038	16-239-050	REP-P	05-07-120	16-239-0803	REP	05-11-058
4- 25-530	AMD	05-10-046	16-239-050	REP	05-11-058	16-239-0804	REP-P	05-07-120
10- 20-010	NEW	05-03-003	16-239-060	REP-P	05-07-120	16-239-0804	REP	05-11-058
10- 20-020	NEW	05-03-003	16-239-060	REP	05-11-058	16-239-0805	REP-P	05-07-120
10- 20-030	NEW	05-03-003	16-239-061	REP-P	05-07-120	16-239-0805	REP	05-11-058
16- 54	PREP	05-07-051	16-239-061	REP	05-11-058	16-239-0806	REP-P	05-07-120
16- 54	PREP	05-11-093	16-239-062	REP-P	05-07-120	16-239-0806	REP	05-11-058
16- 54-030	AMD-E	05-10-040	16-239-062	REP	05-11-058	16-239-0807	REP-P	05-07-120
16- 54-082	AMD-E	05-07-050	16-239-063	REP-P	05-07-120	16-239-0807	REP	05-11-058
16- 54-082	PREP	05-07-051	16-239-063	REP	05-11-058	16-239-0808	REP-P	05-07-120
16- 54-082	AMD-E	05-10-025	16-239-064	REP-P	05-07-120	16-239-0808	REP	05-11-058
16- 54-082	AMD-P	05-11-094	16-239-064	REP	05-11-058	16-239-0809	REP-P	05-07-120
16- 54-082	AMD	05-14-019	16-239-065	REP-P	05-07-120	16-239-0809	REP	05-11-058
16-157-220	PREP	05-13-191	16-239-065	REP	05-11-058	16-239-0810	REP-P	05-07-120
16-218-010	REP-P	05-04-111	16-239-070	REP-P	05-07-120	16-239-0810	REP	05-11-058
16-218-010	REP	05-07-150	16-239-070	REP	05-11-058	16-239-0811	REP-P	05-07-120
16-218-015	NEW-P	05-04-111	16-239-071	REP-P	05-07-120	16-239-0811	REP	05-11-058
16-218-015	NEW	05-07-150	16-239-071	REP	05-11-058	16-239-0812	REP-P	05-07-120
16-218-02001	REP-P	05-04-111	16-239-072	REP-P	05-07-120	16-239-0812	REP	05-11-058
16-218-02001	REP	05-07-150	16-239-072	REP	05-11-058	16-239-0813	REP-P	05-07-120
16-218-025	NEW-P	05-04-111	16-239-073	REP-P	05-07-120	16-239-0813	REP	05-11-058
16-218-025	NEW	05-07-150	16-239-073	REP	05-11-058	16-239-090	REP-P	05-07-120

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-239-090	REP	05-11-058	16-240-054	NEW-P	05-07-120	16-390-030	AMD	05-12-054
16-239-0901	REP-P	05-07-120	16-240-054	NEW	05-11-058	16-390-150	AMD-P	05-07-155
16-239-0901	REP	05-11-058	16-240-060	NEW-P	05-07-120	16-390-150	AMD	05-12-054
16-239-0902	REP-P	05-07-120	16-240-060	NEW	05-11-058	16-390-220	AMD-P	05-07-155
16-239-0902	REP	05-11-058	16-240-070	NEW-P	05-07-120	16-390-220	AMD	05-12-054
16-239-0903	REP-P	05-07-120	16-240-070	NEW	05-11-058	16-401	PREP	05-06-110
16-239-0903	REP	05-11-058	16-240-080	NEW-P	05-07-120	16-401-027	AMD-P	05-09-092
16-239-0904	REP-P	05-07-120	16-240-080	NEW	05-11-058	16-401-027	AMD	05-12-110
16-239-0904	REP	05-11-058	16-240-090	NEW-P	05-07-120	16-401-032	AMD-P	05-09-092
16-239-0905	REP-P	05-07-120	16-240-090	NEW	05-11-058	16-401-032	AMD	05-12-110
16-239-0905	REP	05-11-058	16-250-001	REP-X	05-14-149	16-401-041	AMD-P	05-09-092
16-239-0906	REP-P	05-07-120	16-250-007	NEW-X	05-14-149	16-401-041	AMD	05-12-110
16-239-0906	REP	05-11-058	16-250-010	AMD-X	05-14-149	16-404-001	REP-X	05-06-100
16-239-0907	REP-P	05-07-120	16-250-035	AMD-X	05-14-149	16-404-001	REP	05-10-091
16-239-0907	REP	05-11-058	16-250-050	AMD-X	05-14-149	16-404-010	REP-X	05-06-100
16-239-0908	REP-P	05-07-120	16-250-090	AMD-X	05-14-149	16-404-010	REP	05-10-091
16-239-0908	REP	05-11-058	16-250-095	AMD-X	05-14-149	16-404-020	REP-X	05-06-100
16-239-0909	REP-P	05-07-120	16-250-100	AMD-X	05-14-149	16-404-020	REP	05-10-091
16-239-0909	REP	05-11-058	16-250-120	AMD-X	05-14-149	16-404-030	REP-X	05-06-100
16-239-0910	REP-P	05-07-120	16-250-155	AMD-X	05-14-149	16-404-030	REP	05-10-091
16-239-0910	REP	05-11-058	16-250-160	AMD-X	05-14-149	16-404-040	REP-X	05-06-100
16-239-0911	REP-P	05-07-120	16-250-180	AMD-X	05-14-149	16-404-040	REP	05-10-091
16-239-0911	REP	05-11-058	16-252-001	REP-X	05-14-150	16-404-050	REP-X	05-06-100
16-239-0912	REP-P	05-07-120	16-252-007	NEW-X	05-14-150	16-404-050	REP	05-10-091
16-239-0912	REP	05-11-058	16-252-010	AMD-X	05-14-150	16-404-060	REP-X	05-06-100
16-239-100	REP-P	05-07-120	16-252-095	AMD-X	05-14-150	16-404-060	REP	05-10-091
16-239-100	REP	05-11-058	16-252-100	AMD-X	05-14-150	16-404-070	REP-X	05-06-100
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16-239-1010	REP	05-11-058	16-252-155	AMD-X	05-14-150	16-406	AMD-X	05-07-153
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16-239-1020	REP	05-11-058	16-252-180	AMD-X	05-14-150	16-406-005	NEW-X	05-07-153
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16-239-1030	REP	05-11-058	16-303-020	AMD-P	05-08-142	16-406-010	NEW-X	05-07-153
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16-240-010	NEW-P	05-07-120	16-303-200	PREP	05-05-050	16-406-012	NEW-X	05-07-153
16-240-010	NEW	05-11-058	16-303-200	AMD-P	05-08-142	16-406-012	NEW	05-12-036
16-240-020	NEW-P	05-07-120	16-303-200	AMD	05-12-053	16-406-015	NEW-X	05-07-153
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16-240-032	NEW	05-11-058	16-303-250	AMD-P	05-08-142	16-406-020	AMD	05-12-036
16-240-034	NEW-P	05-07-120	16-303-250	AMD	05-12-053	16-406-025	AMD-X	05-07-153
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16-240-036	NEW-P	05-07-120	16-303-310	AMD-P	05-08-142	16-406-030	AMD-X	05-07-153
16-240-036	NEW	05-11-058	16-303-310	AMD	05-12-053	16-406-030	AMD	05-12-036
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16-240-038	NEW	05-11-058	16-303-320	AMD-P	05-08-142	16-406-040	REP	05-12-036
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16-532-020	AMD-P	05-07-114	16-623-030	AMD-P	05-06-112	16-730-050	NEW	05-14-049
16-532-020	AMD-W	05-08-079	16-623-030	AMD	05-09-094	16-730-055	NEW-E	05-11-028
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16-532-040	AMD-P	05-07-114	16-623-050	AMD-P	05-06-112	16-730-060	NEW-E	05-11-028
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137- 59-070	NEW-W	05-05-071	139- 05-925	AMD-P	05-15-108	173-218-040	AMD-P	05-14-159
137- 59-080	NEW-W	05-05-071	139- 05-930	REP-P	05-15-108	173-218-050	AMD-P	05-14-159
137- 70-040	AMD-E	05-05-074	139- 05-935	NEW-P	05-15-108	173-218-060	AMD-P	05-14-159
137- 70-040	AMD-P	05-13-161	139- 05-940	NEW-P	05-15-108	173-218-070	AMD-P	05-14-159
139- 02-020	AMD-P	05-03-025	139- 10-210	PREP	05-12-064	173-218-080	AMD-P	05-14-159
139- 02-020	AMD-W	05-16-088	139- 10-210	AMD-P	05-15-106	173-218-090	AMD-P	05-14-159
139- 02-030	AMD-P	05-03-025	139- 10-212	PREP	05-12-063	173-218-100	AMD-P	05-14-159
139- 02-030	AMD-W	05-16-088	139- 10-212	AMD-P	05-15-107	173-218-110	AMD-P	05-14-159
139- 02-050	AMD-P	05-03-025	139- 10-235	PREP	05-05-013	173-218-120	NEW-P	05-14-159

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173-218-130	NEW-P	05-14-159	173-400-115	AMD	05-03-033	173-505-060	NEW-P	05-05-094
173-322-010	AMD	05-07-104	173-400-116	AMD	05-03-033	173-505-070	NEW-P	05-05-094
173-322-020	AMD	05-07-104	173-400-117	AMD	05-03-033	173-505-080	NEW-P	05-05-094
173-322-030	AMD	05-07-104	173-400-118	AMD	05-03-033	173-505-090	NEW-P	05-05-094
173-322-040	AMD	05-07-104	173-400-120	AMD	05-03-033	173-505-100	NEW-P	05-05-094
173-322-050	AMD	05-07-104	173-400-131	AMD	05-03-033	173-505-110	NEW-P	05-05-094
173-322-060	AMD	05-07-104	173-400-136	AMD	05-03-033	173-505-120	NEW-P	05-05-094
173-322-070	AMD	05-07-104	173-400-141	REP	05-03-033	173-505-130	NEW-P	05-05-094
173-322-080	AMD	05-07-104	173-400-151	AMD	05-03-033	173-505-140	NEW-P	05-05-094
173-322-090	AMD	05-07-104	173-400-171	AMD	05-03-033	173-505-150	NEW-P	05-05-094
173-322-100	AMD	05-07-104	173-400-175	NEW	05-03-033	173-505-160	NEW-P	05-05-094
173-322-110	AMD	05-07-104	173-400-200	AMD	05-03-033	173-505-170	NEW-P	05-05-094
173-322-120	AMD	05-07-104	173-400-560	NEW	05-03-033	173-505-180	NEW-P	05-05-094
173-322-130	NEW	05-07-104	173-400-700	NEW	05-03-033	173-525	PREP	05-06-113
173-333-100	NEW-P	05-11-095	173-400-710	NEW	05-03-033	173-526	PREP	05-06-114
173-333-100	NEW-C	05-16-023	173-400-720	NEW	05-03-033	173-527	PREP	05-06-115
173-333-110	NEW-P	05-11-095	173-400-730	NEW	05-03-033	173-528	PREP	05-06-116
173-333-110	NEW-C	05-16-023	173-400-740	NEW	05-03-033	173-531A-060	AMD-W	05-14-128
173-333-120	NEW-P	05-11-095	173-400-750	NEW	05-03-033	173-546-010	NEW-P	05-06-117
173-333-120	NEW-C	05-16-023	173-415	PREP	05-08-141	173-546-010	NEW	05-16-114
173-333-130	NEW-P	05-11-095	173-415-015	NEW-P	05-13-112	173-546-020	NEW-P	05-06-117
173-333-130	NEW-C	05-16-023	173-415-020	AMD-P	05-13-112	173-546-020	NEW	05-16-114
173-333-140	NEW-P	05-11-095	173-415-030	AMD-P	05-13-112	173-546-030	NEW-P	05-06-117
173-333-140	NEW-C	05-16-023	173-415-040	REP-P	05-13-112	173-546-030	NEW	05-16-114
173-333-200	NEW-P	05-11-095	173-415-045	REP-P	05-13-112	173-546-040	NEW-P	05-06-117
173-333-200	NEW-C	05-16-023	173-415-050	REP-P	05-13-112	173-546-040	NEW	05-16-114
173-333-300	NEW-P	05-11-095	173-415-051	REP-P	05-13-112	173-546-050	NEW-P	05-06-117
173-333-300	NEW-C	05-16-023	173-415-060	AMD-P	05-13-112	173-546-050	NEW	05-16-114
173-333-310	NEW-P	05-11-095	173-415-070	REP-P	05-13-112	173-546-060	NEW-P	05-06-117
173-333-310	NEW-C	05-16-023	173-415-080	REP-P	05-13-112	173-546-060	NEW	05-16-114
173-333-320	NEW-P	05-11-095	173-423	PREP	05-12-129	173-546-070	NEW-P	05-06-117
173-333-320	NEW-C	05-16-023	173-481	PREP	05-08-141	173-546-070	NEW	05-16-114
173-333-330	NEW-P	05-11-095	173-481-020	AMD-P	05-13-112	173-546-080	NEW-P	05-06-117
173-333-330	NEW-C	05-16-023	173-481-030	AMD-P	05-13-112	173-546-080	NEW	05-16-114
173-333-340	NEW-P	05-11-095	173-481-100	AMD-P	05-13-112	173-546-090	NEW-P	05-06-117
173-333-340	NEW-C	05-16-023	173-481-110	AMD-P	05-13-112	173-546-090	NEW	05-16-114
173-333-400	NEW-P	05-11-095	173-481-150	AMD-P	05-13-112	173-546-100	NEW-P	05-06-117
173-333-400	NEW-C	05-16-023	173-503	PREP-W	05-05-075	173-546-100	NEW	05-16-114
173-333-410	NEW-P	05-11-095	173-503-020	AMD-P	05-04-108	173-546-110	NEW-P	05-06-117
173-333-410	NEW-C	05-16-023	173-503-025	NEW-P	05-04-108	173-546-110	NEW	05-16-114
173-333-420	NEW-P	05-11-095	173-503-051	NEW-P	05-04-108	173-546-120	NEW-P	05-06-117
173-333-420	NEW-C	05-16-023	173-503-060	AMD-P	05-04-108	173-546-120	NEW	05-16-114
173-333-430	NEW-P	05-11-095	173-503-071	NEW-P	05-04-108	173-546-130	NEW-P	05-06-117
173-333-430	NEW-C	05-16-023	173-503-073	NEW-P	05-04-108	173-546-130	NEW	05-16-114
173-350-100	AMD-S	05-03-018	173-503-074	NEW-P	05-04-108	173-546-140	NEW-P	05-06-117
173-350-100	AMD	05-11-033	173-503-075	NEW-P	05-04-108	173-546-140	NEW	05-16-114
173-400-030	AMD	05-03-033	173-503-080	REP-P	05-04-108	173-546-150	NEW-P	05-06-117
173-400-035	AMD-W	05-09-051	173-503-081	NEW-P	05-04-108	173-546-150	NEW	05-16-114
173-400-040	AMD	05-03-033	173-503-090	AMD-P	05-04-108	173-563-010	AMD-W	05-14-128
173-400-050	AMD	05-03-033	173-503-100	AMD-P	05-04-108	173-563-020	AMD-W	05-14-128
173-400-060	AMD	05-03-033	173-503-110	NEW-P	05-04-108	173-565-100	NEW-W	05-14-128
173-400-070	AMD	05-03-033	173-503-120	NEW-P	05-04-108	173-565-110	NEW-W	05-14-128
173-400-075	AMD	05-03-033	173-503-130	NEW-P	05-04-108	173-565-120	NEW-W	05-14-128
173-400-099	AMD	05-03-033	173-503-140	NEW-P	05-04-108	173-565-140	NEW-W	05-14-128
173-400-100	AMD	05-03-033	173-503-150	NEW-P	05-04-108	173-565-150	NEW-W	05-14-128
173-400-102	AMD	05-03-033	173-503A	PREP	05-05-076	173-565-160	NEW-W	05-14-128
173-400-104	AMD	05-03-033	173-505	AMD-C	05-09-124	173-565-170	NEW-W	05-14-128
173-400-105	AMD	05-03-033	173-505-010	NEW-P	05-05-094	173-565-200	NEW-W	05-14-128
173-400-107	AMD-W	05-09-051	173-505-020	NEW-P	05-05-094	173-565-210	NEW-W	05-14-128
173-400-110	AMD	05-03-033	173-505-030	NEW-P	05-05-094	173-565-215	NEW-W	05-14-128
173-400-112	AMD	05-03-033	173-505-040	NEW-P	05-05-094	173-565-220	NEW-W	05-14-128
173-400-113	AMD	05-03-033	173-505-050	NEW-P	05-05-094	173-565-230	NEW-W	05-14-128

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173-565-300	NEW-W	05-14-128	180-24-210	AMD-P	05-15-139	180-51-050	AMD-P	05-15-055
173-565-310	NEW-W	05-14-128	180-24-213	NEW-P	05-15-139	180-52	PREP	05-12-159
173-565-320	NEW-W	05-14-128	180-24-215	REP-P	05-15-139	180-55	PREP	05-12-159
173-565-330	NEW-W	05-14-128	180-24-400	DECOD	05-13-061	180-55-005	AMD-P	05-04-075
173-565-340	NEW-W	05-14-128	180-24-410	DECOD	05-13-061	180-55-005	AMD	05-08-015
173-565-342	NEW-W	05-14-128	180-24-415	DECOD	05-13-061	180-55-015	AMD-P	05-04-075
173-565-344	NEW-W	05-14-128	180-25	PREP	05-12-154	180-55-015	AMD	05-08-015
173-565-350	NEW-W	05-14-128	180-26	PREP	05-12-154	180-55-017	NEW-P	05-04-075
173-565-352	NEW-W	05-14-128	180-27	PREP	05-12-154	180-55-017	NEW	05-08-015
173-565-354	NEW-W	05-14-128	180-27-035	AMD-E	05-15-020	180-55-034	REP	05-04-016
173-565-360	NEW-W	05-14-128	180-27-035	AMD-P	05-15-058	180-56	PREP	05-12-159
173-565-362	NEW-W	05-14-128	180-29	PREP	05-12-154	180-57	PREP	05-12-159
173-565-364	NEW-W	05-14-128	180-31	PREP	05-12-154	180-57-070	AMD-E	05-12-144
173-565-370	NEW-W	05-14-128	180-32	PREP	05-12-154	180-57-070	AMD-P	05-15-056
173-565-372	NEW-W	05-14-128	180-33	PREP	05-12-154	180-72	PREP	05-12-160
173-565-380	NEW-W	05-14-128	180-33-015	AMD-P	05-15-060	180-77	PREP	05-12-161
173-565-400	NEW-W	05-14-128	180-33-025	AMD-P	05-15-059	180-77A	PREP	05-12-161
173-565-410	NEW-W	05-14-128	180-33-035	AMD-E	05-15-021	180-78A	PREP	05-12-162
173-565-420	NEW-W	05-14-128	180-33-035	AMD-P	05-15-061	180-78A-100	AMD	05-04-056
173-565-430	NEW-W	05-14-128	180-33-040	AMD-E	05-15-049	180-78A-100	AMD-P	05-08-037
173-565-440	NEW-W	05-14-128	180-33-040	AMD-P	05-15-065	180-78A-100	AMD-E	05-08-049
173-565-450	NEW-W	05-14-128	180-34	PREP	05-12-154	180-78A-100	AMD-C	05-10-012
173-565-500	NEW-W	05-14-128	180-36	PREP	05-12-154	180-78A-100	AMD	05-15-052
173-565-510	NEW-W	05-14-128	180-37	PREP	05-12-155	180-78A-319	AMD-P	05-08-038
173-565-520	NEW-W	05-14-128	180-38	PREP	05-12-155	180-78A-319	AMD-P	05-10-019
173-565-530	NEW-W	05-14-128	180-39	PREP	05-12-155	180-78A-319	AMD	05-15-022
173-565-540	NEW-W	05-14-128	180-40	PREP	05-12-155	180-78A-505	AMD-P	05-08-039
173-565-550	NEW-W	05-14-128	180-41	PREP	05-12-155	180-78A-505	AMD-C	05-10-020
173-565-552	NEW-W	05-14-128	180-43	PREP	05-12-156	180-78A-505	AMD	05-15-054
173-565-560	NEW-W	05-14-128	180-44	PREP	05-12-157	180-78A-535	AMD-P	05-08-040
173-565-562	NEW-W	05-14-128	180-46	PREP	05-12-158	180-78A-535	AMD-E	05-08-048
173-565-564	NEW-W	05-14-128	180-46-005	AMD-P	05-04-017	180-78A-535	AMD-C	05-10-013
173-565-570	NEW-W	05-14-128	180-46-005	AMD	05-08-013	180-78A-535	AMD	05-15-051
173-565-600	NEW-W	05-14-128	180-46-009	NEW-P	05-04-017	180-79A	PREP	05-12-162
173-565-800	NEW-W	05-14-128	180-46-009	NEW	05-08-013	180-79A-011	AMD-P	05-08-043
180-08	PREP	05-12-145	180-46-010	REP-P	05-04-017	180-79A-011	AMD-C	05-10-018
180-08-025	NEW-P	05-15-063	180-46-010	REP	05-08-013	180-79A-011	AMD	05-15-054
180-10	PREP	05-12-145	180-46-015	REP-P	05-04-017	180-79A-030	AMD	05-04-055
180-16	PREP	05-12-146	180-46-015	REP	05-08-013	180-79A-123	AMD-P	05-08-042
180-16-241	RECOD	05-13-061	180-46-020	AMD-P	05-04-017	180-79A-123	AMD-E	05-08-051
180-16-242	RECOD	05-13-061	180-46-020	AMD	05-08-013	180-79A-123	AMD-C	05-10-014
180-16-243	RECOD	05-13-061	180-46-025	AMD-P	05-04-017	180-79A-123	AMD	05-15-050
180-20	PREP	05-12-147	180-46-025	AMD	05-08-013	180-79A-130	AMD-P	05-08-035
180-20-009	AMD-P	05-15-057	180-46-030	REP-P	05-04-017	180-79A-130	AMD-E	05-08-052
180-20-021	AMD-P	05-15-057	180-46-030	REP	05-08-013	180-79A-130	AMD-C	05-10-015
180-20-101	AMD-E	05-04-014	180-46-035	REP-P	05-04-017	180-79A-130	AMD	05-15-024
180-20-101	AMD-P	05-04-018	180-46-035	REP	05-08-013	180-79A-145	AMD-P	05-08-041
180-20-101	AMD	05-08-014	180-46-040	REP-P	05-04-017	180-79A-145	AMD-E	05-08-050
180-20-101	AMD-P	05-15-057	180-46-040	REP	05-08-013	180-79A-145	AMD-C	05-10-016
180-20-102	NEW-P	05-15-057	180-46-045	REP-P	05-04-017	180-79A-145	AMD	05-15-023
180-20-103	NEW-P	05-15-057	180-46-045	REP	05-08-013	180-79A-250	AMD-P	05-08-036
180-20-111	AMD-P	05-15-057	180-46-050	REP-P	05-04-017	180-79A-250	AMD-E	05-08-053
180-20-112	NEW-P	05-15-057	180-46-050	REP	05-08-013	180-79A-250	AMD-C	05-10-017
180-20-120	AMD-P	05-15-057	180-46-055	AMD-P	05-04-017	180-79A-250	AMD	05-15-053
180-20-135	AMD-P	05-15-057	180-46-055	AMD	05-08-013	180-79A-257	AMD	05-04-054
180-20-140	AMD-P	05-15-057	180-46-065	REP-P	05-04-017	180-81	PREP	05-12-162
180-20-145	AMD-P	05-15-057	180-46-065	REP	05-08-013	180-82	PREP	05-12-162
180-22	PREP	05-12-148	180-50	PREP	05-12-159	180-82-105	AMD-P	05-04-015
180-24-00701	AMD-P	05-15-139	180-51	PREP	05-12-159	180-82-105	AMD-W	05-08-069
180-24-195	AMD-P	05-15-139	180-51-035	AMD-E	05-08-011	180-82A	PREP	05-12-162
180-24-207	NEW-P	05-15-139	180-51-035	AMD-P	05-08-012	180-83	PREP	05-12-163
180-24-209	NEW-P	05-15-139	180-51-035	AMD-C	05-10-011	180-85	PREP	05-12-149

