

**WSR 06-15-012**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 6, 2006, 1:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-13-047.

Title of Rule and Other Identifying Information: WAC 415-104-480 LEOFF Plan 2 duty disability benefits.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 22, 2006, at 9:00 a.m.

Date of Intended Adoption: August 23, 2006.

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 August 22, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger by August 14, 2006, 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: WAC 415-104-480 is being amended to incorporate the provisions of chapter 451, Laws of 2005 (the allowance under this section is no longer actuarially reduced for early retirement) and to clarify eligibility requirements.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.470 (6) and (7).

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.

July 6, 2006  
 Leslie L. Saeger  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 04-22-074, filed 11/1/04, effective 12/2/04)

**WAC 415-104-480 LEOFF Plan 2 duty disability benefits.** ~~((Members of the law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2))~~ This section applies to you if you are a LEOFF Plan 2 member who incurs a disability in the line of duty ((are entitled to duty disability benefits subject to the requirements in)) per RCW 41.26.470 (6) and (7) and this section.

(1) **Who is entitled to duty disability benefits?** Any member of LEOFF Plan 2 who ~~((is deemed by the department to have))~~ the department determines has:

(a) Incurred a physical or mental disability in the line of duty;

(b) ~~((Been))~~ Become totally incapacitated for continued employment in a LEOFF eligible position; and

(c) Separated from a LEOFF eligible position due to the disability ~~((, and who:~~

~~((i) Has a retirement date on or after January 1, 2001; or~~

~~((ii) Is eligible under this section to have a retirement date on or after January 1, 2001.~~

~~The disability may be physical or mental, and may be caused by injury or occupational disease)).~~

(2) **How is "line of duty" defined?** Line of duty means any action or activity ~~((done))~~ occurring in conjunction with your employment or your status as a law enforcement officer or fire fighter ~~((that is))~~ and required ~~((, obligated,))~~ or authorized by law, rule, regulations, or condition of employment or service.

(3) **When are the duty disability provisions effective?** The ~~((effective date of the))~~ duty disability provisions under RCW 41.26.470 (6) and (7) ~~((is))~~ are effective June 10, 2004 ~~((, and applies retroactively to January 1, 2001. In order to qualify for the provisions, you must have separated from your LEOFF eligible position due to a duty disability with a retirement date on or after January 1, 2001)).~~

(4) **How do I apply for duty disability benefits?** ~~((You must submit))~~ The department must receive:

(a) A completed three-part disability retirement application on the form provided by the department.

(i) Part 1: Disability retirement application. You must complete and sign the application. If you are married, your spouse must sign ~~((consent of))~~ consenting to the retirement payment option you choose. ~~((You must have))~~ Your signature(s) must be notarized.

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

(iii) Part 3: Medical report. You must complete Section 1. The remainder must be completed and signed by a person licensed according to Washington state law to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, ~~((naturopathy))~~ clinical psychology, podiatry, dentistry, or optometry ~~((:))~~;

(b) ~~((Proof of applying to the Washington state department of labor and industries (L&I) or a self-insurer for workers' compensation benefits under Title 51 RCW and, if L&I or the self-insurer determined eligibility, a copy of the determination;~~

~~((e)))~~ Additional information ~~((that may be))~~ requested by the department; and

~~((d)))~~ (c) Any other material you want the department to consider.

(5) **What ~~((types of))~~ evidence will the department use to determine whether I am entitled to benefits under this section?** The department will consider any relevant information submitted by you or your employer, or otherwise available to the department, including:

(a) Information and determinations ~~((obtained from))~~ by the department of labor and industries (L&I) or a self-insurer;

~~((b))~~ ~~((The documentation you submit;~~

~~((c))~~ ~~((Facts surrounding your injury or occupational disease))~~ Medical, vocational, and other information about your disability;

~~((d))~~ ~~((c))~~ Your job description;

~~((e))~~ ~~((d))~~ Your membership records, maintained by the department;

~~((f))~~ ~~((Materials obtained or provided by your employer;))~~ and

~~((g))~~ ~~((e))~~ Any other relevant evidence.