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180-85-025	AMD-P	05-08-047	182-16-040	AMD	05-16-046	192-300-050	AMD-P	05-13-157
180-85-025	AMD-C	05-10-023	182-16-050	AMD-W	05-02-060	192-310-010	AMD-E	05-11-017
180-85-033	AMD-P	05-08-046	182-16-050	PREP	05-07-158	192-310-010	AMD-P	05-13-157
180-85-033	AMD-C	05-10-022	182-16-050	AMD-P	05-12-050	192-310-030	AMD-E	05-03-011
180-85-033	AMD-C	05-15-062	182-16-050	AMD-C	05-13-093	192-310-030	AMD-E	05-11-017
180-85-034	NEW-P	05-08-044	182-16-050	AMD	05-16-046	192-310-030	AMD-P	05-13-157
180-85-034	NEW-C	05-10-021	182-25-010	AMD-P	05-13-105	192-320-005	NEW-E	05-03-011
180-85-034	NEW-C	05-15-097	182-25-010	AMD-E	05-13-106	192-320-005	NEW-E	05-11-017
180-85-075	AMD-P	05-08-045	182-25-040	AMD-P	05-13-105	192-320-005	NEW-P	05-13-157
180-85-075	AMD-C	05-10-010	182-25-040	AMD-E	05-13-106	192-320-010	NEW-E	05-03-011
180-86	PREP	05-12-149	192-32-010	REP-X	05-07-143	192-320-010	NEW-E	05-11-017
180-87	PREP	05-12-149	192-32-010	REP	05-13-155	192-320-010	NEW-P	05-13-157
180-88	PREP	05-12-149	192-32-035	REP-X	05-07-143	192-320-020	NEW-E	05-03-011
180-90	PREP	05-12-150	192-32-035	REP	05-13-155	192-320-020	NEW-E	05-11-017
180-95	PREP	05-12-151	192-32-050	REP-X	05-07-143	192-320-020	NEW-P	05-13-157
180-96	PREP	05-12-152	192-32-050	REP	05-13-155	192-320-050	AMD-E	05-11-017
180-97	PREP	05-12-153	192-32-085	REP-X	05-07-143	192-320-050	AMD-P	05-13-157
180-105-020	RECOD	05-15-036	192-32-085	REP	05-13-155	192-320-051	NEW-E	05-11-017
180-105-040	RECOD	05-15-036	192-32-095	REP-X	05-07-143	192-320-051	NEW-P	05-13-157
180-105-060	RECOD	05-15-036	192-32-095	REP	05-13-155	192-320-060	REP-E	05-11-017
181-01	PREP	05-12-115	192-32-100	REP-X	05-07-143	192-320-060	REP-P	05-13-157
181-01-004	NEW	05-04-024	192-32-100	REP	05-13-155	196-25-002	AMD-P	05-07-142
182-08-120	AMD-W	05-02-060	192-32-115	REP-X	05-07-143	196-25-040	AMD-P	05-07-142
182-08-196	AMD-P	05-12-050	192-32-115	REP	05-13-155	199-08-300	NEW	05-07-045
182-08-196	AMD-C	05-13-093	192-32-130	REP-X	05-07-143	199-08-305	NEW	05-07-045
182-08-196	AMD	05-16-046	192-32-130	REP	05-13-155	199-08-310	NEW	05-07-045
182-08-197	NEW-P	05-12-050	192-32-135	REP-X	05-07-143	199-08-315	NEW	05-07-045
182-08-197	NEW-C	05-13-093	192-32-135	REP	05-13-155	199-08-320	NEW	05-07-045
182-08-197	NEW	05-16-046	192-35-010	NEW	05-02-094	199-08-325	NEW	05-07-045
182-08-198	NEW-P	05-12-050	192-35-020	NEW	05-02-094	199-08-330	NEW	05-07-045
182-08-198	NEW-C	05-13-093	192-35-030	NEW	05-02-094	199-08-335	NEW	05-07-045
182-08-198	NEW	05-16-046	192-35-040	NEW	05-02-094	199-08-340	NEW	05-07-045
182-12-115	AMD-E	05-10-083	192-35-050	NEW	05-02-094	199-08-345	NEW	05-07-045
182-12-115	AMD-P	05-14-151	192-35-060	NEW	05-02-094	199-08-350	NEW	05-07-045
182-12-116	NEW-P	05-12-050	192-35-070	NEW	05-02-094	199-08-355	NEW	05-07-045
182-12-116	NEW-C	05-13-093	192-35-080	NEW	05-02-094	199-08-360	NEW	05-07-045
182-12-116	NEW	05-16-046	192-35-090	NEW	05-02-094	199-08-365	NEW	05-07-045
182-12-148	AMD-P	05-12-050	192-35-100	NEW	05-02-094	199-08-370	NEW	05-07-045
182-12-148	AMD-C	05-13-093	192-35-110	NEW	05-02-094	199-08-375	NEW	05-07-045
182-12-148	AMD	05-16-046	192-35-120	NEW	05-02-094	199-08-380	NEW	05-07-045
182-12-171	AMD-P	05-12-050	192-110-015	AMD-E	05-03-011	199-08-385	NEW	05-07-045
182-12-171	AMD-C	05-13-093	192-110-015	AMD-E	05-11-017	199-08-390	NEW	05-07-045
182-12-171	AMD	05-16-046	192-110-015	AMD-P	05-13-158	199-08-395	NEW	05-07-045
182-12-175	NEW-P	05-12-050	192-110-017	NEW-E	05-03-011	199-08-400	NEW	05-07-045
182-12-175	NEW-C	05-13-093	192-110-017	NEW-E	05-11-017	199-08-405	NEW-W	05-07-079
182-12-175	NEW	05-16-046	192-110-017	NEW-P	05-13-158	199-08-410	NEW-W	05-07-079
182-12-205	AMD-P	05-12-050	192-150-112	NEW-P	05-07-144	199-08-415	NEW-W	05-07-079
182-12-205	AMD-C	05-13-093	192-150-112	NEW	05-13-156	199-08-420	NEW-W	05-07-079
182-12-205	AMD	05-16-046	192-150-113	NEW-P	05-07-144	199-08-425	NEW	05-07-045
182-12-260	AMD-P	05-12-050	192-150-113	NEW	05-13-156	199-08-426	NEW-W	05-07-079
182-12-260	AMD-C	05-13-093	192-170-060	NEW-E	05-03-011	199-08-427	NEW-W	05-07-079
182-12-260	AMD	05-16-046	192-170-060	NEW-P	05-07-144	199-08-428	NEW-W	05-07-079
182-12-265	AMD-P	05-12-050	192-170-060	NEW-E	05-11-017	199-08-429	NEW-W	05-07-079
182-12-265	AMD-C	05-13-093	192-170-060	NEW	05-13-156	199-08-430	NEW	05-07-045
182-12-265	AMD	05-16-046	192-170-070	NEW-P	05-13-158	199-08-435	NEW	05-07-045
182-12-270	AMD-P	05-12-050	192-180-013	NEW-E	05-03-011	199-08-440	NEW	05-07-045
182-12-270	AMD-C	05-13-093	192-180-013	NEW-E	05-11-017	199-08-445	NEW	05-07-045
182-12-270	AMD	05-16-046	192-180-013	NEW-P	05-13-158	199-08-450	NEW	05-07-045
182-16-040	AMD-W	05-02-060	192-180-014	NEW-P	05-07-144	199-08-455	NEW	05-07-045
182-16-040	PREP	05-07-158	192-180-014	NEW	05-13-156	199-08-460	NEW	05-07-045
182-16-040	AMD-P	05-12-050	192-300-050	AMD-E	05-03-011	199-08-465	NEW	05-07-045
182-16-040	AMD-C	05-13-093	192-300-050	AMD-E	05-11-017	199-08-470	NEW	05-07-045

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
199- 08-475	NEW	05-07-045	212- 17-198	AMD-P	05-07-102	212- 17-360	AMD-P	05-07-102
199- 08-480	NEW	05-07-045	212- 17-198	AMD	05-12-033	212- 17-360	AMD	05-12-033
199- 08-485	NEW	05-07-045	212- 17-21503	AMD-P	05-07-102	212- 17-365	NEW-P	05-07-102
199- 08-490	NEW	05-07-045	212- 17-21503	AMD	05-12-033	212- 17-365	NEW	05-12-033
199- 08-495	NEW	05-07-045	212- 17-21505	AMD-P	05-07-102	212- 17-370	NEW-P	05-07-102
199- 08-500	NEW	05-07-045	212- 17-21505	AMD	05-12-033	212- 17-370	NEW	05-12-033
199- 08-505	NEW	05-07-045	212- 17-21507	AMD-P	05-07-102	212- 17-375	NEW-P	05-07-102
199- 08-510	NEW	05-07-045	212- 17-21507	AMD	05-12-033	212- 17-375	NEW	05-12-033
199- 08-515	NEW	05-07-045	212- 17-21509	AMD-P	05-07-102	212- 17-380	NEW-P	05-07-102
199- 08-520	NEW	05-07-045	212- 17-21509	AMD	05-12-033	212- 17-380	NEW	05-12-033
199- 08-525	NEW	05-07-045	212- 17-21511	AMD-P	05-07-102	212- 17-385	NEW-P	05-07-102
199- 08-535	NEW-W	05-07-079	212- 17-21511	AMD	05-12-033	212- 17-385	NEW	05-12-033
199- 08-540	NEW	05-07-045	212- 17-21513	AMD-P	05-07-102	212- 17-390	NEW-P	05-07-102
199- 08-545	NEW	05-07-045	212- 17-21513	AMD	05-12-033	212- 17-390	NEW	05-12-033
199- 08-550	NEW	05-07-045	212- 17-21515	AMD-P	05-07-102	212- 17-395	NEW-P	05-07-102
199- 08-555	NEW	05-07-045	212- 17-21515	AMD	05-12-033	212- 17-395	NEW	05-12-033
199- 08-565	NEW	05-07-045	212- 17-21517	AMD-P	05-07-102	212- 17-400	NEW-P	05-07-102
199- 08-570	NEW	05-07-045	212- 17-21517	AMD	05-12-033	212- 17-400	NEW	05-12-033
199- 08-580	NEW	05-07-045	212- 17-21519	AMD-P	05-07-102	212- 17-405	NEW-P	05-07-102
204- 41	PREP	05-08-115	212- 17-21519	AMD	05-12-033	212- 17-405	NEW	05-12-033
204- 41-080	NEW-P	05-12-048	212- 17-220	AMD-P	05-07-102	212- 17-410	NEW-P	05-07-102
204- 41-080	NEW	05-16-093	212- 17-220	AMD	05-12-033	212- 17-410	NEW	05-12-033
204- 50	PREP	05-08-116	212- 17-230	AMD-P	05-07-102	212- 17-415	NEW-P	05-07-102
204- 50-030	AMD-P	05-12-049	212- 17-230	AMD	05-12-033	212- 17-415	NEW	05-12-033
204- 50-040	AMD-P	05-12-049	212- 17-235	AMD-P	05-07-102	212- 17-420	NEW-P	05-07-102
204- 50-050	AMD-P	05-12-049	212- 17-235	AMD	05-12-033	212- 17-420	NEW	05-12-033
204- 50-070	AMD-P	05-12-049	212- 17-250	AMD-P	05-07-102	212- 17-425	NEW-P	05-07-102
204- 50-080	AMD-P	05-12-049	212- 17-250	AMD	05-12-033	212- 17-425	NEW	05-12-033
204- 50-090	AMD-P	05-12-049	212- 17-255	AMD-P	05-07-102	212- 17-430	NEW-P	05-07-102
204- 50-110	AMD-P	05-12-049	212- 17-255	AMD	05-12-033	212- 17-430	NEW	05-12-033
204- 50-120	AMD-P	05-12-049	212- 17-260	AMD-P	05-07-102	212- 17-435	NEW-P	05-07-102
204- 50-130	AMD-P	05-12-049	212- 17-260	AMD	05-12-033	212- 17-435	NEW	05-12-033
204- 90-120	PREP	05-14-126	212- 17-265	REP-P	05-07-102	212- 17-440	NEW-P	05-07-102
208-680A-040	AMD	05-03-038	212- 17-265	REP	05-12-033	212- 17-440	NEW	05-12-033
208-680E-025	NEW	05-03-038	212- 17-270	AMD-P	05-07-102	212- 17-445	NEW-P	05-07-102
208-680F-020	AMD	05-03-038	212- 17-270	AMD	05-12-033	212- 17-445	NEW	05-12-033
208-680G-050	AMD	05-03-037	212- 17-275	AMD-P	05-07-102	212- 17-450	NEW-P	05-07-102
212- 17-025	AMD-P	05-07-102	212- 17-275	AMD	05-12-033	212- 17-450	NEW	05-12-033
212- 17-025	AMD	05-12-033	212- 17-280	AMD-P	05-07-102	212- 17-455	NEW-P	05-07-102
212- 17-030	AMD-P	05-07-102	212- 17-280	AMD	05-12-033	212- 17-455	NEW	05-12-033
212- 17-030	AMD	05-12-033	212- 17-285	AMD-P	05-07-102	212- 17-460	NEW-P	05-07-102
212- 17-032	NEW-P	05-07-102	212- 17-285	AMD	05-12-033	212- 17-460	NEW	05-12-033
212- 17-032	NEW	05-12-033	212- 17-290	AMD-P	05-07-102	212- 17-465	NEW-P	05-07-102
212- 17-035	AMD-P	05-07-102	212- 17-290	AMD	05-12-033	212- 17-465	NEW	05-12-033
212- 17-035	AMD	05-12-033	212- 17-295	AMD-P	05-07-102	212- 17-470	NEW-P	05-07-102
212- 17-040	AMD-P	05-07-102	212- 17-295	AMD	05-12-033	212- 17-470	NEW	05-12-033
212- 17-040	AMD	05-12-033	212- 17-300	AMD-P	05-07-102	212- 17-475	NEW-P	05-07-102
212- 17-042	NEW-P	05-07-102	212- 17-300	AMD	05-12-033	212- 17-475	NEW	05-12-033
212- 17-042	NEW	05-12-033	212- 17-310	AMD-P	05-07-102	212- 17-480	NEW-P	05-07-102
212- 17-050	AMD-P	05-07-102	212- 17-310	AMD	05-12-033	212- 17-480	NEW	05-12-033
212- 17-050	AMD	05-12-033	212- 17-317	AMD-P	05-07-102	212- 17-485	NEW-P	05-07-102
212- 17-055	AMD-P	05-07-102	212- 17-317	AMD	05-12-033	212- 17-485	NEW	05-12-033
212- 17-055	AMD	05-12-033	212- 17-335	AMD-P	05-07-102	212- 17-490	NEW-P	05-07-102
212- 17-060	AMD-P	05-07-102	212- 17-335	AMD	05-12-033	212- 17-490	NEW	05-12-033
212- 17-060	AMD	05-12-033	212- 17-342	NEW-P	05-07-102	212- 17-495	NEW-P	05-07-102
212- 17-070	AMD-P	05-07-102	212- 17-345	AMD-P	05-07-102	212- 17-495	NEW	05-12-033
212- 17-085	AMD-P	05-07-102	212- 17-345	AMD	05-12-033	212- 17-500	NEW-P	05-07-102
212- 17-085	AMD	05-12-033	212- 17-350	AMD-P	05-07-102	212- 17-500	NEW	05-12-033
212- 17-125	AMD-P	05-07-102	212- 17-350	AMD	05-12-033	212- 17-505	NEW-P	05-07-102
212- 17-170	AMD-P	05-07-102	212- 17-352	AMD-P	05-07-102	212- 17-505	NEW	05-12-033
212- 17-185	AMD-P	05-07-102	212- 17-355	AMD-P	05-07-102	212- 17-510	NEW-P	05-07-102
212- 17-185	AMD	05-12-033	212- 17-355	AMD	05-12-033	212- 17-510	NEW	05-12-033

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
212- 17-515	NEW-P	05-07-102	212- 80-093	RECOD	05-05-006	220- 16-820	NEW	05-09-009
212- 17-515	NEW	05-12-033	212- 80-093	AMD-P	05-11-107	220- 16-830	NEW	05-09-009
212- 17-900	AMD-P	05-07-102	212- 80-095	AMD	05-05-006	220- 16-840	NEW	05-09-009
212- 17-900	AMD	05-12-033	212- 80-095	DECOD	05-05-006	220- 16-850	NEW	05-09-009
212- 80	PREP	05-07-101	212- 80-098	RECOD	05-05-006	220- 16-860	NEW	05-09-009
212- 80-001	AMD	05-05-006	212- 80-100	DECOD	05-05-006	220- 16-870	NEW	05-09-009
212- 80-005	AMD	05-05-006	212- 80-103	RECOD	05-05-006	220- 20-010	AMD-P	05-03-117
212- 80-010	AMD	05-05-006	212- 80-105	AMD	05-05-006	220- 20-010	AMD	05-08-056
212- 80-010	AMD-P	05-11-107	212- 80-105	DECOD	05-05-006	220- 20-05100A	REP-E	05-03-013
212- 80-015	AMD	05-05-006	212- 80-108	RECOD	05-05-006	220- 20-05100B	NEW-E	05-03-013
212- 80-015	AMD-P	05-11-107	212- 80-110	AMD	05-05-006	220- 20-05100B	REP-E	05-03-013
212- 80-018	NEW	05-05-006	212- 80-110	DECOD	05-05-006	220- 20-100	AMD	05-09-009
212- 80-018	AMD-P	05-11-107	212- 80-113	RECOD	05-05-006	220- 22-40000G	NEW-E	05-13-092
212- 80-020	AMD-P	05-11-107	212- 80-113	AMD-P	05-11-107	220- 24-04000U	NEW-E	05-10-051
212- 80-023	RECOD	05-05-006	212- 80-115	AMD	05-05-006	220- 24-04000U	REP-E	05-12-021
212- 80-025	AMD	05-05-006	212- 80-115	DECOD	05-05-006	220- 24-04000V	NEW-E	05-12-021
212- 80-025	DECOD	05-05-006	212- 80-118	RECOD	05-05-006	220- 24-04000V	REP-E	05-13-002
212- 80-028	RECOD	05-05-006	212- 80-120	AMD	05-05-006	220- 24-04000W	NEW-E	05-13-002
212- 80-028	AMD-P	05-11-107	212- 80-120	DECOD	05-05-006	220- 24-04000W	REP-E	05-13-068
212- 80-030	AMD	05-05-006	212- 80-123	RECOD	05-05-006	220- 24-04000X	NEW-E	05-13-068
212- 80-030	DECOD	05-05-006	212- 80-125	AMD	05-05-006	220- 32-05100G	REP-E	05-04-068
212- 80-033	RECOD	05-05-006	212- 80-125	DECOD	05-05-006	220- 32-05100H	NEW-E	05-03-061
212- 80-035	AMD	05-05-006	212- 80-128	RECOD	05-05-006	220- 32-05100H	REP-E	05-03-061
212- 80-035	DECOD	05-05-006	212- 80-130	AMD	05-05-006	220- 32-05100H	REP-E	05-04-068
212- 80-038	RECOD	05-05-006	212- 80-130	DECOD	05-05-006	220- 32-05100I	NEW-E	05-04-068
212- 80-038	AMD-P	05-11-107	212- 80-133	NEW-P	05-11-107	220- 32-05100I	REP-E	05-04-068
212- 80-040	AMD	05-05-006	212- 80-135	AMD	05-05-006	220- 32-05100I	REP-E	05-07-084
212- 80-040	DECOD	05-05-006	212- 80-135	DECOD	05-05-006	220- 32-05100J	NEW-E	05-07-084
212- 80-043	RECOD	05-05-006	212- 80-138	NEW-P	05-11-107	220- 32-05100J	REP-E	05-14-117
212- 80-043	AMD-P	05-11-107	212- 80-140	NEW-P	05-11-107	220- 32-05100K	NEW-E	05-14-117
212- 80-045	AMD	05-05-006	212- 80-145	NEW-P	05-11-107	220- 32-05100K	REP-E	05-14-117
212- 80-045	DECOD	05-05-006	212- 80-150	NEW-P	05-11-107	220- 32-05100K	REP-E	05-15-033
212- 80-048	NEW	05-05-006	212- 80-155	NEW-P	05-11-107	220- 32-05100L	NEW-E	05-15-033
212- 80-050	AMD	05-05-006	212- 80-160	NEW-P	05-11-107	220- 32-05100L	REP-E	05-15-033
212- 80-050	DECOD	05-05-006	212- 80-165	NEW-P	05-11-107	220- 32-05100L	REP-E	05-16-016
212- 80-053	RECOD	05-05-006	212- 80-170	NEW-P	05-11-107	220- 32-05100M	NEW-E	05-16-016
212- 80-053	AMD-P	05-11-107	212- 80-175	NEW-P	05-11-107	220- 32-05100M	REP-E	05-16-016
212- 80-055	AMD	05-05-006	212- 80-180	NEW-P	05-11-107	220- 33-01000A	NEW-E	05-08-073
212- 80-055	DECOD	05-05-006	212- 80-185	NEW-P	05-11-107	220- 33-01000A	REP-E	05-09-098
212- 80-058	RECOD	05-05-006	212- 80-188	NEW-P	05-11-107	220- 33-01000B	NEW-E	05-11-005
212- 80-060	AMD	05-05-006	212- 80-190	NEW-P	05-11-107	220- 33-01000B	REP-E	05-11-005
212- 80-060	DECOD	05-05-006	212- 80-195	NEW-P	05-11-107	220- 33-01000C	NEW-E	05-11-032
212- 80-063	RECOD	05-05-006	212- 80-200	RECOD	05-05-006	220- 33-01000C	REP-E	05-11-032
212- 80-065	AMD	05-05-006	212- 80-200	AMD-P	05-11-107	220- 33-01000D	NEW-E	05-13-194
212- 80-065	DECOD	05-05-006	212- 80-205	RECOD	05-05-006	220- 33-01000D	REP-E	05-13-194
212- 80-068	RECOD	05-05-006	212- 80-205	AMD-P	05-11-107	220- 33-01000E	NEW-E	05-15-032
212- 80-070	AMD	05-05-006	212- 80-210	NEW	05-05-006	220- 33-01000E	REP-E	05-15-032
212- 80-070	DECOD	05-05-006	212- 80-215	NEW	05-05-006	220- 33-01000F	NEW-E	05-15-100
212- 80-073	RECOD	05-05-006	212- 80-220	NEW	05-05-006	220- 33-01000F	REP-E	05-15-100
212- 80-075	AMD	05-05-006	212- 80-225	NEW	05-05-006	220- 33-01000G	NEW-E	05-16-015
212- 80-075	DECOD	05-05-006	212- 80-230	NEW	05-05-006	220- 33-01000G	REP-E	05-16-015
212- 80-078	RECOD	05-05-006	212- 80-235	NEW	05-05-006	220- 33-01000H	NEW-E	05-16-104
212- 80-078	AMD-P	05-11-107	212- 80-240	NEW	05-05-006	220- 33-01000H	REP-E	05-16-104
212- 80-080	AMD	05-05-006	212- 80-245	NEW	05-05-006	220- 33-01000S	NEW-E	05-05-091
212- 80-080	DECOD	05-05-006	212- 80-250	NEW	05-05-006	220- 33-01000S	REP-E	05-06-010
212- 80-083	RECOD	05-05-006	212- 80-255	NEW	05-05-006	220- 33-01000T	NEW-E	05-06-010
212- 80-083	AMD-P	05-11-107	212- 80-260	NEW	05-05-006	220- 33-01000T	REP-E	05-06-072
212- 80-085	AMD	05-05-006	212- 80-265	NEW	05-05-006	220- 33-01000U	NEW-E	05-06-072
212- 80-085	DECOD	05-05-006	212- 80-265	AMD-P	05-11-107	220- 33-01000U	REP-E	05-07-005
212- 80-088	RECOD	05-05-006	220- 16-007	NEW-W	05-14-132	220- 33-01000V	NEW-E	05-07-005
212- 80-090	AMD	05-05-006	220- 16-470	AMD-X	05-10-107	220- 33-01000V	REP-E	05-07-026
212- 80-090	DECOD	05-05-006	220- 16-47000C	NEW-E	05-10-042	220- 33-01000W	NEW-E	05-07-026