**(6) What would disqualify me for duty disability benefits?** You are not eligible for duty disability benefits if any of the following apply:

(a) Your application does not provide adequate proof that you are totally incapacitated for continued employment in a LEOFF-eligible position;

(b) Your application ~~((is incomplete or lacks sufficient documentation to prove))~~ does not provide adequate proof that your disability was incurred in the line of duty;

(c) ~~((Your claim for workers' compensation benefits under Title 51 RCW was denied either because your disability was not incurred in the course of employment or because your condition was not recognized as a disability;~~

~~((d))~~ The disability occurred as a result of intentional misconduct;

~~((e))~~ including but not limited to:

~~((i))~~ An action ~~((was taken by))~~ you took intentionally to bring about your own disability;

~~((f))~~ ~~((Your mental or physical faculties were impaired due to voluntary intoxication as defined in subsection (17) of this section; or~~

~~((g))~~ ~~((You were performing your duties in a grossly negligent manner at the time the disability occurred))~~ (ii) Gross negligence on your part; or

(iii) Your voluntary intoxication. As used in this section, "intoxication" means a disturbance of mental or physical faculties resulting from the introduction of:

(A) Alcohol into the body as evidenced by:

(I) A blood alcohol level of .20 per centum or greater; or

(II) A blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the officer or fire fighter was not acting in an intoxicated manner immediately prior to the injury; or

(B) Drugs or other substances in the body.

**(7) Who decides if I meet the requirements for benefits under this section?** The LEOFF plan administrator.

**(8) May I petition a decision made by the LEOFF plan administrator?** Yes. If the LEOFF plan administrator denies your request for a disability benefit ~~((or determines your disability was not incurred in the line of duty))~~ under this section, you may petition for review under chapter 415-04 WAC.

**(9) What are the duty disability retirement benefits?** As a duty disability retiree, you may choose between:

(a) A nontaxable, one-time lump sum payment equal to one hundred fifty percent of your retirement contributions; except that, any payments made to restore service credit after the five-year deadline will be paid at one hundred percent; or

(b) A monthly ~~((benefit))~~ allowance equal to ~~((b)(i) or (ii) of this subsection, whichever provides the greater benefit):~~

(i) ~~((A minimum monthly benefit equal to))~~ Ten percent of your final average salary (FAS), which is nontaxable; ~~((or))~~ and

(ii) ~~((A monthly benefit of))~~ Two percent of your FAS for each year of service ~~((, adjusted for early retirement if you are under age fifty-three and any survivor option chosen. A portion of your benefit, equal to ten percent of your FAS, is nontaxable))~~ beyond five years.

Your monthly allowance will not be adjusted for early retirement. However, if you choose a benefit option with a survivor feature as described in WAC 415-104-215, your monthly allowance will be actuarially reduced to offset the cost. The factors used to determine the amount of the reduction are in WAC 415-02-380.

**Example:** Tom incurs a duty disability at age 42 after twenty years of service. His final average salary is \$5000 per month. Tom's wife is also age 42 ~~((, and))~~. He chooses ~~((survivor))~~ Benefit Option Two ~~((per))~~ so that, after his death, his wife will receive a monthly allowance equal to the gross monthly allowance he was receiving. See WAC 415-104-215 (2)(b).

Tom's minimum ~~((benefit))~~ duty disability allowance, calculated at 10 percent of his final average salary (FAS) ~~((; would be))~~ is:

Allowance	\$5000 X 10% =	\$500
<del>((Benefit with survivor Option Two))</del> <u>Allowance after the actuarial reduction for Option Two (survivor feature)</u>	\$500 X 0.87 =	\$435 (nontaxable)

~~((Tom's duty disability benefit using standard computation would be))~~ In addition, Tom will receive:

Allowance	<del>((2% X AFS - (\$5000) X 20-years))</del> <u>15 years X 2% X FAS (\$5000)</u> =	<del>((2000))</del> <u>1500</u>
<del>((Benefit after reduction for early retirement</del>	<del>((early retirement factor))</del> =	<del>((780))</del> <u>\$780</u>
<del>((Benefit with survivor Option Two))</del> <u>Allowance after the actuarial reduction for Option Two (survivor feature)</u>	<del>((780))</del> <u>1500 X 0.87 =</u>	<del>((678.60 (\$435 of this amount is nontaxable))</del> <u>1305</u>

Tom will receive ~~((a monthly benefit of \$678.60 because that is the greater benefit))~~ \$435 (nontaxable) plus \$1305 (taxable), for a total monthly allowance of \$1740.

(10) **Are my duty disability benefits taxable?** The department reports disability benefits to the Internal Revenue Service as required by federal law. Based on current federal law, part of your benefit may be taxable. You should consult with your own 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.

~~((It is important that you realize that))~~ The department does not:

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

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

(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.

(11) ~~((If I retired on or after January 1, 2001, may I apply for duty disability benefits? If you separated employment due to disability and retired with a service or nonduty disability retirement date on or after January 1, 2001, you may apply to the department for duty disability benefits according to the provisions of subsection (4) of this section.~~

~~((12) If I separated from employment))~~ **If I previously withdrew my contributions, may I apply for duty disability benefits?** If you separated from employment due to a disability and ~~((qualify for a retirement date on or after January 1, 2001))~~ withdrew your contributions, you may apply for duty disability benefits according to the provisions of subsection (4) of this section. ~~((If the LEOFF administrator determines you are entitled to duty disability benefits, you will receive a monthly benefit calculated as provided in subsection (9)(b) of this section. However, if you withdrew your contributions, you must repay the entire amount you withdrew. You may repay the withdrawn amount:~~

~~((a) By returning the entire amount you withdrew to the department; or~~

~~((b) By an actuarial reduction in your monthly benefit.))~~

**(12) If I previously withdrew my contributions and am approved for duty disability benefits, what will I receive as a benefit?** If the LEOFF plan administrator determines you are entitled to duty disability benefits, the department will amend Internal Revenue Service reporting to designate your previous withdrawal as nontaxable. In addition, you may choose either of the following:

(a) If you previously withdrew 100% of your contributions, you may choose to receive an additional lump sum payment equal to 50% of the contributions you withdrew. The payment will be nontaxable; or

(b) If you previously withdrew 100% or 150% of your contributions, you may choose to receive a monthly allowance according to subsection (9) of this section. You must repay the amount you withdrew, either in a lump sum payment or by having your monthly allowance permanently

actuarially reduced to offset the amount of your previous withdrawal.

**Example:** John was injured on the job and separated from his LEOFF position in March 2002. At the time he separated, he was 43 years old, had 10 years of service, and his final average salary was \$5,000.00 per month. At that time, John chose to withdraw \$75,000, which equaled 150 percent of his retirement contributions.

John subsequently applied under the provisions of RCW 41.26.470 (6) and (7) and was deemed eligible for duty disability benefits.

The department calculated John's benefit according to the methods in subsection (9) of this section ~~((and determined it was to John's))~~. John determined it was to his advantage to take ((the minimum monthly benefit)) a monthly allowance.

If John ~~((chooses to))~~ **repays the entire amount he withdrew in a lump sum**, his monthly ~~((duty disability benefit))~~ allowance will be calculated according to the formula in subsection (9)(b) of this section:

Minimum monthly <del>((benefit))</del> <u>allow-</u> <u>ance</u>	10% X <del>((AFS))</del> <u>FAS</u> (\$5000) =	\$500 <u>(nontax-</u> <u>able)</u>
	<u>Plus:</u>	
<u>Monthly allowance</u>	<u>5 years X 2% X FAS</u> <u>(\$5000) =</u>	<u>\$500</u>
<u>John's total monthly allowance will be \$1,000<sup>1</sup>.</u>		

If John ~~((chooses to))~~ **repays the withdrawn amount** ~~((by having his monthly benefit actuarially reduced, his benefit will be))~~ **through a permanent actuarial reduction**, his monthly allowance will be reduced as follows:

<del>((Minimum-</del> <del>monthly benefit))</del> <u>Monthly allow-</u> <u>ance (calculated</u> <u>above)</u>	<del>((10% X AFS (\$5000)))</del> = 1000	<del>\$(500)</del> <u>1000</u>
Reduction to repay the with- drawn amount (\$75,000)	\$75,000 X .0049904 (annuity factor, which is based on the retiree's age) =	-\$374.28
Monthly <del>((bene-</del> <del>fit))</del> <u>allow-</u> <u>ance</u>		<del>\$(125.72))</del> <u>625.72<sup>2</sup></u>

<sup>1</sup> Annuity factors are provided in WAC 415-02-340.