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-33-01000W	REP-E	05-07-043	220-52-04600B	REP-E	05-13-092	220-56-25000H	NEW-E	05-06-008
220-33-01000X	NEW-E	05-07-043	220-52-04600C	NEW-E	05-13-092	220-56-255	AMD-X	05-09-033
220-33-01000X	REP-E	05-07-082	220-52-04600R	REP-E	05-03-063	220-56-255	AMD	05-14-035
220-33-01000Y	NEW-E	05-07-082	220-52-04600T	REP-E	05-04-065	220-56-25500S	NEW-E	05-09-025
220-33-01000Y	REP-E	05-08-021	220-52-04600W	REP-E	05-02-048	220-56-25500S	REP-E	05-11-102
220-33-01000Z	NEW-E	05-08-021	220-52-04600X	NEW-E	05-03-063	220-56-25500T	NEW-E	05-11-102
220-33-01000Z	REP-E	05-08-073	220-52-04600X	REP-E	05-05-041	220-56-25500T	REP-E	05-12-038
220-33-03000V	NEW-E	05-11-031	220-52-04600Y	NEW-E	05-04-065	220-56-25500U	NEW-E	05-12-038
220-33-03000V	REP-E	05-11-031	220-52-04600Z	NEW-E	05-05-041	220-56-25500U	REP-E	05-12-061
220-33-03000V	REP-E	05-12-003	220-52-04600Z	REP-E	05-06-034	220-56-25500V	NEW-E	05-12-061
220-33-03000W	NEW-E	05-12-003	220-52-05100K	NEW-E	05-09-039	220-56-25500V	REP-E	05-13-069
220-33-03000W	REP-E	05-12-003	220-52-05100K	REP-E	05-10-049	220-56-25500W	NEW-E	05-13-069
220-33-03000W	REP-E	05-13-195	220-52-05100L	NEW-E	05-10-049	220-56-25500W	REP-E	05-15-083
220-33-03000X	NEW-E	05-13-195	220-52-05100L	REP-E	05-11-091	220-56-25500X	NEW-E	05-15-083
220-33-03000X	REP-E	05-13-195	220-52-05100M	NEW-E	05-11-091	220-56-27000W	REP-E	05-06-043
220-33-03000Y	NEW-E	05-14-059	220-52-05100M	REP-E	05-13-052	220-56-27000X	NEW-E	05-06-043
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220-44-05000F	REP-E	05-15-016	220-52-07100L	REP-E	05-06-009	220-56-31000W	REP-E	05-12-004
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220-48-01500V	NEW-E	05-05-090	220-52-07300Q	REP-E	05-03-068	220-56-32500A	REP-E	05-12-008
220-48-01500V	REP-E	05-11-027	220-52-07300R	NEW-E	05-03-068	220-56-32500B	NEW-E	05-12-008
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220-48-03200F	NEW-E	05-13-086	220-52-07300S	NEW-E	05-05-039	220-56-32500C	NEW-E	05-12-039
220-52-018	AMD-P	05-12-142	220-52-07300S	REP-E	05-07-009	220-56-32500C	REP-E	05-12-104
220-52-018	AMD-W	05-14-133	220-52-07300T	NEW-E	05-07-009	220-56-32500D	NEW-E	05-12-104
220-52-020	AMD-P	05-12-142	220-52-07300T	REP-E	05-07-103	220-56-32500D	REP-E	05-12-120
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220-56-35000V	NEW-E	05-06-007	222-10-030	AMD-P	05-06-096	222-22-090	AMD-S	05-08-085
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220-56-35000W	REP-E	05-09-026	222-10-040	AMD-P	05-06-096	222-23-020	AMD-P	05-06-096
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220-56-36000E	REP-E	05-02-047	222-12-010	AMD-S	05-08-085	222-23-025	AMD-P	05-06-096
220-56-36000F	NEW-E	05-04-064	222-12-010	AMD	05-12-119	222-23-025	AMD	05-12-119
220-56-36000F	REP-E	05-04-064	222-12-040	AMD-P	05-06-096	222-24-010	AMD-P	05-06-096
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220-56-36000I	NEW-E	05-08-119	222-12-046	AMD-S	05-08-085	222-30-020	AMD	05-12-119
220-56-36000I	REP-E	05-08-119	222-12-046	AMD	05-12-119	222-30-021	AMD-P	05-06-096
220-56-36000J	NEW-E	05-09-068	222-12-080	AMD-P	05-06-096	222-30-021	AMD	05-12-119
220-56-36000J	REP-E	05-09-068	222-12-080	AMD	05-12-119	222-30-022	AMD-P	05-06-096
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230- 12-310	AMD	05-11-088	232- 28-61900B	REP-E	05-07-061	232- 28-61900X	REP-E	05-11-043
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230- 12-340	AMD-P	05-13-116	232- 28-61900C	NEW-E	05-04-003	232- 28-61900Y	REP-E	05-12-027
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230- 20-335	AMD-P	05-13-115	232- 28-61900E	NEW-E	05-05-089	232- 28-62000Y	REP-E	05-16-026
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232- 28-248	AMD-P	05-06-108	232- 28-61900H	REP-E	05-15-099	236- 22-032	DECOD	05-04-072
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232- 28-337	AMD	05-11-023	232- 28-61900N	REP-E	05-09-037	236- 22-080	DECOD	05-04-072
232- 28-341	AMD-P	05-06-108	232- 28-61900P	NEW-E	05-09-024	236- 22-100	AMD	05-04-072
232- 28-341	AMD	05-11-022	232- 28-61900P	REP-E	05-09-024	236- 22-100	DECOD	05-04-072
232- 28-351	AMD-P	05-06-106	232- 28-61900Q	NEW-E	05-09-067	236- 22-200	AMD	05-04-072
232- 28-351	AMD	05-11-022	232- 28-61900Q	REP-E	05-09-067	236- 22-200	DECOD	05-04-072
232- 28-35100C	NEW-E	05-13-087	232- 28-61900R	NEW-E	05-09-097	236- 22-210	AMD	05-04-072
232- 28-35100D	NEW-E	05-16-057	232- 28-61900R	REP-E	05-11-006	236- 22-210	DECOD	05-04-072
232- 28-352	AMD-P	05-06-107	232- 28-61900S	NEW-E	05-10-007	246- 08-400	AMD-P	05-06-121
232- 28-352	AMD	05-11-024	232- 28-61900S	REP-E	05-10-007	246- 08-400	AMD	05-12-013
232- 28-35200D	NEW-E	05-16-057	232- 28-61900T	NEW-E	05-10-042	246- 12-040	PREP	05-13-183
232- 28-428	REP-P	05-13-197	232- 28-61900T	REP-E	05-14-116	246-100-011	AMD-P	05-06-123
232- 28-429	NEW-P	05-13-197	232- 28-61900U	NEW-E	05-10-050	246-100-011	AMD	05-11-110
232- 28-619	AMD	05-03-005	232- 28-61900U	REP-E	05-13-010	246-100-072	AMD-P	05-06-123
232- 28-619	AMD	05-05-035	232- 28-61900V	NEW-E	05-11-051	246-100-072	AMD	05-11-110
232- 28-619	AMD-X	05-10-107	232- 28-61900V	REP-E	05-11-051	246-100-166	PREP	05-03-054

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246-100-166	AMD-P	05-04-113	246-272-04001	REP	05-15-119	246-272A-0020	NEW-S	05-11-109
246-100-166	AMD	05-08-094	246-272-05001	REP-P	05-02-082	246-272A-0020	NEW	05-15-119
246-100-166	AMD-P	05-12-139	246-272-05001	REP	05-15-119	246-272A-0025	NEW-P	05-02-082
246-100-166	AMD	05-16-051	246-272-07001	REP-P	05-02-082	246-272A-0025	NEW-S	05-11-109
246-100-202	NEW-P	05-06-123	246-272-07001	REP	05-15-119	246-272A-0025	NEW	05-15-119
246-100-202	NEW	05-11-110	246-272-08001	REP-P	05-02-082	246-272A-0100	NEW-P	05-02-082
246-100-203	NEW-P	05-06-123	246-272-08001	REP	05-15-119	246-272A-0100	NEW-S	05-11-109
246-100-203	NEW	05-11-110	246-272-09001	REP-P	05-02-082	246-272A-0100	NEW	05-15-119
246-100-204	NEW-P	05-06-123	246-272-09001	REP	05-15-119	246-272A-0110	NEW-P	05-02-082
246-100-204	NEW	05-11-110	246-272-09501	REP-P	05-02-082	246-272A-0110	NEW-S	05-11-109
246-100-205	NEW-P	05-06-123	246-272-09501	REP	05-15-119	246-272A-0110	NEW	05-15-119
246-100-205	NEW	05-11-110	246-272-11001	REP-P	05-02-082	246-272A-0120	NEW-P	05-02-082
246-100-206	AMD-P	05-06-123	246-272-11001	REP	05-15-119	246-272A-0120	NEW-S	05-11-109
246-100-206	AMD	05-11-110	246-272-11501	REP	05-15-119	246-272A-0120	NEW	05-15-119
246-100-207	AMD-P	05-06-123	246-272-12501	REP-P	05-02-082	246-272A-0125	NEW-P	05-02-082
246-100-207	AMD	05-11-110	246-272-12501	REP	05-15-119	246-272A-0125	NEW-S	05-11-109
246-100-208	AMD-P	05-06-123	246-272-13501	REP-P	05-02-082	246-272A-0125	NEW	05-15-119
246-100-208	AMD	05-11-110	246-272-13501	REP	05-15-119	246-272A-0130	NEW-P	05-02-082
246-100-209	AMD-P	05-06-123	246-272-14501	REP-P	05-02-082	246-272A-0130	NEW-S	05-11-109
246-100-209	AMD	05-11-110	246-272-14501	REP	05-15-119	246-272A-0130	NEW	05-15-119
246-101-015	AMD	05-03-055	246-272-15501	REP-P	05-02-082	246-272A-0135	NEW-P	05-02-082
246-101-101	AMD	05-03-055	246-272-15501	REP	05-15-119	246-272A-0135	NEW-S	05-11-109
246-101-201	AMD	05-03-055	246-272-16501	REP-P	05-02-082	246-272A-0135	NEW	05-15-119
246-101-301	AMD	05-03-055	246-272-16501	REP	05-15-119	246-272A-0140	NEW-P	05-02-082
246-101-505	AMD-P	05-06-123	246-272-17501	REP-P	05-02-082	246-272A-0140	NEW-S	05-11-109
246-101-505	AMD	05-11-110	246-272-17501	REP	05-15-119	246-272A-0140	NEW	05-15-119
246-101-520	AMD-P	05-06-123	246-272-18501	REP-P	05-02-082	246-272A-0145	NEW-P	05-02-082
246-101-520	AMD	05-11-110	246-272-18501	REP	05-15-119	246-272A-0145	NEW-S	05-11-109
246-130	PREP	05-06-119	246-272-19501	REP-P	05-02-082	246-272A-0145	NEW	05-15-119
246-140-001	NEW	05-04-112	246-272-19501	REP	05-15-119	246-272A-0150	NEW-P	05-02-082
246-140-010	NEW	05-04-112	246-272-20501	REP-P	05-02-082	246-272A-0150	NEW-S	05-11-109
246-140-020	NEW	05-04-112	246-272-20501	REP	05-15-119	246-272A-0150	NEW	05-15-119
246-203-120	PREP	05-10-096	246-272-21501	REP-P	05-02-082	246-272A-0170	NEW-P	05-02-082
246-217-010	PREP	05-16-050	246-272-21501	REP	05-15-119	246-272A-0170	NEW-S	05-11-109
246-217-015	PREP	05-16-050	246-272-22501	REP-P	05-02-082	246-272A-0170	NEW	05-15-119
246-217-025	PREP	05-16-050	246-272-22501	REP	05-15-119	246-272A-0175	NEW-P	05-02-082
246-247	PREP	05-12-140	246-272-23501	REP-P	05-02-082	246-272A-0175	NEW-S	05-11-109
246-247-035	NEW-P	05-08-019	246-272-23501	REP	05-15-119	246-272A-0175	NEW	05-15-119
246-247-035	NEW	05-12-059	246-272-24001	REP-P	05-02-082	246-272A-0200	NEW-P	05-02-082
246-260-031	AMD-X	05-03-057	246-272-24001	REP	05-15-119	246-272A-0200	NEW-S	05-11-109
246-260-031	AMD	05-09-004	246-272-25001	REP-P	05-02-082	246-272A-0200	NEW	05-15-119
246-260-041	AMD-X	05-03-057	246-272-25001	REP	05-15-119	246-272A-0210	NEW-P	05-02-082
246-260-041	AMD	05-09-004	246-272-26001	REP-P	05-02-082	246-272A-0210	NEW-S	05-11-109
246-260-061	AMD-X	05-03-057	246-272-26001	REP	05-15-119	246-272A-0210	NEW	05-15-119
246-260-061	AMD	05-09-004	246-272-27001	REP-P	05-02-082	246-272A-0220	NEW-P	05-02-082
246-260-091	AMD-X	05-03-057	246-272-27001	REP	05-15-119	246-272A-0220	NEW-S	05-11-109
246-260-091	AMD	05-09-004	246-272-28001	REP-P	05-02-082	246-272A-0220	NEW	05-15-119
246-260-131	AMD-X	05-03-057	246-272-28001	REP	05-15-119	246-272A-0230	NEW-P	05-02-082
246-260-131	AMD	05-09-004	246-272A-0001	AMD-C	05-09-002	246-272A-0230	NEW-S	05-11-109
246-260-171	AMD-X	05-03-057	246-272A-0001	NEW-P	05-02-082	246-272A-0230	NEW	05-15-119
246-260-171	AMD	05-09-004	246-272A-0001	NEW-S	05-11-109	246-272A-0232	NEW-P	05-02-082
246-272-00101	REP-P	05-02-082	246-272A-0001	NEW	05-15-119	246-272A-0232	NEW-S	05-11-109
246-272-00101	REP	05-15-119	246-272A-0005	NEW-P	05-02-082	246-272A-0232	NEW	05-15-119
246-272-00501	REP-P	05-02-082	246-272A-0005	NEW-S	05-11-109	246-272A-0234	NEW-P	05-02-082
246-272-00501	REP	05-15-119	246-272A-0005	NEW	05-15-119	246-272A-0234	NEW-S	05-11-109
246-272-01001	REP-P	05-02-082	246-272A-0010	NEW-P	05-02-082	246-272A-0234	NEW	05-15-119
246-272-01001	REP	05-15-119	246-272A-0010	NEW-S	05-11-109	246-272A-0238	NEW-P	05-02-082
246-272-02001	REP-P	05-02-082	246-272A-0010	NEW	05-15-119	246-272A-0238	NEW-S	05-11-109
246-272-02001	REP	05-15-119	246-272A-0015	NEW-P	05-02-082	246-272A-0238	NEW	05-15-119
246-272-03001	REP-P	05-02-082	246-272A-0015	NEW-S	05-11-109	246-272A-0240	NEW-P	05-02-082
246-272-03001	REP	05-15-119	246-272A-0015	NEW	05-15-119	246-272A-0240	NEW-S	05-11-109
246-272-04001	REP-P	05-02-082	246-272A-0020	NEW-P	05-02-082	246-272A-0240	NEW	05-15-119

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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
246-272A-0260	NEW-P	05-02-082	246-310-262	AMD-W	05-13-051	246-326-020	REP	05-15-157
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
246-272A-0310	NEW	05-15-119	246-323-090	REP	05-15-157	246-337-001	NEW-P	05-10-063
246-272A-0320	NEW-P	05-02-082	246-323-990	REP-P	05-10-063	246-337-001	NEW	05-15-157
246-272A-0320	NEW-S	05-11-109	246-323-990	REP	05-15-157	246-337-005	NEW-P	05-10-063
246-272A-0320	NEW	05-15-119	246-324-990	AMD-P	05-14-156	246-337-005	NEW	05-15-157
246-272A-0340	NEW-P	05-02-082	246-325-010	REP-P	05-10-063	246-337-010	NEW-P	05-10-063
246-272A-0340	NEW-S	05-11-109	246-325-010	REP	05-15-157	246-337-010	NEW	05-15-157
246-272A-0340	NEW	05-15-119	246-325-012	REP-P	05-10-063	246-337-015	NEW-P	05-10-063
246-272A-0400	NEW-P	05-02-082	246-325-012	REP	05-15-157	246-337-015	NEW	05-15-157
246-272A-0400	NEW-S	05-11-109	246-325-015	REP-P	05-10-063	246-337-020	NEW-P	05-10-063
246-272A-0400	NEW	05-15-119	246-325-015	REP	05-15-157	246-337-020	NEW	05-15-157
246-272A-0410	NEW-P	05-02-082	246-325-020	REP-P	05-10-063	246-337-025	NEW-P	05-10-063
246-272A-0410	NEW-S	05-11-109	246-325-020	REP	05-15-157	246-337-025	NEW	05-15-157
246-272A-0410	NEW	05-15-119	246-325-022	REP-P	05-10-063	246-337-030	NEW-P	05-10-063
246-272A-0420	NEW-P	05-02-082	246-325-022	REP	05-15-157	246-337-030	NEW	05-15-157
246-272A-0420	NEW-S	05-11-109	246-325-025	REP-P	05-10-063	246-337-035	NEW-P	05-10-063
246-272A-0420	NEW	05-15-119	246-325-025	REP	05-15-157	246-337-035	NEW	05-15-157
246-272A-0425	NEW-P	05-02-082	246-325-030	REP-P	05-10-063	246-337-040	NEW-P	05-10-063
246-272A-0425	NEW-S	05-11-109	246-325-030	REP	05-15-157	246-337-040	NEW	05-15-157
246-272A-0425	NEW	05-15-119	246-325-035	REP-P	05-10-063	246-337-045	NEW-P	05-10-063
246-272A-0430	NEW-P	05-02-082	246-325-035	REP	05-15-157	246-337-045	NEW	05-15-157
246-272A-0430	NEW-S	05-11-109	246-325-040	REP-P	05-10-063	246-337-050	NEW-P	05-10-063
246-272A-0430	NEW	05-15-119	246-325-040	REP	05-15-157	246-337-050	NEW	05-15-157
246-272A-0440	NEW-P	05-02-082	246-325-045	REP-P	05-10-063	246-337-055	NEW-P	05-10-063
246-272A-0440	NEW-S	05-11-109	246-325-045	REP	05-15-157	246-337-055	NEW	05-15-157
246-272A-0440	NEW	05-15-119	246-325-050	REP-P	05-10-063	246-337-060	NEW-P	05-10-063
246-272A-0450	NEW-P	05-02-082	246-325-050	REP	05-15-157	246-337-060	NEW	05-15-157
246-272A-0450	NEW-S	05-11-109	246-325-060	REP-P	05-10-063	246-337-065	NEW-P	05-10-063
246-272A-0450	NEW	05-15-119	246-325-060	REP	05-15-157	246-337-065	NEW	05-15-157
246-272A-990	NEW-P	05-02-082	246-325-070	REP-P	05-10-063	246-337-070	NEW-P	05-10-063
246-272A-990	NEW-S	05-11-109	246-325-070	REP	05-15-157	246-337-070	NEW	05-15-157
246-272A-990	NEW	05-15-119	246-325-100	REP-P	05-10-063	246-337-075	NEW-P	05-10-063
246-282-990	AMD-P	05-14-158	246-325-100	REP	05-15-157	246-337-075	NEW	05-15-157
246-292-010	AMD	05-06-122	246-325-120	REP-P	05-10-063	246-337-080	NEW-P	05-10-063
246-292-031	NEW	05-06-122	246-325-120	REP	05-15-157	246-337-080	NEW	05-15-157
246-292-085	AMD	05-06-122	246-325-990	REP-P	05-10-063	246-337-085	NEW-P	05-10-063
246-292-090	AMD	05-06-122	246-325-990	REP	05-15-157	246-337-085	NEW	05-15-157

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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
246-337-110	NEW-P	05-10-063	246-812-995	REP-P	05-07-109	246-840-990	PREP-W	05-10-095
246-337-110	NEW	05-15-157	246-812-995	REP	05-12-012	246-840-990	AMD	05-12-012
246-337-115	NEW-P	05-10-063	246-815-990	AMD-P	05-07-109	246-840-990	AMD-P	05-15-115
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
246-337-155	NEW-P	05-10-063	246-824-990	AMD-P	05-07-109	246-851-990	AMD	05-12-012
246-337-155	NEW	05-15-157	246-824-990	AMD	05-12-012	246-853-990	AMD-P	05-07-109
246-337-990	NEW-P	05-10-063	246-824-995	REP-P	05-07-109	246-853-990	AMD	05-12-012
246-337-990	NEW	05-15-157	246-824-995	REP	05-12-012	246-869-095	REP	05-07-108
246-338-010	AMD	05-04-040	246-826-990	AMD-P	05-07-109	246-887-220	NEW-P	05-14-157
246-338-028	AMD	05-04-040	246-826-990	AMD	05-12-012	246-887-230	NEW-P	05-14-157
246-338-040	AMD	05-04-040	246-828-025	PREP	05-13-184	246-887-240	NEW-P	05-14-157
246-338-050	AMD	05-04-040	246-828-045	PREP	05-13-184	246-887-250	NEW-P	05-14-157
246-338-060	AMD	05-04-040	246-828-075	PREP	05-13-184	246-887-260	NEW-P	05-14-157
246-338-070	AMD	05-04-040	246-828-990	AMD-P	05-07-109	246-887-270	NEW-P	05-14-157
246-338-080	AMD	05-04-040	246-828-990	AMD	05-12-012	246-887-280	NEW-P	05-14-157
246-338-090	AMD	05-04-040	246-830-990	AMD-P	05-07-109	246-887-290	NEW-P	05-14-157
246-360-990	AMD	05-05-072	246-830-990	AMD	05-12-012	246-907-030	AMD-P	05-07-109
246-360-990	AMD-P	05-10-064	246-834-250	AMD	05-06-118	246-907-030	AMD	05-12-012
246-360-990	AMD	05-13-189	246-834-990	AMD-P	05-07-109	246-907-995	REP-P	05-07-109
246-380-990	AMD-P	05-10-064	246-834-990	PREP-W	05-10-095	246-907-995	REP	05-12-012
246-380-990	AMD	05-13-189	246-834-990	AMD	05-12-012	246-915-040	AMD	05-06-022
246-562	PREP	05-03-010	246-836	PREP	05-14-152	246-915-050	AMD	05-03-009
246-564-001	NEW-P	05-03-007	246-836	PREP	05-14-155	246-915-100	AMD	05-06-020
246-564-001	NEW	05-10-094	246-836-210	PREP	05-14-153	246-915-105	NEW	05-06-021
246-564-010	NEW-P	05-03-007	246-836-990	AMD-P	05-07-109	246-915-150	REP	05-09-046
246-564-010	NEW	05-10-094	246-836-990	AMD	05-12-012	246-915-170	REP	05-09-046
246-650	PREP	05-06-030	246-840-505	AMD	05-12-058	246-915-180	AMD	05-06-023
246-650-991	AMD-P	05-15-156	246-840-510	AMD	05-12-058	246-915-350	NEW-P	05-03-008
246-790	PREP	05-03-056	246-840-515	NEW	05-12-058	246-915-350	NEW	05-09-003
246-802-060	AMD-P	05-06-120	246-840-520	AMD	05-12-058	246-915-990	AMD-P	05-03-008
246-802-060	AMD	05-13-188	246-840-525	AMD	05-12-058	246-915-990	AMD-P	05-07-109
246-802-130	AMD-P	05-06-120	246-840-530	AMD	05-12-058	246-915-990	AMD	05-09-003
246-802-130	AMD	05-13-188	246-840-535	AMD	05-12-058	246-915-990	AMD	05-12-012
246-802-990	AMD-P	05-07-109	246-840-545	AMD	05-12-058	246-918-990	AMD-P	05-07-109
246-802-990	AMD	05-12-012	246-840-548	NEW	05-12-058	246-918-990	AMD	05-12-012
246-808-135	AMD-P	05-13-186	246-840-550	AMD	05-12-058	246-919-330	AMD	05-07-024
246-808-510	PREP	05-10-062	246-840-555	AMD	05-12-058	246-919-600	REP	05-10-065
246-808-990	AMD-P	05-07-109	246-840-560	AMD	05-12-058	246-919-990	AMD-P	05-07-109
246-808-990	AMD	05-12-012	246-840-565	AMD	05-12-058	246-919-990	AMD	05-12-012
246-809	PREP-W	05-10-095	246-840-570	AMD	05-12-058	246-922-990	AMD-P	05-07-109

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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
246-937-990	AMD-P	05-07-109	251- 01-050	REP	05-12-067	251- 01-190	REP	05-12-067
246-937-990	AMD	05-12-012	251- 01-055	REP-P	05-09-099	251- 01-195	REP-P	05-09-099
246-939-990	AMD-P	05-07-109	251- 01-055	REP	05-12-067	251- 01-195	REP	05-12-067
246-939-990	AMD	05-12-012	251- 01-056	REP-P	05-09-099	251- 01-200	REP-P	05-09-099
246-976-010	PREP	05-14-154	251- 01-056	REP	05-12-067	251- 01-200	REP	05-12-067
246-976-021	PREP	05-14-154	251- 01-057	REP-P	05-09-099	251- 01-201	REP-P	05-09-099
246-976-031	PREP	05-14-154	251- 01-057	REP	05-12-067	251- 01-201	REP	05-12-067
246-976-041	PREP	05-14-154	251- 01-060	REP-P	05-09-099	251- 01-210	REP-P	05-09-099
246-976-141	PREP	05-14-154	251- 01-060	REP	05-12-067	251- 01-210	REP	05-12-067
246-976-151	PREP	05-14-154	251- 01-065	REP-P	05-09-099	251- 01-215	REP-P	05-09-099
246-976-161	PREP	05-14-154	251- 01-065	REP	05-12-067	251- 01-215	REP	05-12-067
246-976-171	PREP	05-14-154	251- 01-070	REP-P	05-09-099	251- 01-220	REP-P	05-09-099
246-976-182	PREP	05-14-154	251- 01-070	REP	05-12-067	251- 01-220	REP	05-12-067
246-976-191	PREP	05-14-154	251- 01-072	REP-P	05-09-099	251- 01-225	REP-P	05-09-099
246-976-260	PREP	05-14-154	251- 01-072	REP	05-12-067	251- 01-225	REP	05-12-067
246-976-270	PREP	05-14-154	251- 01-075	REP-P	05-09-099	251- 01-230	REP-P	05-09-099
246-976-290	PREP	05-14-154	251- 01-075	REP	05-12-067	251- 01-230	REP	05-12-067
246-976-300	PREP	05-14-154	251- 01-077	REP-P	05-09-099	251- 01-235	REP-P	05-09-099
246-976-310	PREP	05-14-154	251- 01-077	REP	05-12-067	251- 01-235	REP	05-12-067
246-976-320	PREP	05-14-154	251- 01-080	REP-P	05-09-099	251- 01-240	REP-P	05-09-099
246-976-330	PREP	05-14-154	251- 01-080	REP	05-12-067	251- 01-240	REP	05-12-067
246-976-340	PREP	05-14-154	251- 01-085	REP-P	05-09-099	251- 01-245	REP-P	05-09-099
246-976-390	PREP	05-14-154	251- 01-085	REP	05-12-067	251- 01-245	REP	05-12-067
246-976-400	PREP	05-14-154	251- 01-100	REP-P	05-09-099	251- 01-250	REP-P	05-09-099
246-976-830	PREP	05-12-015	251- 01-100	REP	05-12-067	251- 01-250	REP	05-12-067
246-976-840	PREP	05-12-015	251- 01-105	REP-P	05-09-099	251- 01-255	REP-P	05-09-099
246-976-850	PREP	05-12-015	251- 01-105	REP	05-12-067	251- 01-255	REP	05-12-067
246-976-860	PREP	05-12-015	251- 01-110	REP-P	05-09-099	251- 01-258	REP-P	05-09-099
246-976-881	PREP	05-12-015	251- 01-110	REP	05-12-067	251- 01-258	REP	05-12-067
246-976-920	PREP	05-14-154	251- 01-115	REP-P	05-09-099	251- 01-260	REP-P	05-09-099
247- 02-050	AMD-X	05-06-045	251- 01-115	REP	05-12-067	251- 01-260	REP	05-12-067
247- 02-050	AMD	05-11-048	251- 01-120	REP-P	05-09-099	251- 01-265	REP-P	05-09-099
250- 83-010	NEW-P	05-05-073	251- 01-120	REP	05-12-067	251- 01-265	REP	05-12-067