<sup>2</sup> If John chooses a benefit option with a survivor feature, as described in WAC 415-104-215, his monthly allowance will be actuarially reduced to offset the cost. Survivor option factors are provided in WAC 415-02-380.

(13) **When does a duty disability retirement benefit end?** The department may require comprehensive medical examinations to reevaluate your eligibility for continued dis-

ability benefits according to the provisions of RCW 41.26.-470(2). Your duty disability benefit will cease if:

(a) You return to work in a LEOFF-eligible position; or

(b) Medical examination reveals that you ~~((have recovered from the incapacitating disability))~~ are no longer totally incapacitated for employment in a LEOFF eligible position and you are no longer entitled to workers' compensation benefits under Title 51 RCW.

(14) **If I retire for a duty disability and die, will my survivor beneficiary receive a monthly ((benefit)) allowance?** If you ~~((elect a survivor option))~~ choose a benefit option with a survivor feature under WAC 415-104-215(2) at the time of retirement, your survivor beneficiary will receive a monthly ~~((benefit))~~ allowance after your death.

(15) **What happens if I return to a LEOFF-eligible position?** If you ~~((recover from your disability and))~~ return to a LEOFF-eligible position, your monthly ~~((retirement benefit))~~ allowance will stop.

(16) **If I return to a LEOFF-eligible position, how will my future retirement benefit be affected?** When you reretire, your monthly ~~((benefit))~~ allowance will be calculated pursuant to RCW 41.26.500 ~~((using any additional service credit and your highest sixty consecutive months of salary, but will be reduced if:~~

(a) ~~You were receiving a monthly benefit equal to ten percent of your FAS; or~~

(b) ~~You were receiving a monthly benefit calculated under the normal two percent rule but had an early retirement factor applied; or~~

(c) ~~You received the one time lump sum payment equal to one hundred fifty percent of your contributions, unless you repay the amount you received.~~

(17) ~~As used in this section, intoxication means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by:~~

(a) ~~A blood alcohol level of .20 per centum or greater;~~

(b) ~~A blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his/her injury; or~~

~~Resulting from drugs or other substances in the body))~~ and WAC 415-104-111.

### WSR 06-15-013

#### PROPOSED RULES

#### DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 6, 2006, 1:05 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-15-037.

Title of Rule and Other Identifying Information: Chapter 415-112 WAC, Teachers' Retirement System, includes proposed new, amended and repealed rules.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 22, 2006, at 9:00 a.m.

Date of Intended Adoption: August 23, 2006.

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 August 22, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger, Rules Coordinator, by August 14, 2006, 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: The department has been reviewing and rewriting the teachers' retirement system rules to reflect current policy and clear writing standards. This is the third and final phase of the project. Phases 1 and 2 were completed in 2005.

Statutory Authority for Adoption: For WAC 415-112-255, 415-112-256, 415-112-295, 415-112-332, 415-112-474, 415-112-509, 415-112-520, and 415-112-715 is RCW 41.50.050(5); for WAC 415-112-432, 415-112-434, and 415-112-435 is RCW 41.32.345.

Repealers: For WAC 415-112-200, 415-112-210, 415-112-220, 415-112-230, 415-112-260, 415-112-530, 415-112-810, 415-112-820, 415-112-830, and 415-112-835 is RCW 41.50.050(5).

Statute Being Implemented: For WAC 415-112-255 is RCW 41.32.310; for WAC 415-112-256 is RCW 41.32.762, [41.32.]810, [41.32.]825, [41.32.]865, [41.32.]870; for WAC 415-112-295 is RCW 41.32.065; for WAC 415-112-332 is RCW 41.32.010 (26)(b); for WAC 415-112-432, 415-112-434, and 415-112-435 is RCW 41.32.345; and for WAC 415-112-474 is RCW 41.04.660.

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.

July 6, 2006

Leslie L. Saeger  
Rules and Contracts Coordinator

#### NEW SECTION

**WAC 415-112-255 How do I purchase or restore Plan 1 service credit?** This section applies to Plan 1 members who qualify by this chapter or chapter 41.32 RCW to purchase credit for previous service, or to restore service credit after withdrawing contributions or taking a lump sum



payment in lieu of benefits. This section does not apply to service credit for substitute teaching. See WAC 415-112-140.

(1) **Do I qualify to purchase or restore service credit?** In addition to meeting the statutory requirements for the specific type of service you performed:

(a) You must be an active TRS member at the time you apply to purchase or restore service credit;

(b) If purchasing credit for previous service, you must return to TRS service for twenty or more full-time days or the equivalent within a fiscal year after providing that service; and

(c) You must purchase or restore the service credit according to the provisions of this section.

(2) **How do I apply to purchase or restore service credit?** You may apply to purchase service credit by submitting satisfactory proof of your service to the department.

(3) **What are the time limits for paying for service credit?** You must make payment according to this subsection or before retirement, whichever is sooner. You may make payment in full in one payment or make annual installment payments, consistent with the following deadlines:

(a) If you make payment in full in one payment, the entire amount is due no later than the end of the fifth fiscal year after which you return to TRS service. For example, if you return to service in April 2004, the deadline is June 30, 2008.

(b) If you make payment in annual installments:

(i) The first annual installment is due no later than the end of the fifth fiscal year after which you return to TRS service; and

(ii) The final annual installment is due no later than June 30 of the fourth year following the first annual installment. See RCW 41.32.310.

(4) **Does the deadline in subsection (3) of this section change if I separate from service before making full payment?**

(a) If you separate and withdraw your contributions (terminate membership) before making full payment, the deadline for purchasing service credit and for restoring service credit differ as follows:

(i) **Purchasing service credit for a previous period of service.** You must reestablish membership and then make payment in full by the original deadline.

(ii) **Restoring service credit after withdrawal of contributions or receipt of a lump sum payment taken in lieu of benefits.** The time limit will start over each time you reestablish membership if:

(A) You did not make any payments for the service credit and you withdrew from TRS before the first annual installment was due (see subsection (2)(a)(ii)(B) of this section); or

(B) You made at least the initial annual installment and withdrew before the end of the fourth fiscal year after the initial installment.

In cases other than (a)(ii)(A) or (B) of this subsection the original deadlines remain in place.

(b) If you separate, but do not withdraw your contributions, the original deadline applies. You may, however, continue to make payments while you are separated from service.

(5) **What happens if I do not make payment in full by the deadline?**

(a) If you were eligible to purchase or restore service credit and did not begin to do so prior to the deadline, you may purchase or restore the service credit at any time prior to retirement as long as you do not withdraw your contributions. You must pay the full actuarial value of the resulting increase in benefits. See RCW 41.50.165, WAC 415-02-370, and chapter 415-10 WAC.

(b) If you enter into an arrangement to purchase service credit and fail to make the final payment within the time limit established by law:

(i) The arrangement is terminated and all payments you made will be returned to you; and

(ii) You may purchase the service credit at any time prior to retirement as long as you do not withdraw your contributions. You must pay the full actuarial value of the resulting increase in benefits. See RCW 41.50.165, WAC 415-02-370 and chapter 415-10 WAC.

#### NEW SECTION

**WAC 415-112-256 How do I purchase or restore Plan 2 or 3 service credit?** This section applies to Plan 2 and 3 members who qualify by this chapter or chapter 41.32 RCW to purchase credit for previous service or to restore service credit after withdrawing contributions or taking a lump sum payment in lieu of benefits. This section does not apply to service credit for substitute teaching. See WAC 415-112-140.