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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
251-01-345	REP	05-12-067	251-04-105	REP	05-12-067	251-08-007	REP	05-12-067
251-01-350	REP-P	05-09-099	251-04-110	REP-P	05-09-099	251-08-021	REP-P	05-09-099
251-01-350	REP	05-12-067	251-04-110	REP	05-12-067	251-08-021	REP	05-12-067
251-01-355	REP-P	05-09-099	251-04-160	REP-P	05-09-099	251-08-031	REP-P	05-09-099
251-01-355	REP	05-12-067	251-04-160	REP	05-12-067	251-08-031	REP	05-12-067
251-01-360	REP-P	05-09-099	251-04-170	REP-P	05-09-099	251-08-070	REP-P	05-09-099
251-01-360	REP	05-12-067	251-04-170	REP	05-12-067	251-08-070	REP	05-12-067
251-01-365	REP-P	05-09-099	251-05-010	REP-P	05-09-099	251-08-075	REP-P	05-09-099
251-01-365	REP	05-12-067	251-05-010	REP	05-12-067	251-08-075	REP	05-12-067
251-01-367	REP-P	05-09-099	251-05-030	REP-P	05-09-099	251-08-080	REP-P	05-09-099
251-01-367	REP	05-12-067	251-05-030	REP	05-12-067	251-08-080	REP	05-12-067
251-01-370	REP-P	05-09-099	251-05-040	REP-P	05-09-099	251-08-090	REP-P	05-09-099
251-01-370	REP	05-12-067	251-05-040	REP	05-12-067	251-08-090	REP	05-12-067
251-01-375	REP-P	05-09-099	251-05-050	REP-P	05-09-099	251-08-100	REP-P	05-09-099
251-01-375	REP	05-12-067	251-05-050	REP	05-12-067	251-08-100	REP	05-12-067
251-01-380	REP-P	05-09-099	251-05-060	REP-P	05-09-099	251-08-110	REP-P	05-09-099
251-01-380	REP	05-12-067	251-05-060	REP	05-12-067	251-08-110	REP	05-12-067
251-01-382	REP-P	05-09-099	251-05-070	REP-P	05-09-099	251-08-112	REP-P	05-09-099
251-01-382	REP	05-12-067	251-05-070	REP	05-12-067	251-08-112	REP	05-12-067
251-01-385	REP-P	05-09-099	251-05-080	REP-P	05-09-099	251-08-115	REP-P	05-09-099
251-01-385	REP	05-12-067	251-05-080	REP	05-12-067	251-08-115	REP	05-12-067
251-01-390	REP-P	05-09-099	251-06-010	REP-P	05-09-099	251-08-120	REP-P	05-09-099
251-01-390	REP	05-12-067	251-06-010	REP	05-12-067	251-08-120	REP	05-12-067
251-01-392	REP-P	05-09-099	251-06-020	REP-P	05-09-099	251-08-130	REP-P	05-09-099
251-01-392	REP	05-12-067	251-06-020	REP	05-12-067	251-08-130	REP	05-12-067
251-01-395	REP-P	05-09-099	251-06-030	REP-P	05-09-099	251-08-150	REP-P	05-09-099
251-01-395	REP	05-12-067	251-06-030	REP	05-12-067	251-08-150	REP	05-12-067
251-01-400	REP-P	05-09-099	251-06-050	REP-P	05-09-099	251-08-160	REP-P	05-09-099
251-01-400	REP	05-12-067	251-06-050	REP	05-12-067	251-08-160	REP	05-12-067
251-01-405	REP-P	05-09-099	251-06-060	REP-P	05-09-099	251-09-010	REP-P	05-09-099
251-01-405	REP	05-12-067	251-06-060	REP	05-12-067	251-09-010	REP	05-12-067
251-01-410	REP-P	05-09-099	251-06-065	REP-P	05-09-099	251-09-020	REP-P	05-09-099
251-01-410	REP	05-12-067	251-06-065	REP	05-12-067	251-09-020	REP	05-12-067

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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
251-10-030	REP	05-12-067	251-12-102	REP	05-12-067	251-14-060	REP	05-12-067
251-10-034	REP-P	05-09-099	251-12-103	REP-P	05-09-099	251-14-100	REP-P	05-09-099
251-10-034	REP	05-12-067	251-12-103	REP	05-12-067	251-14-100	REP	05-12-067
251-10-035	REP-P	05-09-099	251-12-104	REP-P	05-09-099	251-14-110	REP-P	05-09-099
251-10-035	REP	05-12-067	251-12-104	REP	05-12-067	251-14-110	REP	05-12-067
251-10-045	REP-P	05-09-099	251-12-105	REP-P	05-09-099	251-14-120	REP-P	05-09-099
251-10-045	REP	05-12-067	251-12-105	REP	05-12-067	251-14-120	REP	05-12-067
251-10-055	REP-P	05-09-099	251-12-106	REP-P	05-09-099	251-14-130	REP-P	05-09-099
251-10-055	REP	05-12-067	251-12-106	REP	05-12-067	251-14-130	REP	05-12-067
251-10-060	REP-P	05-09-099	251-12-110	REP-P	05-09-099	251-17-010	REP-P	05-09-099
251-10-060	REP	05-12-067	251-12-110	REP	05-12-067	251-17-010	REP	05-12-067
251-10-061	REP-P	05-09-099	251-12-120	REP-P	05-09-099	251-17-020	REP-P	05-09-099
251-10-061	REP	05-12-067	251-12-120	REP	05-12-067	251-17-020	REP	05-12-067
251-10-070	REP-P	05-09-099	251-12-140	REP-P	05-09-099	251-17-030	REP-P	05-09-099
251-10-070	REP	05-12-067	251-12-140	REP	05-12-067	251-17-030	REP	05-12-067
251-10-080	REP-P	05-09-099	251-12-170	REP-P	05-09-099	251-17-040	REP-P	05-09-099
251-10-080	REP	05-12-067	251-12-170	REP	05-12-067	251-17-040	REP	05-12-067
251-10-090	REP-P	05-09-099	251-12-180	REP-P	05-09-099	251-17-050	REP-P	05-09-099
251-10-090	REP	05-12-067	251-12-180	REP	05-12-067	251-17-050	REP	05-12-067
251-10-112	REP-P	05-09-099	251-12-190	REP-P	05-09-099	251-17-060	REP-P	05-09-099
251-10-112	REP	05-12-067	251-12-190	REP	05-12-067	251-17-060	REP	05-12-067
251-11-010	REP-P	05-09-099	251-12-200	REP-P	05-09-099	251-17-070	REP-P	05-09-099
251-11-010	REP	05-12-067	251-12-200	REP	05-12-067	251-17-070	REP	05-12-067
251-11-020	REP-P	05-09-099	251-12-210	REP-P	05-09-099	251-17-080	REP-P	05-09-099
251-11-020	REP	05-12-067	251-12-210	REP	05-12-067	251-17-080	REP	05-12-067
251-11-030	REP-P	05-09-099	251-12-220	REP-P	05-09-099	251-17-090	REP-P	05-09-099
251-11-030	REP	05-12-067	251-12-220	REP	05-12-067	251-17-090	REP	05-12-067
251-11-040	REP-P	05-09-099	251-12-230	REP-P	05-09-099	251-17-100	REP-P	05-09-099
251-11-040	REP	05-12-067	251-12-230	REP	05-12-067	251-17-100	REP	05-12-067
251-11-050	REP-P	05-09-099	251-12-231	REP-P	05-09-099	251-17-110	REP-P	05-09-099
251-11-050	REP	05-12-067	251-12-231	REP	05-12-067	251-17-110	REP	05-12-067
251-11-060	REP-P	05-09-099	251-12-232	REP-P	05-09-099	251-17-120	REP-P	05-09-099
251-11-060	REP	05-12-067	251-12-232	REP	05-12-067	251-17-120	REP	05-12-067

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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
251- 18-265	REP	05-12-067	251- 20-060	REP	05-12-067	251- 22-245	REP	05-12-067
251- 18-280	REP-P	05-09-099	251- 22-040	REP-P	05-09-099	251- 22-250	REP-P	05-09-099
251- 18-280	REP	05-12-067	251- 22-040	REP	05-12-067	251- 22-250	REP	05-12-067
251- 18-285	REP-P	05-09-099	251- 22-045	REP-P	05-09-099	251- 22-260	REP-P	05-09-099
251- 18-285	REP	05-12-067	251- 22-045	REP	05-12-067	251- 22-260	REP	05-12-067
251- 19-010	REP-P	05-09-099	251- 22-048	REP-P	05-09-099	251- 22-270	REP-P	05-09-099
251- 19-010	REP	05-12-067	251- 22-048	REP	05-12-067	251- 22-270	REP	05-12-067
251- 19-020	REP-P	05-09-099	251- 22-050	REP-P	05-09-099	251- 22-280	REP-P	05-09-099
251- 19-020	REP	05-12-067	251- 22-050	REP	05-12-067	251- 22-280	REP	05-12-067
251- 19-050	REP-P	05-09-099	251- 22-053	REP-P	05-09-099	251- 22-290	REP-P	05-09-099
251- 19-050	REP	05-12-067	251- 22-053	REP	05-12-067	251- 22-290	REP	05-12-067
251- 19-060	REP-P	05-09-099	251- 22-056	REP-P	05-09-099	251- 22-300	REP-P	05-09-099
251- 19-060	REP	05-12-067	251- 22-056	REP	05-12-067	251- 22-300	REP	05-12-067
251- 19-070	REP-P	05-09-099	251- 22-059	REP-P	05-09-099	251- 23-010	REP-P	05-09-099
251- 19-070	REP	05-12-067	251- 22-059	REP	05-12-067	251- 23-010	REP	05-12-067
251- 19-080	REP-P	05-09-099	251- 22-060	REP-P	05-09-099	251- 23-015	REP-P	05-09-099
251- 19-080	REP	05-12-067	251- 22-060	REP	05-12-067	251- 23-015	REP	05-12-067
251- 19-085	REP-P	05-09-099	251- 22-070	REP-P	05-09-099	251- 23-020	REP-P	05-09-099
251- 19-085	REP	05-12-067	251- 22-070	REP	05-12-067	251- 23-020	REP	05-12-067
251- 19-090	REP-P	05-09-099	251- 22-080	REP-P	05-09-099	251- 23-030	REP-P	05-09-099
251- 19-090	REP	05-12-067	251- 22-080	REP	05-12-067	251- 23-030	REP	05-12-067
251- 19-100	REP-P	05-09-099	251- 22-090	REP-P	05-09-099	251- 23-040	REP-P	05-09-099
251- 19-100	REP	05-12-067	251- 22-090	REP	05-12-067	251- 23-040	REP	05-12-067
251- 19-105	REP-P	05-09-099	251- 22-100	REP-P	05-09-099	251- 23-050	REP-P	05-09-099
251- 19-105	REP	05-12-067	251- 22-100	REP	05-12-067	251- 23-050	REP	05-12-067
251- 19-110	REP-P	05-09-099	251- 22-110	REP-P	05-09-099	251- 23-060	REP-P	05-09-099
251- 19-110	REP	05-12-067	251- 22-110	REP	05-12-067	251- 23-060	REP	05-12-067
251- 19-120	REP-P	05-09-099	251- 22-111	REP-P	05-09-099	251- 24-010	REP-P	05-09-099
251- 19-120	REP	05-12-067	251- 22-111	REP	05-12-067	251- 24-010	REP	05-12-067
251- 19-122	REP-P	05-09-099	251- 22-112	REP-P	05-09-099	251- 24-030	REP-P	05-09-099
251- 19-122	REP	05-12-067	251- 22-112	REP	05-12-067	251- 24-030	REP	05-12-067
251- 19-130	REP-P	05-09-099	251- 22-116	REP-P	05-09-099	251- 24-035	REP-P	05-09-099
251- 19-130	REP	05-12-067	251- 22-116	REP	05-12-067	251- 24-035	REP	05-12-067

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251- 24-050	REP-P	05-09-099	257- 10-360	NEW-P	05-09-126	260- 34-060	AMD	05-07-066
251- 24-050	REP	05-12-067	257- 10-360	NEW	05-14-113	260- 34-070	AMD-P	05-04-085
251- 24-200	REP-P	05-09-099	257- 10-380	NEW-P	05-09-126	260- 34-070	AMD	05-07-066
251- 24-200	REP	05-12-067	257- 10-380	NEW	05-14-113	260- 34-080	AMD-P	05-04-085
251- 25-010	REP-P	05-09-099	257- 10-400	NEW-P	05-09-126	260- 34-080	AMD	05-07-066
251- 25-010	REP	05-12-067	257- 10-400	NEW	05-14-113	260- 34-090	AMD-P	05-04-085
251- 25-020	REP-P	05-09-099	257- 10-420	NEW-P	05-09-126	260- 34-090	AMD	05-07-066
251- 25-020	REP	05-12-067	257- 10-420	NEW	05-14-113	260- 34-090	PREP	05-14-011
251- 25-030	REP-P	05-09-099	260	PREP	05-09-007	260- 34-090	AMD-E	05-15-101
251- 25-030	REP	05-12-067	260- 08-005	AMD	05-05-049	260- 34-100	AMD-P	05-04-085
251- 25-040	REP-P	05-09-099	260- 08-670	REP	05-05-049	260- 34-100	AMD	05-07-066
251- 25-040	REP	05-12-067	260- 08-671	NEW	05-05-049	260- 34-110	REP-P	05-04-085
251- 25-050	REP-P	05-09-099	260- 08-673	NEW	05-05-049	260- 34-110	REP	05-07-066
251- 25-050	REP	05-12-067	260- 08-675	NEW	05-05-049	260- 34-120	REP-P	05-04-085
251- 30-010	REP-P	05-09-099	260- 08-677	NEW	05-05-049	260- 34-120	REP	05-07-066
251- 30-010	REP	05-12-067	260- 08-680	REP	05-05-049	260- 34-130	REP-P	05-04-085
251- 30-020	REP-P	05-09-099	260- 08-690	REP	05-05-049	260- 34-130	REP	05-07-066
251- 30-020	REP	05-12-067	260- 08-700	REP	05-05-049	260- 34-140	REP-P	05-04-085
251- 30-030	REP-P	05-09-099	260- 08-710	REP	05-05-049	260- 34-140	REP	05-07-066
251- 30-030	REP	05-12-067	260- 08-720	REP	05-05-049	260- 34-150	REP-P	05-04-085
251- 30-032	REP-P	05-09-099	260- 08-730	REP	05-05-049	260- 34-150	REP	05-07-066
251- 30-032	REP	05-12-067	260- 08-740	REP	05-05-049	260- 34-160	REP-P	05-04-085
251- 30-034	REP-P	05-09-099	260- 08-750	REP	05-05-049	260- 34-160	REP	05-07-066
251- 30-034	REP	05-12-067	260- 08-760	REP	05-05-049	260- 34-170	REP-P	05-04-085
251- 30-055	REP-P	05-09-099	260- 08-770	REP	05-05-049	260- 34-170	REP	05-07-066
251- 30-055	REP	05-12-067	260- 08-780	REP	05-05-049	260- 34-180	AMD-P	05-04-085
251- 30-057	REP-P	05-09-099	260- 08-790	REP	05-05-049	260- 34-180	AMD	05-07-066
251- 30-057	REP	05-12-067	260- 08-800	REP	05-05-049	260- 34-190	REP-P	05-04-085
257- 10-020	NEW-P	05-09-126	260- 08-810	REP	05-05-049	260- 34-190	REP	05-07-066
257- 10-020	NEW	05-14-113	260- 08-820	REP	05-05-049	260- 36	PREP	05-07-093
257- 10-040	NEW-P	05-09-126	260- 08-830	REP	05-05-049	260- 36-085	AMD-W	05-02-052
257- 10-040	NEW	05-14-113	260- 12-160	REP	05-14-058	260- 36-085	PREP	05-05-011
257- 10-060	NEW-P	05-09-126	260- 12-250	PREP	05-07-094	260- 36-120	AMD	05-05-047
257- 10-060	NEW	05-14-113	260- 12-250	AMD-P	05-13-107	260- 36-180	AMD-P	05-02-078
257- 10-080	NEW-P	05-09-126	260- 20	PREP	05-14-069	260- 36-180	AMD	05-05-043
257- 10-080	NEW	05-14-113	260- 24-500	AMD-P	05-04-084	260- 36-200	AMD-P	05-05-048
257- 10-100	NEW-P	05-09-126	260- 24-500	AMD	05-07-065	260- 36-200	AMD	05-09-045
257- 10-100	NEW	05-14-113	260- 24-510	AMD-P	05-04-084	260- 40	PREP	05-09-006
257- 10-120	NEW-P	05-09-126	260- 24-510	AMD	05-07-065	260- 48-800	PREP	05-15-027
257- 10-120	NEW	05-14-113	260- 28	PREP	05-09-008	260- 48-960	NEW-P	05-16-111
257- 10-140	NEW-P	05-09-126	260- 28-290	NEW-P	05-13-108	260- 49	PREP	05-11-113
257- 10-140	NEW	05-14-113	260- 28-290	NEW-W	05-16-105	260- 49-070	AMD-P	05-16-073
257- 10-160	NEW-P	05-09-126	260- 32-160	PREP	05-09-007	260- 56-030	REP	05-05-044
257- 10-160	NEW	05-14-113	260- 32-160	AMD-P	05-13-109	260- 60-300	AMD-P	05-03-028
257- 10-180	NEW-P	05-09-126	260- 32-160	AMD-W	05-16-106	260- 60-300	AMD	05-07-063
257- 10-180	NEW	05-14-113	260- 34	AMD-P	05-04-085	260- 60-320	REP-P	05-03-028
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260- 70-660	AMD-E	05-07-068	284- 17-222	NEW	05-07-091	284- 17-284	NEW	05-07-091
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260- 70-690	REP	05-07-067	284- 17-232	NEW	05-07-091	284- 17-294	NEW	05-07-091
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308-56A-530	AMD	05-07-152	308-108-140	NEW	05-16-061	314-12-020	AMD	05-07-012
308-63-020	AMD	05-14-093	308-108-150	NEW-W	05-08-106	314-12-025	REP	05-07-012
308-63-030	AMD	05-14-093	308-108-150	NEW-P	05-11-099	314-12-060	REP	05-07-012
308-63-050	AMD	05-14-093	308-108-150	NEW	05-16-061	314-12-080	REP	05-07-012
308-63-060	AMD	05-14-093	308-108-160	NEW-W	05-08-106	314-12-100	REP	05-07-012
308-63-070	AMD	05-14-093	308-108-160	NEW-P	05-11-099	314-12-110	REP	05-07-012
308-63-080	AMD	05-14-093	308-108-160	NEW	05-16-061	314-16-190	REP-P	05-12-141
308-63-090	AMD	05-14-093	308-108-170	NEW-W	05-08-106	314-16-190	REP-C	05-13-111
308-63-100	AMD	05-14-093	308-108-170	NEW-P	05-11-099	314-16-195	AMD-P	05-12-141
308-63-110	AMD	05-14-093	308-108-170	NEW	05-16-061	314-16-196	REP-P	05-12-141
308-63-130	AMD	05-14-093	308-108-180	NEW-W	05-08-106	314-16-196	REP-C	05-13-111
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308-66-155	PREP	05-07-044	308-108-180	NEW	05-16-061	315-06-125	AMD-P	05-12-009
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308-66-160	PREP	05-08-004	308-124A-460	AMD-P	05-09-038	315-10-010	AMD-S	05-08-054
308-66-160	AMD-P	05-13-120	308-124A-460	AMD	05-12-057	315-10-010	AMD	05-11-049
308-66-180	PREP	05-07-071	308-125-200	AMD-P	05-02-095	315-10-020	AMD-P	05-04-079
308-66-190	PREP	05-07-044	308-125-200	AMD	05-05-097	315-10-020	AMD-S	05-08-054
308-90-120	PREP	05-07-070	308-300-110	AMD	05-05-029	315-10-020	AMD	05-11-049
308-93-087	PREP	05-10-067	314-02-010	AMD-P	05-12-141	315-10-022	AMD-P	05-04-079
308-93-089	PREP	05-10-067	314-02-010	AMD-C	05-13-111	315-10-022	AMD-S	05-08-054
308-96A	PREP	05-10-077	314-02-014	NEW-P	05-12-141	315-10-022	AMD	05-11-049
308-96A	PREP	05-11-104	314-02-014	NEW-C	05-13-111	315-10-023	AMD-P	05-04-079
308-96A	PREP	05-11-105	314-02-015	AMD-P	05-12-141	315-10-023	AMD-S	05-08-054
308-96A-026	AMD-X	05-08-096	314-02-015	AMD-C	05-13-111	315-10-023	AMD	05-11-049
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308-96A-077	PREP-W	05-12-124	314-02-020	AMD-C	05-13-111	315-10-024	AMD-S	05-08-054
308-96A-307	PREP-W	05-03-059	314-02-025	AMD-P	05-12-141	315-10-024	AMD	05-11-049
308-96A-311	AMD-P	05-03-105	314-02-025	AMD-C	05-13-111	315-10-030	AMD-P	05-04-079
308-96A-311	AMD	05-07-151	314-02-030	AMD-P	05-12-141	315-10-030	AMD-S	05-08-054
308-96A-314	AMD-P	05-03-105	314-02-030	AMD-C	05-13-111	315-10-030	AMD	05-11-049
308-96A-314	AMD	05-07-151	314-02-033	NEW-P	05-12-141	315-10-035	AMD-P	05-04-079
308-96A-560	PREP	05-13-181	314-02-033	NEW-C	05-13-111	315-10-035	AMD-S	05-08-054
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308-104-014	AMD	05-15-064	314-02-035	AMD-C	05-13-111	315-10-040	AMD-P	05-04-079
308-108	PREP	05-07-128	314-02-045	AMD-P	05-12-141	315-10-040	AMD-S	05-08-054
308-108-010	NEW-W	05-08-106	314-02-045	AMD-C	05-13-111	315-10-040	AMD	05-11-049
308-108-010	NEW-P	05-11-099	314-02-050	REP-P	05-12-141	315-10-040	AMD	05-11-049
308-108-010	NEW	05-16-061	314-02-050	REP-C	05-13-111	315-10-055	AMD-P	05-04-079
308-108-020	NEW-W	05-08-106	314-02-055	AMD-P	05-12-141	315-10-055	AMD-S	05-08-054
308-108-020	NEW-P	05-11-099	314-02-055	AMD-C	05-13-111	315-10-055	AMD	05-11-049
308-108-020	NEW	05-16-061	314-02-095	AMD-P	05-12-141	315-10-070	AMD-P	05-04-079
308-108-080	NEW-W	05-08-106	314-07-005	NEW	05-07-012	315-10-070	AMD-S	05-08-054
308-108-080	NEW-P	05-11-099	314-07-010	NEW	05-07-012	315-10-070	AMD	05-11-049
308-108-080	NEW	05-16-061	314-07-015	NEW	05-07-012	315-10-075	AMD-P	05-04-079
308-108-090	NEW-W	05-08-106	314-07-020	NEW	05-07-012	315-10-075	AMD-S	05-08-054
308-108-090	NEW-P	05-11-099	314-07-035	NEW	05-07-012	315-10-075	AMD	05-11-049
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308-108-100	AMD-P	05-11-099	314-07-055	NEW	05-07-012	315-33A-010	AMD	05-07-100
308-108-100	AMD	05-16-061	314-07-065	NEW	05-07-012	315-33A-020	AMD-E	05-04-019
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308-108-110	NEW-P	05-11-099	314-07-080	NEW	05-07-012	315-33A-020	AMD	05-07-100
308-108-110	NEW	05-16-061	314-07-085	NEW	05-07-012	315-33A-030	AMD-E	05-04-019
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315- 33A-060	AMD-P	05-04-080	315- 36-120	REP-X	05-05-059	316- 85-080	AMD-X	05-14-051
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315- 34-020	AMD-P	05-04-081	315- 37-040	REP-X	05-03-060	332-120-040	AMD	05-13-104
315- 34-020	AMD-C	05-08-095	315- 37-040	REP-P	05-16-069	332-130	PREP	05-02-073
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315- 34-030	AMD-E	05-04-010	315- 37-050	REP-P	05-16-069	332-130-020	AMD	05-13-104
315- 34-030	AMD-P	05-04-081	315- 37-060	REP-X	05-03-060	332-130-060	AMD-P	05-08-067
315- 34-030	AMD-C	05-08-095	315- 37-060	REP-P	05-16-069	332-130-060	AMD	05-13-104
315- 34-030	AMD	05-12-005	315- 37-070	REP-X	05-03-060	332-130-070	AMD-P	05-08-067
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315- 34-070	REP	05-12-005	315- 38-100	AMD	05-11-050	356- 05-015	REP-P	05-09-100
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356-05-065	REP-P	05-09-100	356-05-200	REP-P	05-09-100	356-05-353	REP-P	05-09-100
356-05-065	REP	05-12-066	356-05-200	REP	05-12-066	356-05-353	REP	05-12-066
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356-05-070	REP	05-12-066	356-05-205	REP	05-12-066	356-05-355	REP	05-12-066
356-05-072	REP-P	05-09-100	356-05-207	REP-P	05-09-100	356-05-358	REP-P	05-09-100
356-05-072	REP	05-12-066	356-05-207	REP	05-12-066	356-05-358	REP	05-12-066
356-05-075	REP-P	05-09-100	356-05-210	REP-P	05-09-100	356-05-360	REP-P	05-09-100
356-05-075	REP	05-12-066	356-05-210	REP	05-12-066	356-05-360	REP	05-12-066
356-05-080	REP-P	05-09-100	356-05-211	REP-P	05-09-100	356-05-365	REP-P	05-09-100
356-05-080	REP	05-12-066	356-05-211	REP	05-12-066	356-05-365	REP	05-12-066
356-05-085	REP-P	05-09-100	356-05-215	REP-P	05-09-100	356-05-370	REP-P	05-09-100
356-05-085	REP	05-12-066	356-05-215	REP	05-12-066	356-05-370	REP	05-12-066
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356-05-090	REP	05-12-066	356-05-220	REP	05-12-066	356-05-375	REP	05-12-066
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356-05-095	REP	05-12-066	356-05-225	REP	05-12-066	356-05-380	REP	05-12-066
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356-05-100	REP	05-12-066	356-05-230	REP	05-12-066	356-05-385	REP	05-12-066
356-05-105	REP-P	05-09-100	356-05-231	REP-P	05-09-100	356-05-387	REP-P	05-09-100
356-05-105	REP	05-12-066	356-05-231	REP	05-12-066	356-05-387	REP	05-12-066
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356-05-115	REP	05-12-066	356-05-234	REP	05-12-066	356-05-390	REP	05-12-066
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356-05-120	REP	05-12-066	356-05-235	REP	05-12-066	356-05-395	REP	05-12-066
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356-05-125	REP	05-12-066	356-05-237	REP	05-12-066	356-05-397	REP	05-12-066
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356-05-128	REP	05-12-066	356-05-238	REP	05-12-066	356-05-400	REP	05-12-066
356-05-130	REP-P	05-09-100	356-05-240	REP-P	05-09-100	356-05-405	REP-P	05-09-100
356-05-130	REP	05-12-066	356-05-240	REP	05-12-066	356-05-405	REP	05-12-066
356-05-135	REP-P	05-09-100	356-05-245	REP-P	05-09-100	356-05-410	REP-P	05-09-100
356-05-135	REP	05-12-066	356-05-245	REP	05-12-066	356-05-410	REP	05-12-066
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356-05-140	REP	05-12-066	356-05-250	REP	05-12-066	356-05-415	REP	05-12-066
356-05-145	REP-P	05-09-100	356-05-260	REP-P	05-09-100	356-05-420	REP-P	05-09-100
356-05-145	REP	05-12-066	356-05-260	REP	05-12-066	356-05-420	REP	05-12-066
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356-05-150	REP	05-12-066	356-05-305	REP	05-12-066	356-05-430	REP	05-12-066
356-05-155	REP-P	05-09-100	356-05-310	REP-P	05-09-100	356-05-435	REP-P	05-09-100
356-05-155	REP	05-12-066	356-05-310	REP	05-12-066	356-05-435	REP	05-12-066
356-05-160	REP-P	05-09-100	356-05-315	REP-P	05-09-100	356-05-440	REP-P	05-09-100
356-05-160	REP	05-12-066	356-05-315	REP	05-12-066	356-05-440	REP	05-12-066
356-05-165	REP-P	05-09-100	356-05-320	REP-P	05-09-100	356-05-445	REP-P	05-09-100
356-05-165	REP	05-12-066	356-05-320	REP	05-12-066	356-05-445	REP	05-12-066
356-05-170	REP-P	05-09-100	356-05-325	REP-P	05-09-100	356-05-447	REP-P	05-09-100
356-05-170	REP	05-12-066	356-05-325	REP	05-12-066	356-05-447	REP	05-12-066
356-05-173	REP-P	05-09-100	356-05-332	REP-P	05-09-100	356-05-450	REP-P	05-09-100
356-05-173	REP	05-12-066	356-05-332	REP	05-12-066	356-05-450	REP	05-12-066
356-05-175	REP-P	05-09-100	356-05-333	REP-P	05-09-100	356-05-456	REP-P	05-09-100
356-05-175	REP	05-12-066	356-05-333	REP	05-12-066	356-05-456	REP	05-12-066
356-05-178	REP-P	05-09-100	356-05-335	REP-P	05-09-100	356-05-460	REP-P	05-09-100
356-05-178	REP	05-12-066	356-05-335	REP	05-12-066	356-05-460	REP	05-12-066
356-05-185	REP-P	05-09-100	356-05-340	REP-P	05-09-100	356-05-461	REP-P	05-09-100
356-05-185	REP	05-12-066	356-05-340	REP	05-12-066	356-05-461	REP	05-12-066
356-05-195	REP-P	05-09-100	356-05-345	REP-P	05-09-100	356-05-465	REP-P	05-09-100
356-05-195	REP	05-12-066	356-05-345	REP	05-12-066	356-05-465	REP	05-12-066

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
356-05-470	REP-P	05-09-100	356-09-010	REP-P	05-09-100	356-14-150	REP-P	05-09-100
356-05-470	REP	05-12-066	356-09-010	REP	05-12-066	356-14-150	REP	05-12-066
356-05-475	REP-P	05-09-100	356-09-020	REP-P	05-09-100	356-14-160	REP-P	05-09-100
356-05-475	REP	05-12-066	356-09-020	REP	05-12-066	356-14-160	REP	05-12-066
356-05-477	REP-P	05-09-100	356-09-030	REP-P	05-09-100	356-14-170	REP-P	05-09-100
356-05-477	REP	05-12-066	356-09-030	REP	05-12-066	356-14-170	REP	05-12-066
356-05-479	REP-P	05-09-100	356-09-040	REP-P	05-09-100	356-14-180	REP-P	05-09-100
356-05-479	REP	05-12-066	356-09-040	REP	05-12-066	356-14-180	REP	05-12-066
356-05-480	REP-P	05-09-100	356-09-050	REP-P	05-09-100	356-14-190	REP-P	05-09-100
356-05-480	REP	05-12-066	356-09-050	REP	05-12-066	356-14-190	REP	05-12-066
356-05-485	REP-P	05-09-100	356-10-010	REP-P	05-09-100	356-14-200	REP-P	05-09-100
356-05-485	REP	05-12-066	356-10-010	REP	05-12-066	356-14-200	REP	05-12-066
356-05-490	REP-P	05-09-100	356-10-020	REP-P	05-09-100	356-14-210	REP-P	05-09-100
356-05-490	REP	05-12-066	356-10-020	REP	05-12-066	356-14-210	REP	05-12-066
356-05-493	REP-P	05-09-100	356-10-030	REP-P	05-09-100	356-14-220	REP-P	05-09-100
356-05-493	REP	05-12-066	356-10-030	REP	05-12-066	356-14-220	REP	05-12-066
356-05-495	REP-P	05-09-100	356-10-040	REP-P	05-09-100	356-14-230	REP-P	05-09-100
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	356-14-090	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	356-14-100	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

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
356-15-130	REP-P	05-09-100	356-22-040	REP-P	05-09-100	356-26-080	REP-P	05-09-100
356-15-130	REP	05-12-066	356-22-040	REP	05-12-066	356-26-080	REP	05-12-066
356-15-140	REP-P	05-09-100	356-22-050	REP-P	05-09-100	356-26-090	REP-P	05-09-100
356-15-140	REP	05-12-066	356-22-050	REP	05-12-066	356-26-090	REP	05-12-066
356-18-020	REP-P	05-09-100	356-22-060	REP-P	05-09-100	356-26-100	REP-P	05-09-100
356-18-020	REP	05-12-066	356-22-060	REP	05-12-066	356-26-100	REP	05-12-066
356-18-025	REP-P	05-09-100	356-22-070	REP-P	05-09-100	356-26-110	REP-P	05-09-100
356-18-025	REP	05-12-066	356-22-070	REP	05-12-066	356-26-110	REP	05-12-066
356-18-030	REP-P	05-09-100	356-22-080	REP-P	05-09-100	356-26-120	REP-P	05-09-100
356-18-030	REP	05-12-066	356-22-080	REP	05-12-066	356-26-120	REP	05-12-066
356-18-040	REP-P	05-09-100	356-22-090	REP-P	05-09-100	356-26-130	REP-P	05-09-100
356-18-040	REP	05-12-066	356-22-090	REP	05-12-066	356-26-130	REP	05-12-066
356-18-050	REP-P	05-09-100	356-22-100	REP-P	05-09-100	356-26-140	REP-P	05-09-100
356-18-050	REP	05-12-066	356-22-100	REP	05-12-066	356-26-140	REP	05-12-066
356-18-060	REP-P	05-09-100	356-22-111	REP-P	05-09-100	356-30-005	REP-P	05-09-100
356-18-060	REP	05-12-066	356-22-111	REP	05-12-066	356-30-005	REP	05-12-066
356-18-070	REP-P	05-09-100	356-22-120	REP-P	05-09-100	356-30-007	REP-P	05-09-100
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

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
356-30-190	REP-P	05-09-100	356-34-080	REP-P	05-09-100	356-39-100	REP-P	05-09-100
356-30-190	REP	05-12-066	356-34-080	REP	05-12-066	356-39-100	REP	05-12-066
356-30-200	REP-P	05-09-100	356-34-090	REP-P	05-09-100	356-39-110	REP-P	05-09-100
356-30-200	REP	05-12-066	356-34-090	REP	05-12-066	356-39-110	REP	05-12-066
356-30-210	REP-P	05-09-100	356-34-100	REP-P	05-09-100	356-39-120	REP-P	05-09-100
356-30-210	REP	05-12-066	356-34-100	REP	05-12-066	356-39-120	REP	05-12-066
356-30-220	REP-P	05-09-100	356-34-260	REP-P	05-09-100	356-39-130	REP-P	05-09-100
356-30-220	REP	05-12-066	356-34-260	REP	05-12-066	356-39-130	REP	05-12-066
356-30-230	REP-P	05-09-100	356-35-010	REP-P	05-09-100	356-39-140	REP-P	05-09-100
356-30-230	REP	05-12-066	356-35-010	REP	05-12-066	356-39-140	REP	05-12-066
356-30-240	REP-P	05-09-100	356-37-010	REP-P	05-09-100	356-42-010	REP-P	05-09-100
356-30-240	REP	05-12-066	356-37-010	REP	05-12-066	356-42-010	REP	05-12-066
356-30-250	REP-P	05-09-100	356-37-020	REP-P	05-09-100	356-42-042	REP-P	05-09-100
356-30-250	REP	05-12-066	356-37-020	REP	05-12-066	356-42-042	REP	05-12-066
356-30-255	REP-P	05-09-100	356-37-030	REP-P	05-09-100	356-42-043	REP-P	05-09-100
356-30-255	REP	05-12-066	356-37-030	REP	05-12-066	356-42-043	REP	05-12-066
356-30-260	REP-P	05-09-100	356-37-040	REP-P	05-09-100	356-42-045	REP-P	05-09-100
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



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356-46-145	REP	05-12-066	356-56-220	REP	05-12-066	357-01-228	NEW-P	05-09-120
356-46-150	REP-P	05-09-100	356-56-230	REP-P	05-09-100	357-01-228	NEW	05-12-093
356-46-150	REP	05-12-066	356-56-230	REP	05-12-066	357-01-229	NEW-P	05-09-120
356-48-010	REP-P	05-09-100	356-56-255	REP-P	05-09-100	357-01-229	NEW	05-12-093
356-48-010	REP	05-12-066	356-56-255	REP	05-12-066	357-01-255	NEW-W	05-02-061
356-48-020	REP-P	05-09-100	356-56-400	REP-P	05-09-100	357-01-301	NEW	05-08-134
356-48-020	REP	05-12-066	356-56-400	REP	05-12-066	357-01-301	AMD-P	05-09-119
356-48-030	REP-P	05-09-100	356-56-410	REP-P	05-09-100	357-01-301	AMD	05-12-092
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356-48-040	REP-P	05-09-100	356-56-420	REP-P	05-09-100	357-01-348	NEW	05-12-093
356-48-040	REP	05-12-066	356-56-420	REP	05-12-066	357-01-360	NEW-P	05-09-118
356-48-050	REP-P	05-09-100	356-56-440	REP-P	05-09-100	357-01-360	NEW	05-12-091
356-48-050	REP	05-12-066	356-56-440	REP	05-12-066	357-01-365	NEW-P	05-09-118
356-48-060	REP-P	05-09-100	356-56-500	REP-P	05-09-100	357-01-365	NEW	05-12-091
356-48-060	REP	05-12-066	356-56-500	REP	05-12-066	357-04-105	AMD-P	05-09-103
356-49-010	REP-P	05-09-100	356-56-550	REP-P	05-09-100	357-04-105	AMD	05-12-079
356-49-010	REP	05-12-066	356-56-550	REP	05-12-066	357-13-090	AMD-P	05-09-105
356-49-020	REP-P	05-09-100	356-56-600	REP-P	05-09-100	357-13-090	AMD	05-12-088
356-49-020	REP	05-12-066	356-56-600	REP	05-12-066	357-16-110	AMD-P	05-08-131
356-49-030	REP-P	05-09-100	356-56-610	REP-P	05-09-100	357-16-110	AMD	05-12-077
356-49-030	REP	05-12-066	356-56-610	REP	05-12-066	357-16-130	AMD-P	05-09-109
356-49-040	REP-P	05-09-100	356-56-630	REP-P	05-09-100	357-16-130	AMD	05-12-083
356-49-040	REP	05-12-066	356-56-630	REP	05-12-066	357-16-135	AMD-P	05-12-127
356-56-001	REP-P	05-09-100	356-56-650	REP-P	05-09-100	357-16-135	AMD	05-16-043
356-56-001	REP	05-12-066	356-56-650	REP	05-12-066	357-19-025	AMD-P	05-08-131
356-56-002	REP-P	05-09-100	356-56-660	REP-P	05-09-100	357-19-025	AMD	05-12-077
356-56-002	REP	05-12-066	356-56-660	REP	05-12-066	357-19-030	AMD-P	05-16-090
356-56-010	REP-P	05-09-100	356-60-010	REP-P	05-09-100	357-19-035	NEW-P	05-16-090
356-56-010	REP	05-12-066	356-60-010	REP	05-12-066	357-19-080	AMD-P	05-08-131
356-56-015	REP-P	05-09-100	356-60-020	REP-P	05-09-100	357-19-080	AMD	05-12-077
356-56-015	REP	05-12-066	356-60-020	REP	05-12-066	357-19-090	AMD-P	05-16-090
356-56-020	REP-P	05-09-100	356-60-030	REP-P	05-09-100	357-19-115	AMD-P	05-08-131
356-56-020	REP	05-12-066	356-60-030	REP	05-12-066	357-19-115	AMD	05-12-077
356-56-030	REP-P	05-09-100	356-60-032	REP-P	05-09-100	357-19-125	NEW-P	05-09-116
356-56-030	REP	05-12-066	356-60-032	REP	05-12-066	357-19-125	NEW	05-12-089
356-56-035	REP-P	05-09-100	356-60-034	REP-P	05-09-100	357-19-181	NEW-P	05-09-111
356-56-035	REP	05-12-066	356-60-034	REP	05-12-066	357-19-181	NEW	05-12-085
356-56-050	REP-P	05-09-100	356-60-055	REP-P	05-09-100	357-19-181	AMD-P	05-16-090
356-56-050	REP	05-12-066	356-60-055	REP	05-12-066	357-19-183	NEW-P	05-08-126
356-56-070	REP-P	05-09-100	356-60-057	REP-P	05-09-100	357-19-183	NEW-C	05-09-107
356-56-070	REP	05-12-066	356-60-057	REP	05-12-066	357-19-183	NEW	05-12-097
356-56-100	REP-P	05-09-100	357-01-022	NEW-P	05-09-120	357-19-184	NEW-P	05-08-126
356-56-100	REP	05-12-066	357-01-022	NEW	05-12-093	357-19-184	NEW-C	05-09-107
356-56-105	REP-P	05-09-100	357-01-023	NEW-P	05-09-120	357-19-184	NEW	05-12-097
356-56-105	REP	05-12-066	357-01-023	NEW	05-12-093	357-19-185	NEW-P	05-08-126
356-56-115	REP-P	05-09-100	357-01-072	NEW-P	05-09-120	357-19-185	NEW-C	05-09-107
356-56-115	REP	05-12-066	357-01-072	NEW	05-12-093	357-19-185	NEW	05-12-097
356-56-118	REP-P	05-09-100	357-01-115	AMD-P	05-16-036	357-19-186	NEW-P	05-08-126
356-56-118	REP	05-12-066	357-01-138	NEW-P	05-09-120	357-19-186	NEW-C	05-09-107
356-56-120	REP-P	05-09-100	357-01-138	NEW	05-12-093	357-19-186	NEW	05-12-097
356-56-120	REP	05-12-066	357-01-172	NEW-P	05-09-120	357-19-187	NEW-P	05-08-126
356-56-200	REP-P	05-09-100	357-01-172	NEW	05-12-093	357-19-187	NEW-C	05-09-107
356-56-200	REP	05-12-066	357-01-173	NEW-P	05-08-128	357-19-187	NEW	05-12-097
356-56-203	REP-P	05-09-100	357-01-173	NEW	05-12-074	357-19-188	NEW-P	05-08-126
356-56-203	REP	05-12-066	357-01-174	NEW-P	05-09-120	357-19-188	NEW-C	05-09-107
356-56-205	REP-P	05-09-100	357-01-174	NEW	05-12-093	357-19-188	NEW	05-12-097
356-56-205	REP	05-12-066	357-01-182	NEW-P	05-09-120	357-19-189	NEW-P	05-08-126
356-56-210	REP-P	05-09-100	357-01-182	NEW	05-12-093	357-19-189	NEW-C	05-09-107
356-56-210	REP	05-12-066	357-01-202	NEW-P	05-09-120	357-19-189	NEW	05-12-097
356-56-215	REP-P	05-09-100	357-01-202	NEW	05-12-093	357-19-190	REP-P	05-09-111
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357- 19-191	NEW	05-12-097	357- 31-140	NEW	05-08-136	357- 31-425	NEW	05-08-139
357- 19-300	NEW-P	05-08-130	357- 31-145	NEW	05-08-136	357- 31-430	NEW	05-08-139
357- 19-300	NEW	05-12-076	357- 31-150	NEW	05-08-136	357- 31-435	NEW	05-08-139
357- 19-301	NEW-P	05-08-130	357- 31-155	NEW	05-08-136	357- 31-440	NEW	05-08-139
357- 19-301	NEW	05-12-076	357- 31-160	NEW	05-08-136	357- 31-445	NEW	05-08-139
357- 19-302	NEW-P	05-08-130	357- 31-165	NEW	05-08-137	357- 31-450	NEW	05-08-139
357- 19-302	NEW	05-12-076	357- 31-165	AMD-P	05-09-104	357- 31-455	NEW	05-08-139
357- 19-303	NEW-P	05-08-130	357- 31-165	AMD	05-12-080	357- 31-460	NEW	05-08-140
357- 19-303	NEW	05-12-076	357- 31-170	NEW	05-08-137	357- 31-465	NEW	05-08-140
357- 19-350	NEW-P	05-09-114	357- 31-175	NEW	05-08-137	357- 31-470	NEW	05-08-140
357- 19-350	NEW	05-12-094	357- 31-180	NEW	05-08-137	357- 31-475	NEW	05-08-140
357- 19-353	NEW-P	05-09-114	357- 31-185	NEW	05-08-137	357- 31-480	NEW	05-08-140
357- 19-353	NEW	05-12-094	357- 31-190	NEW	05-08-137	357- 31-485	NEW	05-08-140
357- 19-375	AMD-P	05-08-130	357- 31-195	NEW	05-08-137	357- 31-490	NEW	05-08-140
357- 19-375	AMD	05-12-076	357- 31-200	NEW	05-08-137	357- 31-495	NEW	05-08-140
357- 19-388	AMD-P	05-08-131	357- 31-205	NEW	05-08-137	357- 31-500	NEW	05-08-140
357- 19-388	AMD	05-12-077	357- 31-210	NEW	05-08-137	357- 31-505	NEW	05-08-140
357- 19-395	AMD-P	05-09-115	357- 31-215	NEW	05-08-137	357- 31-510	NEW	05-08-140
357- 19-395	AMD	05-12-095	357- 31-220	NEW	05-08-137	357- 31-515	NEW	05-08-140
357- 19-475	AMD-P	05-08-131	357- 31-225	NEW	05-08-137	357- 31-520	NEW	05-08-140
357- 19-475	AMD	05-12-077	357- 31-230	NEW	05-08-137	357- 31-525	NEW	05-08-140
357- 28-035	AMD-P	05-12-125	357- 31-235	NEW	05-08-137	357- 31-525	AMD-P	05-09-112
357- 28-035	AMD	05-16-041	357- 31-240	NEW	05-08-137	357- 31-525	AMD	05-12-086
357- 28-070	AMD-P	05-08-131	357- 31-245	NEW	05-08-137	357- 31-530	NEW	05-08-140
357- 28-070	AMD	05-12-077	357- 31-250	NEW	05-08-137	357- 31-530	AMD-P	05-09-117
357- 28-165	AMD-P	05-08-131	357- 31-255	NEW	05-08-137	357- 31-530	AMD	05-12-090
357- 28-165	AMD	05-12-077	357- 31-260	NEW	05-08-137	357- 31-535	NEW	05-08-140
357- 28-200	AMD-P	05-09-110	357- 31-265	NEW	05-08-137	357- 31-540	NEW	05-08-140
357- 28-200	AMD	05-12-084	357- 31-270	NEW	05-08-137	357- 31-545	NEW	05-08-140
357- 28-300	AMD-P	05-08-131	357- 31-275	NEW	05-08-137	357- 31-550	NEW	05-08-140
357- 28-300	AMD	05-12-077	357- 31-280	NEW	05-08-137	357- 31-555	NEW	05-08-140
357- 31-001	NEW	05-08-136	357- 31-285	NEW	05-08-137	357- 31-560	NEW	05-08-140
357- 31-001	REP-P	05-09-120	357- 31-290	NEW	05-08-137	357- 31-565	NEW	05-08-140
357- 31-001	REP	05-12-093	357- 31-295	NEW	05-08-137	357- 37-200	NEW-C	05-09-101
357- 31-005	NEW	05-08-136	357- 31-300	NEW	05-08-137	357- 37-200	NEW	05-12-096
357- 31-010	NEW	05-08-136	357- 31-305	NEW	05-08-137	357- 40-050	NEW-P	05-09-103
357- 31-015	NEW	05-08-136	357- 31-310	NEW	05-08-138	357- 40-050	NEW	05-12-079
357- 31-020	NEW	05-08-136	357- 31-315	NEW	05-08-138	357- 43-008	NEW-W	05-09-053
357- 31-025	NEW	05-08-136	357- 31-320	NEW	05-08-138	357- 43-008	NEW-P	05-16-040
357- 31-030	NEW	05-08-136	357- 31-325	NEW	05-08-138	357- 43-045	NEW-W	05-02-062
357- 31-035	NEW	05-08-136	357- 31-330	NEW	05-08-138	357- 43-120	NEW-P	05-16-038
357- 31-040	NEW	05-08-136	357- 31-335	NEW	05-08-138	357- 46-010	AMD-W	05-09-054
357- 31-045	NEW	05-08-136	357- 31-340	NEW	05-08-138	357- 46-010	AMD-P	05-16-039
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357- 31-055	NEW	05-08-136	357- 31-346	NEW-P	05-09-108	357- 46-012	NEW-P	05-16-039
357- 31-060	NEW	05-08-136	357- 31-346	NEW	05-12-081	357- 46-050	AMD-P	05-09-110
357- 31-065	NEW	05-08-136	357- 31-347	NEW-P	05-09-108	357- 46-050	AMD	05-12-084
357- 31-070	NEW	05-08-136	357- 31-347	NEW	05-12-081	357- 46-053	NEW-P	05-08-129
357- 31-075	NEW	05-08-136	357- 31-350	NEW	05-08-138	357- 46-053	NEW	05-12-075
357- 31-080	NEW	05-08-136	357- 31-355	NEW	05-08-138	357- 46-055	NEW	05-08-135
357- 31-090	NEW	05-08-136	357- 31-360	NEW	05-08-138	357- 46-056	NEW	05-08-135
357- 31-095	NEW	05-08-136	357- 31-370	NEW	05-08-138	357- 46-057	NEW-P	05-08-127
357- 31-095	AMD-P	05-12-128	357- 31-375	NEW	05-08-138	357- 46-057	NEW	05-12-073
357- 31-095	AMD	05-16-044	357- 31-380	NEW	05-08-139	357- 46-058	NEW-P	05-08-127
357- 31-100	NEW	05-08-136	357- 31-385	NEW-W	05-08-125	357- 46-058	NEW	05-12-073
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357- 31-110	NEW	05-08-136	357- 31-395	NEW	05-08-139	357- 46-060	AMD	05-12-077
357- 31-115	NEW	05-08-136	357- 31-400	NEW	05-08-139	357- 46-063	NEW-P	05-08-128
357- 31-120	NEW	05-08-136	357- 31-405	NEW	05-08-139	357- 46-063	NEW	05-12-074
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357-46-065	NEW	05-12-074	357-55-285	NEW	05-08-133	357-58-110	NEW-P	05-04-087
357-46-066	NEW-P	05-08-128	357-55-310	NEW	05-08-133	357-58-110	NEW	05-12-068
357-46-066	NEW	05-12-074	357-55-320	NEW	05-08-133	357-58-115	NEW-P	05-04-087
357-46-067	NEW-P	05-08-128	357-55-330	NEW	05-08-133	357-58-115	NEW	05-12-068
357-46-067	NEW	05-12-074	357-55-410	NEW	05-08-133	357-58-120	NEW-P	05-04-088
357-46-068	NEW-P	05-08-128	357-55-415	NEW	05-08-133	357-58-120	NEW	05-12-069
357-46-068	NEW	05-12-074	357-55-420	NEW	05-08-133	357-58-125	NEW-P	05-04-088
357-46-095	AMD-P	05-08-131	357-55-425	NEW	05-08-133	357-58-125	NEW	05-12-069
357-46-095	AMD	05-12-077	357-55-430	NEW	05-08-133	357-58-130	NEW-P	05-04-088
357-46-100	AMD-P	05-16-037	357-55-510	NEW	05-08-133	357-58-130	NEW	05-12-069
357-46-110	AMD-P	05-08-131	357-55-515	NEW	05-08-133	357-58-135	NEW-P	05-04-088
357-46-110	AMD	05-12-077	357-55-520	NEW	05-08-133	357-58-135	NEW	05-12-069
357-46-125	AMD-P	05-09-102	357-55-610	NEW	05-08-133	357-58-140	NEW-P	05-04-088
357-46-125	AMD	05-12-078	357-55-615	NEW	05-08-133	357-58-140	NEW	05-12-069
357-46-145	AMD-P	05-12-126	357-55-620	NEW	05-08-133	357-58-145	NEW-P	05-04-088
357-46-145	AMD	05-16-042	357-55-625	NEW	05-08-133	357-58-145	NEW	05-12-069
357-46-170	AMD-P	05-16-089	357-55-630	NEW	05-08-133	357-58-150	NEW-P	05-04-088
357-46-200	AMD-P	05-16-089	357-55-635	NEW	05-08-133	357-58-150	NEW	05-12-069
357-46-215	AMD-P	05-16-091	357-55-640	NEW	05-08-133	357-58-155	NEW-P	05-04-088
357-46-220	AMD-P	05-16-091	357-55-645	NEW	05-08-133	357-58-155	NEW	05-12-069
357-46-222	NEW-P	05-16-091	357-58-005	NEW-P	05-04-087	357-58-160	NEW-P	05-04-088
357-46-225	AMD-P	05-16-091	357-58-005	NEW	05-12-068	357-58-160	NEW	05-12-069
357-49-010	AMD-P	05-09-106	357-58-010	NEW-P	05-04-087	357-58-165	NEW-P	05-04-088
357-49-010	AMD	05-12-082	357-58-010	NEW	05-12-068	357-58-165	NEW	05-12-069
357-49-010	AMD-E	05-16-067	357-58-015	NEW-P	05-04-087	357-58-170	NEW-P	05-04-088
357-49-010	AMD-P	05-16-092	357-58-015	NEW	05-12-068	357-58-170	NEW	05-12-069
357-49-017	NEW-E	05-16-067	357-58-020	NEW-P	05-04-087	357-58-175	NEW-P	05-04-088
357-49-017	NEW-P	05-16-092	357-58-020	NEW	05-12-068	357-58-175	NEW	05-12-069
357-49-018	NEW-E	05-16-067	357-58-025	NEW-P	05-04-087	357-58-180	NEW-P	05-04-088
357-49-018	NEW-P	05-16-092	357-58-025	NEW	05-12-068	357-58-180	NEW	05-12-069
357-49-019	NEW-P	05-16-092	357-58-030	NEW-P	05-04-087	357-58-185	NEW-P	05-04-088
357-49-022	NEW-P	05-16-092	357-58-030	NEW	05-12-068	357-58-185	NEW	05-12-069
357-49-025	NEW-P	05-16-092	357-58-035	NEW-P	05-04-087	357-58-190	NEW-P	05-04-088
357-49-035	NEW-P	05-16-092	357-58-035	NEW	05-12-068	357-58-190	NEW	05-12-069
357-52-010	AMD-E	05-16-067	357-58-040	NEW-P	05-04-087	357-58-195	NEW-P	05-04-088
357-52-010	AMD-P	05-16-092	357-58-040	NEW	05-12-068	357-58-195	NEW	05-12-069
357-52-190	AMD-P	05-16-092	357-58-045	NEW-P	05-04-087	357-58-200	NEW-P	05-04-088
357-52-193	NEW-P	05-16-092	357-58-045	NEW	05-12-068	357-58-200	NEW	05-12-069
357-52-207	NEW-P	05-09-113	357-58-050	NEW-P	05-04-087	357-58-205	NEW-P	05-04-088
357-52-207	NEW	05-12-087	357-58-050	NEW	05-12-068	357-58-205	NEW	05-12-069
357-52-208	NEW-P	05-09-113	357-58-055	NEW-P	05-04-087	357-58-210	NEW-P	05-04-088
357-52-208	NEW	05-12-087	357-58-055	NEW	05-12-068	357-58-210	NEW	05-12-069
357-55-010	NEW	05-08-132	357-58-060	NEW-P	05-04-087	357-58-215	NEW-P	05-04-088
357-55-020	NEW	05-08-132	357-58-060	NEW	05-12-068	357-58-215	NEW	05-12-069
357-55-030	NEW	05-08-132	357-58-065	NEW-P	05-04-087	357-58-220	NEW-P	05-04-088
357-55-040	NEW	05-08-132	357-58-065	NEW	05-12-068	357-58-220	NEW	05-12-069
357-55-110	NEW	05-08-132	357-58-070	NEW-P	05-04-087	357-58-225	NEW-P	05-04-088
357-55-210	NEW	05-08-132	357-58-070	NEW	05-12-068	357-58-225	NEW	05-12-069
357-55-215	NEW	05-08-132	357-58-075	NEW-P	05-04-087	357-58-230	NEW-P	05-04-088
357-55-220	NEW	05-08-132	357-58-075	NEW	05-12-068	357-58-230	NEW	05-12-069
357-55-225	NEW	05-08-132	357-58-080	NEW-P	05-04-087	357-58-235	NEW-P	05-04-088
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
357-55-245	NEW	05-08-132	357-58-090	NEW-P	05-04-087	357-58-245	NEW-P	05-04-089
357-55-250	NEW	05-08-132	357-58-090	NEW	05-12-068	357-58-245	NEW	05-12-070
357-55-255	NEW	05-08-132	357-58-095	NEW-P	05-04-087	357-58-250	NEW-P	05-04-089
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