(1) **Do I qualify to purchase or restore service credit?** In addition to meeting the statutory requirements for the specific type of service you performed, you must:

(a) Be an active TRS member when you apply to purchase or restore the service credit; and

(b) Purchase the service credit according to the provisions of this section.

(2) **How do I apply to purchase or restore service credit?** You may apply to purchase service credit by submitting satisfactory proof of your service to the department.

(3) **What are the time limits for paying for service credit?** You must make payment in full according to this subsection or before retirement, whichever is sooner.

(a) You must make payment in full, in one payment, within five years of returning to TRS service:

(i) To establish service credit for military service or unpaid authorized leave of absence. See RCW 41.32.810, 41.32.865 and 41.32.892.

(ii) To restore service credit after withdrawing contributions. See RCW 41.32.825.

(b) You must make payment in full, in one payment, within two years of returning to TRS service to restore service credit after a lump-sum distribution in lieu of a benefit payment. See RCW 41.32.762 and 41.32.870.

(4) **What are the consequences of separating from service before making full payment?**

(a) If you separate and withdraw your contributions (terminate membership) before making full payment, you must return to membership and make payment in full by the original deadline.

(b) If you separate but do not withdraw your contributions, you may purchase the service credit whether or not you return to service. The original deadline applies.

(5) **What happens if I do not make payment in full by the deadline?** If you were eligible to purchase or restore service credit and did not make payment in full by the deadline, you may purchase or restore the service credit at any time prior to retirement as long as you do not withdraw your contributions. You must pay the full actuarial value of the resulting increase in benefits. See RCW 41.50.165, WAC 415-02-370, and chapter 415-10 WAC.

NEW SECTION

**WAC 415-112-295 May I use "unpurchased" out-of-state teaching service credit to determine eligibility for retirement?** (1) If you earned service credit in an out-of-state retirement system that covers teachers in public schools and do not purchase that service credit, you may use it solely to qualify for retirement.

(2) If you use "unpurchased" out-of-state service credit to qualify for retirement, your retirement benefit:

(a) Will be based solely on your years of service credit in the Washington teachers' retirement system; and

(b) Will be actuarially reduced according to the age you would have been eligible to retire if you had not counted your out-of-state service credit. See RCW 41.32.065.

(3) You may also be eligible to purchase a limited amount of service credit for out-of-state teaching under this chapter.

**Example:** Jane is a member of TRS Plan 1. She has five years of out-of-state service credit as a public school teacher and twenty-five years of service credit in TRS Plan 1. She is eligible to retire from TRS Plan 1 with thirty years of service credit; however, her retirement benefit will be based solely on her twenty-five years of TRS service credit.

NEW SECTION

**WAC 415-112-332 How does the department calculate service credit for Plan 2 and 3 members?** (1) How is my service credit calculated? RCW 41.32.010 (26)(b) provides three methods that may be used to calculate service credit for Plan 2 and 3 members:

(a) **Twelve-month method:** If you meet the following conditions, you will receive one service credit month for each month of a twelve-month period (September through August):

(i) You were employed at least nine calendar months starting in September; and

(ii) You earned earnable compensation for at least eight hundred ten hours during September through August. The twelve service credit months earned under this subsection are credited to you on August 31.

(b) **Partial service credit method:** If you meet the following conditions, you will receive one-half of a service credit month for each month of a twelve-month period (September through August):

(i) You were employed at least nine calendar months starting in September; and

(ii) You earned earnable compensation for at least six hundred thirty hours, but less than eight hundred ten hours during September through August.

The six service credit months earned under this subsection are credited to you on August 31.

(c) **Month-by-month method:** You will receive service credit on a month-by-month basis as follows:

(i) One service credit month for each calendar month in which you earn earnable compensation for ninety or more hours;

(ii) One-half service credit month for each calendar month in which you earn earnable compensation for at least seventy hours but less than ninety hours; and

(iii) A quarter of a service credit month for each calendar month in which you earn earnable compensation for some but less than seventy hours.

(2)(a) **Twelve-month method.** If you qualify, the department will calculate your service credit using the twelve-month method.