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
357- 58-260	NEW-P	05-04-089	357- 58-410	NEW-P	05-04-091	363-116-077	NEW-P	05-14-110
357- 58-260	NEW	05-12-070	357- 58-410	NEW	05-12-071	363-116-078	NEW-P	05-14-110
357- 58-265	NEW-P	05-04-089	357- 58-415	NEW-P	05-04-091	363-116-080	AMD-P	05-14-110
357- 58-265	NEW	05-12-070	357- 58-415	NEW	05-12-071	363-116-082	AMD	05-04-028
357- 58-270	NEW-P	05-04-089	357- 58-420	NEW-P	05-04-091	363-116-082	AMD-P	05-14-110
357- 58-270	NEW	05-12-070	357- 58-420	NEW	05-12-071	363-116-083	AMD-P	05-14-110
357- 58-275	NEW-P	05-04-089	357- 58-425	NEW-P	05-04-091	363-116-175	AMD-P	05-14-110
357- 58-275	NEW	05-12-070	357- 58-425	NEW	05-12-071	363-116-185	AMD-P	05-10-069
357- 58-280	NEW-P	05-04-089	357- 58-430	NEW-P	05-04-091	363-116-185	AMD	05-14-029
357- 58-280	NEW-P	05-09-114	357- 58-430	NEW	05-12-071	363-116-300	AMD-P	05-08-063
357- 58-280	NEW-W	05-12-065	357- 58-435	NEW-P	05-04-091	363-116-300	AMD	05-12-055
357- 58-280	NEW	05-12-094	357- 58-435	NEW	05-12-071	363-116-300	AMD-P	05-14-110
357- 58-285	NEW-P	05-04-089	357- 58-440	NEW-P	05-04-091	365-110-035	AMD-W	05-06-057
357- 58-285	NEW	05-12-070	357- 58-440	NEW	05-12-071	371- 08-305	AMD-E	05-05-005
357- 58-290	NEW-P	05-04-089	357- 58-445	NEW-P	05-04-091	371- 08-305	AMD-P	05-08-022
357- 58-290	NEW	05-12-070	357- 58-445	NEW	05-12-071	371- 08-305	AMD	05-15-017
357- 58-295	NEW-P	05-04-089	357- 58-450	NEW-P	05-04-091	371- 08-335	AMD-E	05-05-005
357- 58-295	NEW	05-12-070	357- 58-450	NEW	05-12-071	371- 08-335	AMD-P	05-08-022
357- 58-300	NEW-P	05-04-089	357- 58-455	NEW-P	05-04-091	371- 08-335	AMD	05-15-017
357- 58-300	NEW	05-12-070	357- 58-455	NEW	05-12-071	371- 08-345	AMD-E	05-05-005
357- 58-305	NEW-P	05-04-089	357- 58-460	NEW-P	05-04-091	371- 08-345	AMD-P	05-08-022
357- 58-305	NEW	05-12-070	357- 58-460	NEW	05-12-071	371- 08-345	AMD	05-15-017
357- 58-310	NEW-P	05-04-089	357- 58-465	NEW-P	05-04-091	371- 08-445	AMD-P	05-08-022
357- 58-310	NEW	05-12-070	357- 58-465	NEW	05-12-071	371- 08-445	AMD	05-15-017
357- 58-315	NEW-P	05-04-089	357- 58-465	AMD-E	05-16-068	371- 08-450	AMD-P	05-08-022
357- 58-315	NEW	05-12-070	357- 58-470	NEW-P	05-04-091	371- 08-450	AMD	05-15-017
357- 58-320	NEW-P	05-04-089	357- 58-470	NEW	05-12-071	374- 60	PREP	05-11-063
357- 58-320	NEW	05-12-070	357- 58-475	NEW-P	05-04-091	374- 60-010	AMD-P	05-15-109
357- 58-325	NEW-P	05-04-089	357- 58-475	NEW	05-12-071	374- 60-020	AMD-P	05-15-109
357- 58-325	NEW	05-12-070	357- 58-480	NEW-P	05-04-091	374- 60-060	AMD-P	05-15-109
357- 58-330	NEW-P	05-04-089	357- 58-480	NEW	05-12-071	374- 60-070	AMD-P	05-15-109
357- 58-330	NEW	05-12-070	357- 58-485	NEW-P	05-04-091	374- 60-080	AMD-P	05-15-109
357- 58-335	NEW-P	05-04-089	357- 58-485	NEW	05-12-071	374- 60-090	AMD-P	05-15-109
357- 58-335	NEW	05-12-070	357- 58-490	NEW-P	05-04-091	374- 60-100	AMD-P	05-15-109
357- 58-340	NEW-P	05-04-089	357- 58-490	NEW	05-12-071	374- 60-110	AMD-P	05-15-109
357- 58-340	NEW	05-12-070	357- 58-495	NEW-P	05-04-091	374- 60-120	AMD-P	05-15-109
357- 58-345	NEW-P	05-04-089	357- 58-495	NEW-W	05-12-098	388	PREP	05-08-090
357- 58-345	NEW	05-12-070	357- 58-500	NEW-P	05-04-090	388- 01-180	PREP	05-13-128
357- 58-350	NEW-P	05-04-089	357- 58-500	NEW	05-12-072	388- 01-190	PREP	05-13-128
357- 58-350	NEW	05-12-070	357- 58-505	NEW-P	05-04-090	388- 02	PREP	05-13-128
357- 58-355	NEW-P	05-04-089	357- 58-505	NEW	05-12-072	388- 02-0215	PREP	05-06-081
357- 58-355	NEW	05-12-070	357- 58-510	NEW-P	05-04-090	388- 06	PREP	05-15-145
357- 58-360	NEW-P	05-04-089	357- 58-510	NEW	05-12-072	388- 14A	PREP	05-08-087
357- 58-360	NEW	05-12-070	357- 58-515	NEW-P	05-04-090	388- 14A-1020	AMD-P	05-11-081
357- 58-365	NEW-P	05-04-089	357- 58-515	NEW	05-12-072	388- 14A-1020	AMD	05-14-101
357- 58-365	NEW	05-12-070	357- 58-520	NEW-P	05-04-090	388- 14A-2160	PREP	05-08-087
357- 58-370	NEW-P	05-04-089	357- 58-520	NEW	05-12-072	388- 14A-3102	PREP	05-05-078
357- 58-370	NEW	05-12-070	357- 58-525	NEW-P	05-04-090	388- 14A-3102	AMD-P	05-09-082
357- 58-375	NEW-P	05-04-089	357- 58-525	NEW	05-12-072	388- 14A-3102	AMD	05-12-136
357- 58-375	NEW	05-12-070	357- 58-530	NEW-P	05-04-090	388- 14A-3120	PREP	05-05-078
357- 58-380	NEW-P	05-04-089	357- 58-530	NEW	05-12-072	388- 14A-3120	AMD-P	05-09-082
357- 58-380	NEW-W	05-12-065	357- 58-535	NEW-P	05-04-090	388- 14A-3120	AMD	05-12-136
357- 58-385	NEW-P	05-04-089	357- 58-535	NEW-W	05-12-099	388- 14A-3304	AMD-P	05-03-095
357- 58-385	NEW	05-12-070	357- 58-540	NEW-P	05-04-090	388- 14A-3304	AMD	05-07-059
357- 58-390	NEW-P	05-04-089	357- 58-540	NEW	05-12-072	388- 14A-3310	AMD-P	05-03-095
357- 58-390	NEW	05-12-070	357- 58-545	NEW-P	05-04-090	388- 14A-3310	AMD	05-07-059
357- 58-395	NEW-P	05-04-089	357- 58-545	NEW	05-12-072	388- 14A-3317	NEW-P	05-03-095
357- 58-395	NEW	05-12-070	363-116	PREP	05-04-094	388- 14A-3317	NEW	05-07-059
357- 58-400	NEW-P	05-04-089	363-116-065	NEW-P	05-14-110	388- 14A-3320	AMD-P	05-03-095
357- 58-400	NEW	05-12-070	363-116-075	AMD-P	05-14-110	388- 14A-3320	AMD	05-07-059
357- 58-405	NEW-P	05-04-091	363-116-0751	NEW-P	05-14-110	388- 14A-3321	NEW-E	05-03-095
357- 58-405	NEW	05-12-071	363-116-076	NEW-P	05-14-110	388- 14A-3321	NEW	05-07-059

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388- 14A-3350	AMD	05-14-099	388- 25-1000	NEW-P	05-06-086	388- 71-0430	REP	05-11-082
388- 14A-3600	AMD-P	05-11-079	388- 25-1000	NEW-E	05-06-094	388- 71-0435	REP-P	05-03-096
388- 14A-3600	AMD	05-14-102	388- 25-1000	NEW	05-11-016	388- 71-0435	REP	05-11-082
388- 14A-3810	AMD-P	05-11-081	388- 25-1010	NEW-P	05-06-086	388- 71-0440	REP-P	05-03-096
388- 14A-3810	AMD	05-14-101	388- 25-1010	NEW-E	05-06-094	388- 71-0440	REP	05-11-082
388- 14A-4119	NEW-E	05-03-094	388- 25-1010	NEW	05-11-016	388- 71-0442	REP-P	05-03-096
388- 14A-4119	NEW-P	05-05-082	388- 25-1020	NEW-P	05-06-086	388- 71-0442	REP	05-11-082
388- 14A-4119	NEW	05-08-060	388- 25-1020	NEW-E	05-06-094	388- 71-0445	REP-P	05-03-096
388- 14A-4180	NEW-E	05-03-094	388- 25-1020	NEW	05-11-016	388- 71-0445	REP	05-11-082
388- 14A-4180	NEW-P	05-05-082	388- 25-1030	NEW-P	05-06-086	388- 71-0450	REP-P	05-03-096
388- 14A-4180	NEW	05-08-060	388- 25-1030	NEW-E	05-06-094	388- 71-0450	REP	05-11-082
388- 14A-4304	AMD	05-07-087	388- 25-1030	NEW	05-11-016	388- 71-0455	REP-P	05-03-096
388- 14A-5000	AMD-P	05-02-063	388- 25-1040	NEW-P	05-06-086	388- 71-0455	REP	05-11-082
388- 14A-5000	AMD	05-06-014	388- 25-1040	NEW-E	05-06-094	388- 71-0460	REP-P	05-03-096
388- 14A-5001	AMD-P	05-02-063	388- 25-1040	NEW	05-11-016	388- 71-0460	REP	05-11-082
388- 14A-5001	AMD	05-06-014	388- 25-1050	NEW-P	05-06-086	388- 71-0465	REP-P	05-03-096
388- 14A-5005	AMD-P	05-02-063	388- 25-1050	NEW-E	05-06-094	388- 71-0465	REP	05-11-082
388- 14A-5005	AMD	05-06-014	388- 25-1050	NEW	05-11-016	388- 71-0470	REP-P	05-03-096
388- 14A-5008	AMD-P	05-02-063	388- 71	PREP	05-16-079	388- 71-0470	REP	05-11-082
388- 14A-5008	AMD	05-06-014	388- 71-0194	REP-P	05-03-096	388- 71-0480	REP-P	05-03-096
388- 14A-5009	NEW-P	05-02-063	388- 71-0194	REP	05-11-082	388- 71-0480	REP	05-11-082
388- 14A-5009	NEW	05-06-014	388- 71-0202	REP-P	05-03-096	388- 71-0500	AMD-P	05-03-096
388- 14A-5010	NEW-P	05-02-063	388- 71-0202	REP	05-11-082	388- 71-0500	AMD	05-11-082
388- 14A-5010	NEW	05-06-014	388- 71-0203	REP-P	05-03-096	388- 71-0515	AMD-P	05-03-096
388- 14A-6300	AMD-P	05-11-079	388- 71-0203	REP	05-11-082	388- 71-0515	AMD	05-11-082
388- 14A-6300	AMD	05-14-102	388- 71-0205	REP-P	05-03-096	388- 71-0520	AMD-P	05-03-096
388- 14A-7100	AMD-P	05-03-095	388- 71-0205	REP	05-11-082	388- 71-0520	AMD	05-11-082
388- 14A-7100	AMD	05-07-059	388- 71-0210	NEW-P	05-03-096	388- 71-0540	AMD-P	05-03-096
388- 14A-7110	NEW-E	05-03-095	388- 71-0210	NEW	05-11-082	388- 71-0540	AMD	05-11-082
388- 14A-7110	NEW	05-07-059	388- 71-0215	NEW-P	05-03-096	388- 71-05832	NEW-P	05-03-096
388- 14A-7115	NEW-E	05-03-095	388- 71-0215	NEW	05-11-082	388- 71-05832	NEW	05-11-082
388- 14A-7115	NEW	05-07-059	388- 71-0220	NEW-P	05-03-096	388- 71-0600	REP-P	05-03-096
388- 14A-7117	NEW-E	05-03-095	388- 71-0220	NEW	05-11-082	388- 71-0600	REP	05-11-082
388- 14A-7117	NEW	05-07-059	388- 71-0225	NEW-P	05-03-096	388- 71-0605	REP-P	05-03-096
388- 14A-7120	NEW-E	05-03-095	388- 71-0225	NEW	05-11-082	388- 71-0605	REP	05-11-082
388- 14A-7120	NEW	05-07-059	388- 71-0230	NEW-P	05-03-096	388- 71-0610	REP-P	05-03-096
388- 14A-8100	AMD-E	05-07-034	388- 71-0230	NEW	05-11-082	388- 71-0610	REP	05-11-082
388- 14A-8100	AMD-P	05-09-081	388- 71-0235	NEW-P	05-03-096	388- 71-0613	REP-P	05-03-096
388- 14A-8100	AMD	05-12-135	388- 71-0235	NEW	05-11-082	388- 71-0613	REP	05-11-082
388- 14A-8600	NEW-E	05-03-095	388- 71-0240	NEW-P	05-03-096	388- 71-0615	REP-P	05-03-096
388- 14A-8600	NEW	05-07-059	388- 71-0240	NEW	05-11-082	388- 71-0615	REP	05-11-082
388- 25-0225	AMD-P	05-03-082	388- 71-0245	NEW-P	05-03-096	388- 71-0620	REP-P	05-03-096
388- 25-0225	AMD	05-06-091	388- 71-0245	NEW	05-11-082	388- 71-0620	REP	05-11-082
388- 25-0225	AMD-E	05-06-093	388- 71-0250	NEW-P	05-03-096	388- 71-0700	REP-P	05-03-096
388- 25-0226	NEW-P	05-03-082	388- 71-0250	NEW	05-11-082	388- 71-0700	REP	05-11-082
388- 25-0226	NEW	05-06-091	388- 71-0255	NEW-P	05-03-096	388- 71-0704	AMD-P	05-03-096
388- 25-0226	NEW-E	05-06-093	388- 71-0255	NEW	05-11-082	388- 71-0704	AMD	05-11-082
388- 25-0227	NEW-P	05-03-082	388- 71-0260	NEW-P	05-03-096	388- 71-0706	AMD-P	05-03-096
388- 25-0227	NEW	05-06-091	388- 71-0260	NEW	05-11-082	388- 71-0706	AMD	05-11-082
388- 25-0227	NEW-E	05-06-093	388- 71-0400	REP-P	05-03-096	388- 71-0708	AMD-P	05-03-096
388- 25-0228	NEW-P	05-03-082	388- 71-0400	REP	05-11-082	388- 71-0708	AMD	05-11-082
388- 25-0228	NEW	05-06-091	388- 71-0405	REP-P	05-03-096	388- 71-0710	AMD-P	05-03-096
388- 25-0228	NEW-E	05-06-093	388- 71-0405	REP	05-11-082	388- 71-0710	AMD	05-11-082
388- 25-0229	NEW-P	05-03-082	388- 71-0410	REP-P	05-03-096	388- 71-0716	AMD-P	05-03-096
388- 25-0229	NEW	05-06-091	388- 71-0410	REP	05-11-082	388- 71-0716	AMD	05-11-082
388- 25-0229	NEW-E	05-06-093	388- 71-0415	REP-P	05-03-096	388- 71-0720	AMD-P	05-03-096
388- 25-0230	REP-P	05-03-082	388- 71-0415	REP	05-11-082	388- 71-0720	AMD	05-11-082
388- 25-0230	REP	05-06-091	388- 71-0420	REP-P	05-03-096	388- 71-0734	AMD	05-02-064
388- 25-0230	REP-E	05-06-093	388- 71-0420	REP	05-11-082	388- 71-0800	REP-P	05-03-096
388- 25-0231	NEW-P	05-03-082	388- 71-0425	REP-P	05-03-096	388- 71-0800	REP	05-11-082
388- 25-0231	NEW	05-06-091	388- 71-0425	REP	05-11-082	388- 71-0805	REP-P	05-03-096

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-0805	REP	05-11-082	388- 71-1005	REP	05-11-082	388- 72A-0045	REP	05-11-082
388- 71-0810	REP-P	05-03-096	388- 71-1010	REP-P	05-03-096	388- 72A-0050	REP-P	05-03-096
388- 71-0810	REP	05-11-082	388- 71-1010	REP	05-11-082	388- 72A-0050	REP	05-11-082
388- 71-0815	REP-P	05-03-096	388- 71-1015	REP-P	05-03-096	388- 72A-0053	REP-P	05-03-096
388- 71-0815	REP	05-11-082	388- 71-1015	REP	05-11-082	388- 72A-0053	REP	05-11-082
388- 71-0820	REP-P	05-03-096	388- 71-1020	REP-P	05-03-096	388- 72A-0055	REP-P	05-03-096
388- 71-0820	REP	05-11-082	388- 71-1020	REP	05-11-082	388- 72A-0055	REP	05-11-082
388- 71-0825	REP-P	05-03-096	388- 71-1025	REP-P	05-03-096	388- 72A-0057	REP-P	05-03-096
388- 71-0825	REP	05-11-082	388- 71-1025	REP	05-11-082	388- 72A-0057	REP	05-11-082
388- 71-0830	REP-P	05-03-096	388- 71-1030	REP-P	05-03-096	388- 72A-0058	REP-P	05-03-096
388- 71-0830	REP	05-11-082	388- 71-1030	REP	05-11-082	388- 72A-0058	REP	05-11-082
388- 71-0835	REP-P	05-03-096	388- 71-1035	REP-P	05-03-096	388- 72A-0060	REP-P	05-03-096
388- 71-0835	REP	05-11-082	388- 71-1035	REP	05-11-082	388- 72A-0060	REP	05-11-082
388- 71-0840	REP-P	05-03-096	388- 71-1065	REP-P	05-03-096	388- 72A-0065	REP-P	05-03-096
388- 71-0840	REP	05-11-082	388- 71-1065	REP	05-11-082	388- 72A-0065	REP	05-11-082
388- 71-0845	REP-P	05-03-096	388- 71-1070	REP-P	05-03-096	388- 72A-0069	REP-P	05-03-096
388- 71-0845	REP	05-11-082	388- 71-1070	REP	05-11-082	388- 72A-0069	REP	05-11-082
388- 71-0900	REP-P	05-03-096	388- 71-1075	REP-P	05-03-096	388- 72A-0070	REP-P	05-03-096
388- 71-0900	REP-W	05-11-071	388- 71-1075	REP	05-11-082	388- 72A-0070	REP	05-11-082
388- 71-0900	PREP	05-14-073	388- 71-1080	REP-P	05-03-096	388- 72A-0080	REP-P	05-03-096
388- 71-0905	REP-P	05-03-096	388- 71-1080	REP	05-11-082	388- 72A-0080	REP	05-11-082
388- 71-0905	REP-W	05-11-071	388- 71-1085	REP-P	05-03-096	388- 72A-0081	REP-P	05-03-096
388- 71-0905	PREP	05-14-073	388- 71-1085	REP	05-11-082	388- 72A-0081	REP	05-11-082
388- 71-0910	REP-P	05-03-096	388- 71-1090	REP-P	05-03-096	388- 72A-0082	REP-P	05-03-096
388- 71-0910	REP-W	05-11-071	388- 71-1090	REP	05-11-082	388- 72A-0082	REP	05-11-082
388- 71-0910	PREP	05-14-073	388- 71-1095	REP-P	05-03-096	388- 72A-0083	REP-P	05-03-096
388- 71-0915	REP-P	05-03-096	388- 71-1095	REP	05-11-082	388- 72A-0083	REP	05-11-082
388- 71-0915	REP-W	05-11-071	388- 71-1100	REP-P	05-03-096	388- 72A-0084	REP-P	05-03-096
388- 71-0915	PREP	05-14-073	388- 71-1100	REP	05-11-082	388- 72A-0084	REP	05-11-082
388- 71-0920	REP-P	05-03-096	388- 71-1105	REP-P	05-03-096	388- 72A-0085	REP-P	05-03-096
388- 71-0920	REP-W	05-11-071	388- 71-1105	REP	05-11-082	388- 72A-0085	REP	05-11-082
388- 71-0920	PREP	05-14-073	388- 71-1110	REP-P	05-03-096	388- 72A-0086	REP-P	05-03-096
388- 71-0925	REP-P	05-03-096	388- 71-1110	REP	05-11-082	388- 72A-0086	REP	05-11-082
388- 71-0925	REP-W	05-11-071	388- 72A-0005	REP-P	05-03-096	388- 72A-0087	REP-P	05-03-096
388- 71-0925	PREP	05-14-073	388- 72A-0005	REP	05-11-082	388- 72A-0087	REP	05-11-082
388- 71-0930	REP-P	05-03-096	388- 72A-0010	REP-P	05-03-096	388- 72A-0090	REP-P	05-03-096
388- 71-0930	REP-W	05-11-071	388- 72A-0010	REP	05-11-082	388- 72A-0090	REP	05-11-082
388- 71-0930	PREP	05-14-073	388- 72A-0015	REP-P	05-03-096	388- 72A-0092	REP-P	05-03-096
388- 71-0935	REP-P	05-03-096	388- 72A-0015	REP	05-11-082	388- 72A-0092	REP	05-11-082
388- 71-0935	REP-W	05-11-071	388- 72A-0020	REP-P	05-03-096	388- 72A-0095	REP-P	05-03-096
388- 71-0935	PREP	05-14-073	388- 72A-0020	REP	05-11-082	388- 72A-0095	REP	05-11-082
388- 71-0940	REP-P	05-03-096	388- 72A-0025	REP-P	05-03-096	388- 72A-0100	REP-P	05-03-096
388- 71-0940	REP-W	05-11-071	388- 72A-0025	REP	05-11-082	388- 72A-0100	REP	05-11-082
388- 71-0940	PREP	05-14-073	388- 72A-0030	REP-P	05-03-096	388- 72A-0105	REP-P	05-03-096
388- 71-0945	REP-P	05-03-096	388- 72A-0030	REP	05-11-082	388- 72A-0105	REP	05-11-082
388- 71-0945	REP-W	05-11-071	388- 72A-0035	REP-P	05-03-096	388- 72A-0110	REP-P	05-03-096
388- 71-0945	PREP	05-14-073	388- 72A-0035	REP	05-11-082	388- 72A-0110	REP	05-11-082
388- 71-0950	REP-P	05-03-096	388- 72A-0036	REP-P	05-03-096	388- 72A-0115	REP-P	05-03-096
388- 71-0950	REP-W	05-11-071	388- 72A-0036	REP	05-11-082	388- 72A-0115	REP	05-11-082
388- 71-0950	PREP	05-14-073	388- 72A-0037	REP-P	05-03-096	388- 72A-0120	REP-P	05-03-096
388- 71-0955	REP-P	05-03-096	388- 72A-0037	REP	05-11-082	388- 72A-0120	REP	05-11-082
388- 71-0955	REP-W	05-11-071	388- 72A-0038	REP-P	05-03-096	388- 76-540	AMD-P	05-13-126
388- 71-0955	PREP	05-14-073	388- 72A-0038	REP	05-11-082	388- 76-560	AMD-P	05-13-126
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

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-76-76505	AMD	05-07-137	388-101-1500	RECOD	05-05-077	388-101-2310	AMD-P	05-07-136
388-76-9970	REP-P	05-13-126	388-101-1510	RECOD	05-05-077	388-101-2310	DECOD	05-07-138
388-76-9972	REP-P	05-13-126	388-101-1520	RECOD	05-05-077	388-101-2320	RECOD	05-05-077
388-76-9974	REP-P	05-13-126	388-101-1530	RECOD	05-05-077	388-101-2320	DECOD	05-07-138
388-76-9976	REP-P	05-13-126	388-101-1540	RECOD	05-05-077	388-101-2330	RECOD	05-05-077
388-76-9978	REP-P	05-13-126	388-101-1550	RECOD	05-05-077	388-101-2340	RECOD	05-05-077
388-76-9980	REP-P	05-13-126	388-101-1600	RECOD	05-05-077	388-101-2350	RECOD	05-05-077
388-78A-2020	PREP	05-10-085	388-101-1610	RECOD	05-05-077	388-101-2360	RECOD	05-05-077
388-78A-2050	PREP	05-10-085	388-101-1620	RECOD	05-05-077	388-101-2370	RECOD	05-05-077
388-78A-2260	PREP	05-10-085	388-101-1630	RECOD	05-05-077	388-101-2380	RECOD	05-05-077
388-78A-2270	PREP	05-10-085	388-101-1640	RECOD	05-05-077	388-101-2400	RECOD	05-07-138
388-78A-2280	PREP	05-10-085	388-101-1650	RECOD	05-05-077	388-101-2410	RECOD	05-07-138
388-78A-2300	PREP	05-10-085	388-101-1660	RECOD	05-05-077	388-101-2410	AMD	05-10-086
388-78A-2340	PREP	05-10-085	388-101-1670	RECOD	05-05-077	388-101-2420	RECOD	05-07-138
388-78A-2360	PREP	05-10-085	388-101-1670	AMD-P	05-07-136	388-101-2430	RECOD	05-07-138
388-78A-2470	PREP	05-10-085	388-101-1670	AMD	05-10-086	388-101-2440	RECOD	05-07-138
388-78A-2480	PREP	05-10-085	388-101-1680	RECOD	05-05-077	388-101-2450	RECOD	05-07-138
388-78A-2490	PREP	05-10-085	388-101-1690	RECOD	05-05-077	388-101-2460	RECOD	05-07-138
388-78A-2500	PREP	05-10-085	388-101-1700	RECOD	05-05-077	388-101-2470	RECOD	05-07-138
388-78A-2510	PREP	05-10-085	388-101-1710	RECOD	05-05-077	388-101-2480	RECOD	05-07-138
388-78A-2520	PREP	05-10-085	388-101-1720	RECOD	05-05-077	388-101-2490	RECOD	05-07-138
388-78A-2700	PREP	05-10-085	388-101-1730	RECOD	05-05-077	388-101-2500	RECOD	05-07-138
388-78A-2840	PREP	05-10-085	388-101-1740	RECOD	05-05-077	388-101-2510	RECOD	05-07-138
388-78A-2910	PREP	05-10-085	388-101-1750	RECOD	05-05-077	388-101-2520	RECOD	05-07-138
388-78A-2930	PREP	05-10-085	388-101-1750	AMD-P	05-07-136	388-101-2530	RECOD	05-07-138
388-78A-2940	PREP	05-10-085	388-101-1750	AMD	05-10-086	388-101-2540	RECOD	05-07-138
388-78A-2960	PREP	05-10-085	388-101-1760	RECOD	05-05-077	388-105	PREP	05-13-127
388-101	PREP	05-07-132	388-101-1770	RECOD	05-05-077	388-105-0035	AMD-E	05-14-078
388-101-1010	RECOD	05-05-077	388-101-1780	RECOD	05-05-077	388-106	PREP	05-05-080
388-101-1020	RECOD	05-05-077	388-101-1790	RECOD	05-05-077	388-106	PREP	05-06-082
388-101-1020	AMD-P	05-07-136	388-101-1800	RECOD	05-05-077	388-106	PREP	05-06-083
388-101-1020	AMD	05-10-086	388-101-1810	RECOD	05-05-077	388-106	PREP	05-14-073
388-101-1100	RECOD	05-05-077	388-101-1820	RECOD	05-05-077	388-106	PREP	05-16-079
388-101-1180	RECOD	05-05-077	388-101-1830	RECOD	05-05-077	388-106-0005	NEW-P	05-03-096
388-101-1190	RECOD	05-05-077	388-101-1840	RECOD	05-05-077	388-106-0005	NEW	05-11-082
388-101-1200	RECOD	05-05-077	388-101-1850	RECOD	05-05-077	388-106-0010	NEW-P	05-03-096
388-101-1205	RECOD	05-07-138	388-101-1860	RECOD	05-05-077	388-106-0010	NEW	05-11-082
388-101-1210	RECOD	05-05-077	388-101-1870	RECOD	05-05-077	388-106-0015	NEW-P	05-03-096
388-101-1220	RECOD	05-05-077	388-101-1880	RECOD	05-05-077	388-106-0015	NEW	05-11-082
388-101-1220	AMD-P	05-07-136	388-101-1890	RECOD	05-05-077	388-106-0015	AMD-P	05-16-084
388-101-1220	AMD	05-10-086	388-101-1900	RECOD	05-05-077	388-106-0020	NEW-P	05-03-096
388-101-1230	RECOD	05-05-077	388-101-2000	RECOD	05-05-077	388-106-0020	NEW	05-11-082
388-101-1240	RECOD	05-05-077	388-101-2010	RECOD	05-05-077	388-106-0025	NEW-P	05-03-096
388-101-1250	RECOD	05-05-077	388-101-2020	RECOD	05-05-077	388-106-0025	NEW	05-11-082
388-101-1260	RECOD	05-05-077	388-101-2030	RECOD	05-05-077	388-106-0030	NEW-P	05-03-096
388-101-1260	AMD-P	05-07-136	388-101-2040	RECOD	05-05-077	388-106-0030	NEW	05-11-082
388-101-1260	AMD	05-10-086	388-101-2050	RECOD	05-05-077	388-106-0035	NEW-P	05-03-096
388-101-1400	RECOD	05-05-077	388-101-2060	RECOD	05-05-077	388-106-0035	NEW	05-11-082
388-101-1400	AMD-P	05-07-136	388-101-2070	RECOD	05-05-077	388-106-0040	NEW-P	05-03-096
388-101-1400	AMD	05-10-086	388-101-2080	RECOD	05-05-077	388-106-0040	NEW	05-11-082
388-101-1410	RECOD	05-05-077	388-101-2090	RECOD	05-05-077	388-106-0045	NEW-P	05-03-096
388-101-1420	RECOD	05-05-077	388-101-2100	RECOD	05-05-077	388-106-0045	NEW	05-11-082
388-101-1420	AMD-P	05-07-136	388-101-2110	RECOD	05-05-077	388-106-0047	NEW-P	05-15-146
388-101-1420	AMD	05-10-086	388-101-2120	RECOD	05-05-077	388-106-0050	NEW-P	05-03-096
388-101-1430	RECOD	05-05-077	388-101-2130	RECOD	05-05-077	388-106-0050	NEW	05-11-082
388-101-1440	RECOD	05-05-077	388-101-2140	RECOD	05-05-077	388-106-0055	NEW-P	05-03-096
388-101-1460	RECOD	05-05-077	388-101-2150	RECOD	05-05-077	388-106-0055	NEW	05-11-082
388-101-1470	RECOD	05-05-077	388-101-2150	AMD-P	05-07-136	388-106-0060	NEW-P	05-03-096
388-101-1470	AMD-P	05-07-136	388-101-2150	AMD	05-10-086	388-106-0060	NEW	05-11-082
388-101-1470	AMD	05-10-086	388-101-2160	RECOD	05-05-077	388-106-0065	NEW-P	05-03-096
388-101-1480	RECOD	05-05-077	388-101-2300	RECOD	05-05-077	388-106-0065	NEW	05-11-082
388-101-1490	RECOD	05-05-077	388-101-2310	RECOD	05-05-077	388-106-0070	NEW-P	05-03-096

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388-106-1220	NEW	05-11-082	388-400-0005	AMD-P	05-09-083	388-450A-0010	NEW-P	05-07-133
388-106-1225	NEW-P	05-03-096	388-400-0005	AMD	05-14-100	388-450A-0010	NEW	05-13-029
388-106-1225	NEW	05-11-082	388-400-0010	PREP	05-13-136	388-454	PREP	05-08-091
388-106-1230	NEW-P	05-03-096	388-406	PREP	05-08-091	388-455	PREP	05-08-091
388-106-1230	NEW	05-11-082	388-406-0055	AMD-P	05-16-054	388-458	PREP	05-08-091
388-106-1300	NEW-P	05-03-096	388-408	PREP	05-08-091	388-462-0015	AMD-P	05-03-081
388-106-1300	NEW	05-11-082	388-408-0035	AMD-P	05-16-110	388-462-0015	AMD	05-07-032
388-106-1305	NEW-P	05-03-096	388-408-0055	AMD-P	05-15-079	388-464	PREP	05-08-091
388-106-1305	NEW	05-11-082	388-410	PREP	05-08-091	388-468	PREP	05-08-091
388-106-1310	NEW-P	05-03-096	388-410-0001	AMD-P	05-05-081	388-470	PREP	05-08-091
388-106-1310	NEW	05-11-082	388-410-0001	AMD	05-08-124	388-473-0010	AMD-P	05-15-078
388-110	PREP	05-16-079	388-412	PREP	05-08-091	388-473-0020	AMD-P	05-15-078
388-112-0210	PREP	05-16-080	388-412-0025	PREP	05-07-130	388-473-0030	REP-P	05-15-078
388-112-0255	PREP	05-16-080	388-412-0025	AMD-P	05-13-171	388-474-0012	AMD	05-07-031
388-145-0100	AMD-P	05-07-134	388-414	PREP	05-08-091	388-475-0550	AMD-E	05-05-088
388-145-0100	AMD	05-11-008	388-416-0005	AMD-P	05-05-081	388-475-0550	AMD-E	05-13-074
388-145-0230	AMD-P	05-07-134	388-416-0005	AMD	05-08-124	388-475-0700	AMD-E	05-05-088
388-145-0230	AMD	05-11-008	388-416-0005	AMD-P	05-16-054	388-475-0700	AMD-E	05-13-074
388-160-0075	AMD-P	05-09-079	388-416-0015	PREP	05-05-079	388-475-0800	AMD-E	05-05-088
388-160-0075	AMD	05-14-013	388-416-0015	AMD-E	05-10-038	388-475-0800	AMD-E	05-13-074
388-160-0195	AMD-P	05-09-079	388-416-0015	AMD-P	05-16-126	388-475-0820	AMD-E	05-05-088
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388-550-6900	REP-P	05-09-086	388-820-110	DECOD	05-05-077	388-820-710	DECOD	05-05-077
388-550-6900	REP	05-12-132	388-820-120	DECOD	05-05-077	388-820-720	DECOD	05-05-077
388-550-7000	PREP	05-13-076	388-820-130	DECOD	05-05-077	388-820-730	DECOD	05-07-138
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-823-0120	NEW	05-12-130	388-823-0850	NEW	05-12-130	388-824-0090	NEW-S	05-16-085
388-823-0130	NEW-P	05-04-057	388-823-0900	NEW-P	05-04-057	388-824-0100	NEW-P	05-09-084
388-823-0130	NEW	05-12-130	388-823-0900	NEW	05-12-130	388-824-0100	NEW-S	05-16-085
388-823-0140	NEW-P	05-04-057	388-823-0910	NEW-P	05-04-057	388-824-0110	NEW-P	05-09-084
388-823-0140	NEW	05-12-130	388-823-0910	NEW	05-12-130	388-824-0110	NEW-W	05-16-031
388-823-0150	NEW-P	05-04-057	388-823-0920	NEW-P	05-04-057	388-824-0120	NEW-P	05-09-084
388-823-0150	NEW	05-12-130	388-823-0920	NEW	05-12-130	388-824-0120	NEW-S	05-16-085
388-823-0160	NEW-P	05-04-057	388-823-0930	NEW-P	05-04-057	388-824-0130	NEW-P	05-09-084
388-823-0160	NEW	05-12-130	388-823-0930	NEW	05-12-130	388-824-0130	NEW-W	05-16-031
388-823-0170	NEW-P	05-04-057	388-823-0940	NEW-P	05-04-057	388-824-0140	NEW-P	05-09-084
388-823-0170	NEW	05-12-130	388-823-0940	NEW	05-12-130	388-824-0140	NEW-S	05-16-085
388-823-0200	NEW-P	05-04-057	388-823-1000	NEW-P	05-04-057	388-824-0150	NEW-P	05-09-084
388-823-0200	NEW	05-12-130	388-823-1000	NEW	05-12-130	388-824-0150	NEW-W	05-16-031
388-823-0210	NEW-P	05-04-057	388-823-1005	NEW-P	05-04-057	388-824-0160	NEW-P	05-09-084
388-823-0210	NEW	05-12-130	388-823-1005	NEW	05-12-130	388-824-0160	NEW-W	05-16-031
388-823-0215	NEW-P	05-04-057	388-823-1010	NEW-P	05-04-057	388-824-0170	NEW-P	05-09-084
388-823-0215	NEW	05-12-130	388-823-1010	NEW	05-12-130	388-824-0170	NEW-S	05-16-085
388-823-0220	NEW-P	05-04-057	388-823-1015	NEW-P	05-04-057	388-824-0180	NEW-P	05-09-084
388-823-0220	NEW	05-12-130	388-823-1015	NEW	05-12-130	388-824-0180	NEW-W	05-16-031
388-823-0230	NEW-P	05-04-057	388-823-1020	NEW-P	05-04-057	388-824-0190	NEW-P	05-09-084
388-823-0230	NEW	05-12-130	388-823-1020	NEW	05-12-130	388-824-0190	NEW-S	05-16-085
388-823-0300	NEW-P	05-04-057	388-823-1030	NEW-P	05-04-057	388-824-0200	NEW-P	05-09-084
388-823-0300	NEW	05-12-130	388-823-1030	NEW	05-12-130	388-824-0200	NEW-W	05-16-031
388-823-0310	NEW-P	05-04-057	388-823-1040	NEW-P	05-04-057	388-824-0210	NEW-P	05-09-084
388-823-0310	NEW	05-12-130	388-823-1040	NEW	05-12-130	388-824-0210	NEW-S	05-16-085
388-823-0320	NEW-P	05-04-057	388-823-1050	NEW-P	05-04-057	388-824-0220	NEW-P	05-09-084
388-823-0320	NEW	05-12-130	388-823-1050	NEW	05-12-130	388-824-0220	NEW-S	05-16-085
388-823-0330	NEW-P	05-04-057	388-823-1060	NEW-P	05-04-057	388-824-0230	NEW-P	05-09-084
388-823-0330	NEW	05-12-130	388-823-1060	NEW	05-12-130	388-824-0230	NEW-S	05-16-085
388-823-0400	NEW-P	05-04-057	388-823-1070	NEW-P	05-04-057	388-824-0240	NEW-P	05-09-084
388-823-0400	NEW	05-12-130	388-823-1070	NEW	05-12-130	388-824-0240	NEW-S	05-16-085
388-823-0410	NEW-P	05-04-057	388-823-1080	NEW-P	05-04-057	388-824-0250	NEW-P	05-09-084
388-823-0410	NEW	05-12-130	388-823-1080	NEW	05-12-130	388-824-0250	NEW-W	05-16-031
388-823-0420	NEW-P	05-04-057	388-823-1090	NEW-P	05-04-057	388-824-0260	NEW-P	05-09-084
388-823-0420	NEW	05-12-130	388-823-1090	NEW	05-12-130	388-824-0260	NEW-S	05-16-085
388-823-0500	NEW-P	05-04-057	388-823-1095	NEW-P	05-04-057	388-824-0270	NEW-P	05-09-084
388-823-0500	NEW	05-12-130	388-823-1095	NEW	05-12-130	388-824-0270	NEW-W	05-16-031
388-823-0510	NEW-P	05-04-057	388-823-1100	NEW-P	05-04-057	388-824-0280	NEW-P	05-09-084
388-823-0510	NEW	05-12-130	388-823-1100	NEW	05-12-130	388-824-0280	NEW-S	05-16-085
388-823-0515	NEW-P	05-04-057	388-824-0001	NEW-P	05-09-084	388-824-0290	NEW-P	05-09-084
388-823-0515	NEW	05-12-130	388-824-0001	NEW-S	05-16-085	388-824-0290	NEW-S	05-16-085
388-823-0600	NEW-P	05-04-057	388-824-0010	NEW-P	05-09-084	388-824-0300	NEW-P	05-09-084
388-823-0600	NEW	05-12-130	388-824-0010	NEW-S	05-16-085	388-824-0300	NEW-W	05-16-031
388-823-0610	NEW-P	05-04-057	388-824-0015	NEW-S	05-16-085	388-824-0310	NEW-P	05-09-084
388-823-0610	NEW	05-12-130	388-824-0020	NEW-P	05-09-084	388-824-0310	NEW-S	05-16-085
388-823-0615	NEW-P	05-04-057	388-824-0020	NEW-S	05-16-085	388-824-0320	NEW-P	05-09-084
388-823-0615	NEW	05-12-130	388-824-0025	NEW-S	05-16-085	388-824-0320	NEW-S	05-16-085
388-823-0700	NEW-P	05-04-057	388-824-0030	NEW-P	05-09-084	388-824-0330	NEW-P	05-09-084
388-823-0700	NEW	05-12-130	388-824-0030	NEW-S	05-16-085	388-824-0330	NEW-S	05-16-085
388-823-0710	NEW-P	05-04-057	388-824-0040	NEW-P	05-09-084	388-825	PREP	05-13-174
388-823-0710	NEW	05-12-130	388-824-0040	NEW-S	05-16-085	388-825-030	REP-P	05-04-057
388-823-0800	NEW-P	05-04-057	388-824-0050	NEW-P	05-09-084	388-825-030	AMD-E	05-07-081
388-823-0800	NEW	05-12-130	388-824-0050	NEW-S	05-16-085	388-825-030	REP	05-12-130
388-823-0810	NEW-P	05-04-057	388-824-0055	NEW-S	05-16-085	388-825-035	REP-P	05-04-057
388-823-0810	NEW	05-12-130	388-824-0060	NEW-P	05-09-084	388-825-035	REP	05-12-130
388-823-0820	NEW-P	05-04-057	388-824-0060	NEW-S	05-16-085	388-825-040	REP-P	05-04-057
388-823-0820	NEW	05-12-130	388-824-0065	NEW-S	05-16-085	388-825-040	REP	05-12-130
388-823-0830	NEW-P	05-04-057	388-824-0070	NEW-P	05-09-084	388-825-055	AMD-P	05-05-084
388-823-0830	NEW	05-12-130	388-824-0070	NEW-S	05-16-085	388-825-055	AMD-E	05-09-019
388-823-0840	NEW-P	05-04-057	388-824-0080	NEW-P	05-09-084	388-825-055	AMD	05-11-015
388-823-0840	NEW	05-12-130	388-824-0080	NEW-S	05-16-085	388-825-060	REP-P	05-05-084
388-823-0850	NEW-P	05-04-057	388-824-0090	NEW-P	05-09-084	388-825-060	REP-E	05-09-019

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-825-060	REP	05-11-015	388-825-160	NEW-P	05-13-041	388-825-310	NEW-E	05-15-046
388-825-064	REP-P	05-05-084	388-825-160	NEW-E	05-15-046	388-825-315	NEW-E	05-07-075
388-825-064	REP-E	05-09-019	388-825-165	NEW-E	05-07-075	388-825-315	NEW-P	05-13-041
388-825-064	REP	05-11-015	388-825-165	NEW-P	05-13-041	388-825-315	NEW-E	05-15-046
388-825-070	REP-P	05-05-084	388-825-165	NEW-E	05-15-046	388-825-316	NEW-E	05-07-075
388-825-070	REP-E	05-09-019	388-825-170	REP-E	05-07-075	388-825-316	NEW-P	05-13-041
388-825-070	REP	05-11-015	388-825-170	REP-P	05-13-041	388-825-316	NEW-E	05-15-046
388-825-075	REP-P	05-05-084	388-825-170	REP-E	05-15-046	388-825-320	NEW-E	05-07-075
388-825-075	REP-E	05-09-019	388-825-180	REP-E	05-07-075	388-825-320	NEW-P	05-13-041
388-825-075	REP	05-11-015	388-825-180	REP-P	05-13-041	388-825-320	NEW-E	05-15-046
388-825-076	REP-P	05-05-084	388-825-180	REP-E	05-15-046	388-825-325	NEW-E	05-07-075
388-825-076	REP-E	05-09-019	388-825-190	REP-E	05-07-075	388-825-325	NEW-P	05-13-041
388-825-076	REP	05-11-015	388-825-190	REP-P	05-13-041	388-825-325	NEW-E	05-15-046
388-825-077	REP-P	05-05-084	388-825-190	REP-E	05-15-046	388-825-330	NEW-E	05-07-075
388-825-077	REP-E	05-09-019	388-825-228	PREP	05-15-094	388-825-330	NEW-P	05-13-041
388-825-077	REP	05-11-015	388-825-228	AMD-E	05-15-153	388-825-330	NEW-E	05-15-046
388-825-078	REP-P	05-05-084	388-825-254	PREP	05-15-094	388-825-335	NEW-E	05-07-075
388-825-078	REP-E	05-09-019	388-825-254	AMD-E	05-15-153	388-825-335	NEW-P	05-13-041
388-825-078	REP	05-11-015	388-825-260	REP-E	05-07-075	388-825-335	NEW-E	05-15-046
388-825-085	REP-P	05-05-084	388-825-260	REP-P	05-13-041	388-825-340	NEW-E	05-07-075
388-825-085	REP-E	05-09-019	388-825-260	REP-E	05-15-046	388-825-340	NEW-P	05-13-041
388-825-085	REP	05-11-015	388-825-262	REP-E	05-07-075	388-825-340	NEW-E	05-15-046
388-825-086	REP-P	05-05-084	388-825-262	REP-P	05-13-041	388-825-345	NEW-E	05-07-075
388-825-086	REP-E	05-09-019	388-825-262	REP-E	05-15-046	388-825-345	NEW-P	05-13-041
388-825-086	REP	05-11-015	388-825-264	REP-E	05-07-075	388-825-345	NEW-E	05-15-046
388-825-087	REP-P	05-05-084	388-825-264	REP-P	05-13-041	388-825-355	NEW-E	05-07-075
388-825-087	REP-E	05-09-019	388-825-264	REP-E	05-15-046	388-825-355	NEW-P	05-13-041
388-825-087	REP	05-11-015	388-825-266	REP-E	05-07-075	388-825-355	NEW-E	05-15-046
388-825-090	REP-P	05-05-084	388-825-266	REP-P	05-13-041	388-825-360	NEW-E	05-07-075
388-825-090	REP-E	05-09-019	388-825-266	REP-E	05-15-046	388-825-360	NEW-P	05-13-041
388-825-090	REP	05-11-015	388-825-268	REP-E	05-07-075	388-825-360	NEW-E	05-15-046
388-825-095	REP-P	05-05-084	388-825-268	REP-P	05-13-041	388-825-365	NEW-E	05-07-075
388-825-095	REP-E	05-09-019	388-825-268	REP-E	05-15-046	388-825-365	NEW-P	05-13-041
388-825-095	REP	05-11-015	388-825-270	REP-E	05-07-075	388-825-365	NEW-E	05-15-046
388-825-103	AMD-P	05-05-084	388-825-270	REP-P	05-13-041	388-825-370	NEW-E	05-07-075
388-825-103	AMD-E	05-09-019	388-825-270	REP-E	05-15-046	388-825-370	NEW-P	05-13-041
388-825-103	AMD	05-11-015	388-825-272	REP-E	05-07-075	388-825-370	NEW-E	05-15-046
388-825-120	AMD-E	05-07-075	388-825-272	REP-P	05-13-041	388-825-375	NEW-E	05-07-075
388-825-120	AMD-P	05-13-041	388-825-272	REP-E	05-15-046	388-825-375	NEW-P	05-13-041
388-825-120	AMD-E	05-15-046	388-825-276	REP-E	05-07-075	388-825-375	NEW-E	05-15-046
388-825-125	NEW-E	05-07-075	388-825-276	REP-P	05-13-041	388-825-380	NEW-E	05-07-075
388-825-125	NEW-P	05-13-041	388-825-276	REP-E	05-15-046	388-825-380	NEW-P	05-13-041
388-825-125	NEW-E	05-15-046	388-825-278	REP-E	05-07-075	388-825-380	NEW-E	05-15-046
388-825-130	NEW-E	05-07-075	388-825-278	REP-P	05-13-041	388-825-381	NEW-E	05-07-075
388-825-130	NEW-P	05-13-041	388-825-278	REP-E	05-15-046	388-825-381	NEW-P	05-13-041
388-825-130	NEW-E	05-15-046	388-825-280	REP-E	05-07-075	388-825-381	NEW-E	05-15-046
388-825-135	NEW-E	05-07-075	388-825-280	REP-P	05-13-041	388-825-385	NEW-E	05-07-075
388-825-135	NEW-P	05-13-041	388-825-280	REP-E	05-15-046	388-825-385	NEW-P	05-13-041
388-825-135	NEW-E	05-15-046	388-825-282	REP-E	05-07-075	388-825-385	NEW-E	05-15-046
388-825-140	NEW-E	05-07-075	388-825-282	REP-P	05-13-041	388-825-390	NEW-E	05-07-075
388-825-140	NEW-P	05-13-041	388-825-282	REP-E	05-15-046	388-825-390	NEW-P	05-13-041
388-825-140	NEW-E	05-15-046	388-825-284	REP-E	05-07-075	388-825-390	NEW-E	05-15-046
388-825-145	NEW-E	05-07-075	388-825-284	REP-P	05-13-041	388-825-395	NEW-E	05-07-075
388-825-145	NEW-P	05-13-041	388-825-284	REP-E	05-15-046	388-825-395	NEW-P	05-13-041
388-825-145	NEW-E	05-15-046	388-825-300	NEW-E	05-07-075	388-825-395	NEW-E	05-15-046
388-825-150	NEW-E	05-07-075	388-825-300	NEW-P	05-13-041	388-825-396	NEW-E	05-07-075
388-825-150	NEW-P	05-13-041	388-825-300	NEW-E	05-15-046	388-825-396	NEW-P	05-13-041
388-825-150	NEW-E	05-15-046	388-825-305	NEW-E	05-07-075	388-825-396	NEW-E	05-15-046
388-825-155	NEW-E	05-07-075	388-825-305	NEW-P	05-13-041	388-825-400	NEW-E	05-07-075
388-825-155	NEW-P	05-13-041	388-825-305	NEW-E	05-15-046	388-825-400	NEW-P	05-13-041
388-825-155	NEW-E	05-15-046	388-825-310	NEW-E	05-07-075	388-825-400	NEW-E	05-15-046
388-825-160	NEW-E	05-07-075	388-825-310	NEW-P	05-13-041	388-827	PREP-W	05-02-066

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-845-1800	NEW-E	05-12-026	388-845-3080	NEW-E	05-12-026	390- 37-060	AMD-P	05-06-068
388-845-1805	NEW-E	05-04-020	388-845-3085	NEW-E	05-04-020	390- 37-060	AMD	05-11-001
388-845-1805	NEW-E	05-12-026	388-845-3085	NEW-E	05-12-026	390- 37-090	AMD-P	05-06-068
388-845-1810	NEW-E	05-04-020	388-845-3090	NEW-E	05-04-020	390- 37-090	AMD	05-11-001
388-845-1810	NEW-E	05-12-026	388-845-3090	NEW-E	05-12-026	390- 37-160	AMD	05-04-038
388-845-1900	NEW-E	05-04-020	388-845-3095	NEW-E	05-04-020	390- 37-165	AMD	05-04-038
388-845-1900	NEW-E	05-12-026	388-845-3095	NEW-E	05-12-026	390- 37-170	AMD	05-04-038
388-845-1905	NEW-E	05-04-020	388-845-4000	NEW-E	05-04-020	390- 37-175	AMD	05-04-038
388-845-1905	NEW-E	05-12-026	388-845-4000	NEW-E	05-12-026	392-109	PREP	05-10-028
388-845-1910	NEW-E	05-04-020	388-845-4005	NEW-E	05-04-020	392-109-037	AMD-E	05-14-033
388-845-1910	NEW-E	05-12-026	388-845-4005	NEW-E	05-12-026	392-109-040	AMD-E	05-14-033
388-845-2000	NEW-E	05-04-020	388-845-4010	NEW-E	05-04-020	392-109-043	AMD-E	05-14-033
388-845-2000	NEW-E	05-12-026	388-845-4010	NEW-E	05-12-026	392-109-045	AMD-E	05-14-033
388-845-2005	NEW-E	05-04-020	388-845-4015	NEW-E	05-04-020	392-109-047	AMD-E	05-14-033
388-845-2005	NEW-E	05-12-026	388-845-4015	NEW-E	05-12-026	392-109-048	NEW-E	05-14-033
388-845-2010	NEW-E	05-04-020	388-850-035	AMD-P	05-05-084	392-109-050	AMD-E	05-14-033
388-845-2010	NEW-E	05-12-026	388-850-035	AMD-E	05-09-019	392-109-055	REP-E	05-14-033
388-845-2100	NEW-E	05-04-020	388-850-035	AMD	05-11-015	392-109-058	REP-E	05-14-033
388-845-2100	NEW-E	05-12-026	388-850-045	AMD-P	05-05-084	392-109-060	AMD-E	05-14-033
388-845-2105	NEW-E	05-04-020	388-850-045	AMD-E	05-09-019	392-109-065	AMD-E	05-14-033
388-845-2105	NEW-E	05-12-026	388-850-045	AMD	05-11-015	392-109-070	AMD-E	05-14-033
388-845-2110	NEW-E	05-04-020	388-853-010	PREP	05-15-096	392-109-072	REP-E	05-14-033
388-845-2110	NEW-E	05-12-026	388-853-030	PREP	05-15-096	392-109-075	AMD-E	05-14-033
388-845-2200	NEW-E	05-04-020	388-853-035	PREP	05-15-096	392-109-077	AMD-E	05-14-033
388-845-2200	NEW-E	05-12-026	388-853-080	PREP	05-15-096	392-109-078	AMD-E	05-14-033
388-845-2205	NEW-E	05-04-020	388-865-0107	NEW-P	05-08-123	392-109-080	AMD-E	05-14-033
388-845-2205	NEW-E	05-12-026	388-865-0150	AMD-P	05-08-123	392-109-085	AMD-E	05-14-033
388-845-2210	NEW-E	05-04-020	388-865-0201	PREP	05-14-072	392-109-090	AMD-E	05-14-033
388-845-2210	NEW-E	05-12-026	388-865-0201	AMD-E	05-14-081	392-109-095	AMD-E	05-14-033
388-845-3000	NEW-E	05-04-020	388-865-0230	AMD-P	05-08-123	392-109-100	AMD-E	05-14-033
388-845-3000	NEW-E	05-12-026	388-865-0335	AMD-P	05-08-122	392-109-105	AMD-E	05-14-033
388-845-3005	NEW-E	05-04-020	388-865-0340	REP-P	05-08-122	392-109-110	REP-E	05-14-033
388-845-3005	NEW-E	05-12-026	388-865-0400	AMD-P	05-08-123	392-109-111	NEW-E	05-14-033
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456-09-520	AMD-P	05-09-125	456-09-745	AMD	05-13-141	456-10-300	NEW	05-13-141
456-09-520	AMD	05-13-141	456-09-750	AMD-P	05-09-125	456-10-310	AMD-P	05-09-125
456-09-530	AMD-P	05-09-125	456-09-750	AMD	05-13-141	456-10-310	AMD	05-13-141
456-09-530	AMD	05-13-141	456-09-755	AMD-P	05-09-125	456-10-315	AMD-P	05-09-125
456-09-540	AMD-P	05-09-125	456-09-755	AMD	05-13-141	456-10-315	AMD	05-13-141
456-09-540	AMD	05-13-141	456-09-760	REP-P	05-09-125	456-10-320	REP-P	05-09-125
456-09-545	NEW-P	05-09-125	456-09-760	REP	05-13-141	456-10-320	REP	05-13-141
456-09-545	NEW	05-13-141	456-09-765	AMD-P	05-09-125	456-10-325	AMD-P	05-09-125
456-09-550	AMD-P	05-09-125	456-09-765	AMD	05-13-141	456-10-325	AMD	05-13-141
456-09-550	AMD	05-13-141	456-09-770	REP-P	05-09-125	456-10-330	AMD-P	05-09-125
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456-10-340	REP	05-13-141	456-10-740	REP	05-13-141	458-40-660	AMD-P	05-11-052
456-10-345	REP-P	05-09-125	456-10-745	REP-P	05-09-125	458-40-660	AMD	05-14-087
456-10-345	REP	05-13-141	456-10-745	REP	05-13-141	458-40-680	AMD	05-08-070
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456-10-355	REP	05-13-141	456-10-750	REP	05-13-141	460-24A-105	PREP	05-03-104
456-10-360	REP-P	05-09-125	456-10-755	AMD-P	05-09-125	463-60-382	RECOD-W	05-03-087
456-10-360	REP	05-13-141	456-10-755	AMD	05-13-141	463-60-385	RECOD-W	05-03-087
456-10-410	AMD-P	05-09-125	458-12-342	PREP	05-06-017	463-60-435	RECOD-W	05-03-087
456-10-410	AMD	05-13-141	458-12-342	AMD-P	05-11-007	463-60-525	RECOD-W	05-03-087
456-10-420	REP-P	05-09-125	458-12-342	AMD	05-14-106	463-60-625	RECOD-W	05-03-087
456-10-420	REP	05-13-141	458-16-1000	NEW-E	05-04-047	463-60-645	RECOD-W	05-03-087
456-10-430	REP-P	05-09-125	458-16-1000	NEW-P	05-05-063	463-60-655	RECOD-W	05-03-087
456-10-430	REP	05-13-141	458-16-1000	NEW-S	05-12-101	463-60-665	RECOD-W	05-03-087
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456-10-440	REP	05-13-141	458-20-100	PREP	05-07-156	463-60-680	RECOD-W	05-03-087
456-10-500	NEW-P	05-09-125	458-20-100	AMD-P	05-15-025	463-60-685	RECOD-W	05-03-087
456-10-500	NEW	05-13-141	458-20-141	AMD	05-03-053	463-60-690	RECOD-W	05-03-087
456-10-501	NEW-P	05-09-125	458-20-141	AMD-E	05-14-091	463-64-060	NEW-W	05-03-087
456-10-501	NEW	05-13-141	458-20-144	AMD	05-03-052	463-66-010	RECOD-W	05-03-087
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456-10-503	NEW	05-13-141	458-20-165	AMD-E	05-14-103	463-76-020	RECOD-W	05-03-087
456-10-505	AMD-P	05-09-125	458-20-165	AMD-X	05-15-084	463-76-030	RECOD-W	05-03-087
456-10-505	AMD	05-13-141	458-20-166	AMD-E	05-14-088	463-76-040	RECOD-W	05-03-087
456-10-507	NEW-P	05-09-125	458-20-168	AMD-P	05-06-019	463-76-050	RECOD-W	05-03-087
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456-10-510	AMD	05-13-141	458-20-177	AMD-P	05-06-018	468-38-001	NEW	05-04-053
456-10-515	AMD-P	05-09-125	458-20-177	AMD	05-14-086	468-38-005	NEW	05-04-053
456-10-515	AMD	05-13-141	458-20-17803	NEW	05-03-051	468-38-010	REP	05-04-053
456-10-525	REP-P	05-09-125	458-20-17803	AMD-E	05-14-091	468-38-020	REP	05-04-053
456-10-525	REP	05-13-141	458-20-179	PREP	05-15-085	468-38-030	AMD	05-04-053
456-10-530	AMD-P	05-09-125	458-20-17901	PREP	05-15-085	468-38-040	REP	05-04-053
456-10-530	AMD	05-13-141	458-20-17902	PREP	05-16-025	468-38-050	AMD	05-04-053
456-10-535	REP-P	05-09-125	458-20-190	AMD	05-03-002	468-38-060	REP	05-04-053
456-10-535	REP	05-13-141	458-20-191	REP	05-03-002	468-38-070	AMD	05-04-053
456-10-540	AMD-P	05-09-125	458-20-193	PREP	05-11-096	468-38-071	AMD	05-04-053
456-10-540	AMD	05-13-141	458-20-193C	PREP	05-11-096	468-38-073	NEW-P	05-07-085
456-10-545	AMD-P	05-09-125	458-20-193C	REP-P	05-16-128	468-38-073	NEW	05-12-002
456-10-545	AMD	05-13-141	458-20-194	PREP	05-06-124	468-38-075	AMD	05-04-053
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456-10-547	AMD	05-13-141	458-20-198	AMD	05-04-048	468-38-095	NEW	05-04-053
456-10-550	AMD-P	05-09-125	458-20-210	AMD-E	05-14-105	468-38-100	AMD	05-04-053
456-10-550	AMD	05-13-141	458-20-216	AMD-P	05-09-032	468-38-110	REP	05-04-053
456-10-555	AMD-P	05-09-125	458-20-216	AMD	05-14-107	468-38-120	AMD	05-04-053
456-10-555	AMD	05-13-141	458-20-229	PREP	05-12-137	468-38-130	REP	05-04-053
456-10-560	AMD-P	05-09-125	458-20-24001	PREP	05-05-061	468-38-135	REP	05-04-053
456-10-560	AMD	05-13-141	458-20-24001A	PREP	05-05-061	468-38-140	REP	05-04-053
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456-10-565	AMD	05-13-141	458-20-250	AMD-E	05-14-089	468-38-160	REP	05-04-053
456-10-570	REP-P	05-09-125	458-20-257	AMD-E	05-14-104	468-38-175	NEW	05-04-053
456-10-570	REP	05-13-141	458-20-261	PREP	05-08-118	468-38-180	REP	05-04-053
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456-10-710	AMD	05-13-141	458-20-268	NEW-E	05-03-017	468-38-200	REP	05-04-053
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456-10-720	REP	05-13-141	458-20-268	NEW-E	05-11-020	468-38-230	REP	05-04-053
456-10-725	AMD-P	05-09-125	458-20-270	NEW-X	05-13-163	468-38-235	REP	05-04-053
456-10-725	AMD	05-13-141	458-20-270	NEW-E	05-13-164	468-38-240	REP	05-04-053
456-10-730	AMD-P	05-09-125	458-20-271	NEW-E	05-14-105	468-38-250	REP	05-04-053
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468-38-280	AMD	05-04-053	478-118-410	AMD	05-08-017	480-90-208	REP	05-06-051
468-38-290	AMD	05-04-053	478-118-420	AMD-P	05-03-071	480-90-209	NEW	05-06-051
468-38-300	REP	05-04-053	478-118-420	AMD	05-08-017	480-90-218	REP	05-06-051
468-38-310	REP	05-04-053	478-118-510	REP-P	05-03-071	480-90-242	NEW-S	05-10-099
468-38-320	REP	05-04-053	478-118-510	REP	05-08-017	480-90-244	NEW	05-06-051
468-38-330	REP	05-04-053	478-136-015	AMD-X	05-15-090	480-90-245	NEW	05-06-051
468-38-340	REP	05-04-053	478-136-030	AMD-X	05-15-090	480-90-248	NEW	05-06-051
468-38-350	REP	05-04-053	478-137	PREP	05-11-011	480-90-248	AMD-S	05-10-099
468-38-360	AMD	05-04-053	478-168-035	AMD-X	05-15-090	480-90-252	NEW	05-06-051
468-38-375	NEW-E	05-15-066	478-168-180	AMD-X	05-15-090	480-90-252	AMD-X	05-15-161
468-38-390	REP	05-04-053	478-168-310	AMD-X	05-15-090	480-90-257	NEW	05-06-051
468-38-405	AMD	05-04-053	478-168-390	AMD-X	05-15-090	480-90-262	NEW-S	05-10-099
468-38-420	AMD	05-04-053	478-250-050	AMD	05-08-064	480-90-264	NEW	05-06-051
468-60	AMD-P	05-16-121	478-250-060	AMD	05-08-064	480-90-268	NEW	05-06-051
468-60-010	AMD-P	05-16-121	479-12-150	AMD	05-05-004	480-90-275	NEW	05-06-051
468-300-010	AMD-P	05-05-058	479-14-180	AMD	05-05-004	480-90-999	AMD	05-06-051
468-300-010	AMD-S	05-07-159	480-07	PREP	05-15-091	480-90-999	AMD-X	05-15-161
468-300-010	AMD	05-10-041	480-14-999	AMD-X	05-15-161	480-92-016	AMD	05-06-051
468-300-020	AMD-P	05-05-058	480-15-999	AMD-X	05-15-161	480-92-021	AMD	05-06-051
468-300-020	AMD-S	05-07-159	480-30-999	AMD-X	05-15-161	480-92-050	AMD	05-06-051
468-300-020	AMD	05-10-041	480-31-999	AMD-X	05-15-161	480-92-055	NEW	05-06-051
468-300-040	AMD-P	05-05-058	480-40-999	AMD-X	05-15-161	480-93	AMD-C	05-06-064
468-300-040	AMD-S	05-07-159	480-60-035	PREP-W	05-07-007	480-93-002	REP-S	05-02-096
468-300-040	AMD	05-10-041	480-62-218	NEW-W	05-04-008	480-93-002	REP	05-10-055
468-300-220	AMD-P	05-05-058	480-62-999	AMD-X	05-15-161	480-93-005	AMD-S	05-02-096
468-300-220	AMD-S	05-07-159	480-70-041	AMD	05-06-051	480-93-005	AMD	05-10-055
468-300-220	AMD	05-10-041	480-70-051	AMD	05-06-051	480-93-007	NEW-S	05-02-096
478-04-030	AMD	05-08-064	480-70-077	NEW	05-06-051	480-93-007	NEW	05-10-055
478-04-030	AMD-X	05-15-090	480-70-078	NEW	05-06-051	480-93-008	NEW-S	05-02-096
478-116-145	AMD	05-08-064	480-70-079	NEW	05-06-051	480-93-008	NEW	05-10-055
478-116-161	AMD	05-08-064	480-70-999	AMD-X	05-15-161	480-93-009	NEW-S	05-02-096
478-116-311	AMD	05-08-064	480-73-010	NEW	05-06-051	480-93-009	NEW	05-10-055
478-116-431	AMD	05-08-064	480-73-020	NEW	05-06-051	480-93-010	REP-S	05-02-096
478-118-010	AMD-P	05-03-071	480-73-030	NEW	05-06-051	480-93-010	REP	05-10-055
478-118-010	AMD	05-08-017	480-73-040	NEW	05-06-051	480-93-012	NEW-S	05-02-096
478-118-020	AMD-P	05-03-071	480-73-050	NEW	05-06-051	480-93-012	NEW	05-10-055
478-118-020	AMD	05-08-017	480-73-060	NEW	05-06-051	480-93-013	NEW	05-10-055
478-118-045	NEW-P	05-03-071	480-73-110	NEW	05-06-051	480-93-015	AMD-S	05-02-096
478-118-045	NEW	05-08-017	480-73-110	AMD-S	05-10-099	480-93-015	AMD	05-10-055
478-118-050	AMD-P	05-03-071	480-73-120	NEW	05-06-051	480-93-017	AMD-S	05-02-096
478-118-050	AMD	05-08-017	480-73-130	NEW	05-06-051	480-93-017	AMD	05-10-055
478-118-055	NEW-P	05-03-071	480-73-140	NEW	05-06-051	480-93-018	AMD-S	05-02-096
478-118-055	NEW	05-08-017	480-73-150	NEW	05-06-051	480-93-018	AMD	05-10-055
478-118-060	AMD-P	05-03-071	480-73-160	NEW	05-06-051	480-93-020	AMD-S	05-02-096
478-118-060	AMD	05-08-017	480-73-170	NEW-S	05-10-099	480-93-020	AMD	05-10-055
478-118-080	AMD-P	05-03-071	480-73-180	NEW	05-06-051	480-93-030	REP-S	05-02-096
478-118-080	AMD	05-08-017	480-73-190	NEW	05-06-051	480-93-030	REP	05-10-055
478-118-100	AMD-P	05-03-071	480-73-200	NEW-S	05-10-099	480-93-040	AMD-S	05-02-096
478-118-100	AMD	05-08-017	480-73-210	NEW	05-06-051	480-93-040	AMD	05-10-055
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478-118-200	AMD	05-08-017	480-73-999	AMD-X	05-15-161	480-93-080	AMD	05-10-055
478-118-210	AMD-P	05-03-071	480-75-240	AMD-P	05-09-122	480-93-082	REP-S	05-02-096
478-118-210	AMD	05-08-017	480-75-240	AMD-C	05-13-070	480-93-082	REP	05-10-055
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478-118-270	AMD	05-08-017	480-75-999	AMD-X	05-15-161	480-93-100	AMD	05-10-055
478-118-290	NEW-P	05-03-071	480-80-123	AMD	05-03-031	480-93-110	AMD-S	05-02-096
478-118-290	NEW	05-08-017	480-80-204	AMD	05-03-031	480-93-110	AMD	05-10-055
478-118-300	NEW-P	05-03-071	480-80-206	AMD	05-03-031	480-93-111	REP-S	05-02-096
478-118-300	NEW	05-08-017	480-90-008	AMD	05-06-051	480-93-111	REP	05-10-055
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480-93-115	AMD	05-10-055	480-100-244	NEW	05-06-051	480-120-122	AMD	05-03-031
480-93-120	REP-S	05-02-096	480-100-245	NEW	05-06-051	480-120-128	AMD	05-03-031
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480-93-124	AMD-S	05-02-096	480-100-248	AMD-S	05-10-099	480-120-161	AMD	05-03-031
480-93-124	AMD	05-10-055	480-100-252	NEW	05-06-051	480-120-166	AMD	05-03-031
480-93-130	AMD-S	05-02-096	480-100-257	NEW	05-06-051	480-120-172	AMD	05-03-031
480-93-130	AMD	05-10-055	480-100-262	NEW-S	05-10-099	480-120-173	AMD	05-03-031
480-93-140	AMD-S	05-02-096	480-100-264	NEW	05-06-051	480-120-174	AMD	05-03-031
480-93-140	AMD	05-10-055	480-100-268	NEW	05-06-051	480-120-196	AMD	05-03-031
480-93-150	REP-S	05-02-096	480-100-275	NEW	05-06-051	480-120-201	REP	05-03-031
480-93-150	REP	05-10-055	480-100-282	NEW-S	05-10-099	480-120-202	NEW	05-03-031
480-93-155	AMD-S	05-02-096	480-100-287	NEW-S	05-10-099	480-120-203	REP	05-03-031
480-93-155	AMD	05-10-055	480-100-999	AMD	05-06-051	480-120-204	REP	05-03-031
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480-93-160	AMD	05-10-055	480-110-205	AMD-P	05-04-063	480-120-206	REP	05-03-031
480-93-170	AMD-S	05-02-096	480-110-205	AMD	05-06-051	480-120-207	REP	05-03-031
480-93-170	AMD	05-10-055	480-110-205	AMD	05-08-099	480-120-208	REP	05-03-031
480-93-175	AMD-S	05-02-096	480-110-215	AMD	05-06-051	480-120-209	REP	05-03-031
480-93-175	AMD	05-10-055	480-110-225	AMD	05-06-051	480-120-211	REP	05-03-031
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480-93-178	NEW	05-10-055	480-110-235	AMD	05-06-051	480-120-213	REP	05-03-031
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480-93-180	AMD	05-10-055	480-110-255	AMD-P	05-04-063	480-120-215	REP	05-03-031
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480-93-184	REP-S	05-02-096	480-110-265	REP	05-06-051	480-120-262	AMD	05-03-031
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480-93-185	AMD-S	05-02-096	480-110-285	REP	05-06-051	480-120-302	REP	05-03-031
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480-93-186	AMD	05-10-055	480-110-355	AMD	05-06-051	480-120-305	REP	05-06-051
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480-93-18601	AMD	05-10-055	480-110-375	AMD	05-06-051	480-120-321	REP	05-06-051
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480-93-188	AMD	05-10-055	480-110-425	AMD	05-06-051	480-120-325	NEW	05-06-051
480-93-190	REP-S	05-02-096	480-110-431	NEW	05-06-051	480-120-331	NEW	05-06-051
480-93-190	REP	05-10-055	480-110-433	NEW	05-06-051	480-120-331	AMD-S	05-10-099
480-93-200	AMD-S	05-02-096	480-110-445	AMD	05-06-051	480-120-335	NEW	05-06-051
480-93-200	AMD	05-10-055	480-110-456	NEW	05-06-051	480-120-339	NEW	05-06-051
480-93-210	REP-S	05-02-096	480-110-457	NEW	05-06-051	480-120-344	NEW	05-06-051
480-93-210	REP	05-10-055	480-110-457	AMD-S	05-10-099	480-120-349	NEW	05-03-031
480-93-220	REP-S	05-02-096	480-110-459	NEW	05-06-051	480-120-349	NEW-W	05-14-131
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480-93-223	AMD-S	05-02-096	480-110-475	REP	05-06-051	480-120-355	NEW	05-06-051
480-93-223	AMD	05-10-055	480-110-485	AMD	05-06-051	480-120-359	NEW	05-03-031
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