**Example.**

Sept.	60
Oct.	60
Nov.	60
Dec.	60
Jan.	60
Feb.	60
March	160
April	160
May	160
June	
July	
Aug.	
Total	840

Mary is a Plan 3 member who worked nine months, for a total of 840 hours, as shown in the table. Using the twelve-month method, Mary receives one service credit month for each of twelve calendar months, for a total of twelve service credit months. The department will credit Mary with twelve service credit months on August 31. If Mary separates service at the end of May, she will receive nine service credit months. If she separates service at the end of June, she will receive ten service credit months.

(b) **Partial service credit method.** If you do not qualify for the twelve-month method, and you meet the requirements in subsection (1)(b) of this section, the department will calculate your service credit using the partial service credit method.

(c) **Month-by-month.** The month-by-month method will be used if you leave service before the end of the school year or otherwise do not meet the requirements for the twelve-month method or the partial service credit method.

(3) If you are employed by two or more employers, you will receive no more than one service credit month for any calendar month.

NEW SECTION

**WAC 415-112-432 Do I qualify for the alternate computation of earnable compensation in RCW 41.32.345?** RCW 41.32.345 provides an optional method of computing earnable compensation for part-time TRS Plan 1 members. This method is intended to ensure that a TRS Plan 1 member who earns a fractional year of service credit will receive benefits proportional to benefits received by a member who earns a full year of service credit.

(1) To be eligible for the alternate calculation, you must meet the requirements in subsection (2) or (3) of this section for:

(a) Each fiscal year for two consecutive fiscal years; or

(b) Each of the two twelve-month periods contained in an alternate period, provided that you meet the qualifications for using an alternate period for the calculation of your AFC under WAC 415-112-430(2).

(2) Service for a single employer. If you work for one and only one employer during the twelve-month period, you must satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contract.

(i) If you work for a school district or educational service district, you must be under a part-time contract from the first teaching day to the last teaching day of the school's official calendar.

(ii) If you work for a community or technical college, school for the blind, or school for the deaf, you must be under part-time contracts for at least three of the four academic quarters (summer, fall, winter, or spring).

(b) Instructional position. You must spend more than seventy-five percent of your total hours of service as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor.

(c) Number of days. During the twelve-month period, you must be employed at least twenty days or the equivalent, but less than eighty percent of the days in your employer's official calendar. For purposes of this calculation, the department considers that the official calendar of a school district or educational service district has one hundred eighty days.

(3) Service for two or more employers. If you work for more than one employer during the twelve-month period, you must satisfy the requirements of (a), (b), and (c) of this subsection.

(a) Written contracts. You must be employed only under part-time contracts with a school district, educational service district, community or technical college, school for the deaf, or school for the blind for the equivalent of three of the four academic quarters (summer, fall, winter, or spring).

**Example 1.** Susan is employed part time with School District B from September 1 through December 31. She is employed with School District C from January 1 through June 20. Susan meets the "written contract" requirement of this subsection because she is under contract for the equivalent of three academic quarters (fall, winter, and spring).

**Example 2.** Bill is employed with School District B from September 1 through December 31. He is employed with Community College C for winter and spring quarters. Bill meets the "written contract" requirement of this subsection because he is under contract for the equivalent of three academic quarters (fall, winter, and spring).

(b) Instructional position. You must spend more than seventy-five percent of your total hours of service as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor.

(c) Number of days. During the twelve-month period, you must be employed at least twenty days or the equivalent, but less than eighty percent of the days in your employers' official calendars, as illustrated in the example. For purposes of this calculation, the department considers that the official calendar of a school district or educational service district has one hundred eighty days. The number of days in the official calendars of community and technical colleges may vary.

**Example:** Sue worked for 10 days at School District A, which is considered to have 180 days in its official calendar. She worked for 90 days at Community College B, which has 150 days in its official calendar.

She worked 5.6% (10/180) of School District A's official calendar plus 60% (90/150) of Community College B's official calendar for a total of 65.6%.

(4) The department may consider additional information to determine if you meet the requirements in this section. Upon the department's request, employers must provide, without limitation, the following information:

(a) For school district employees, the salary schedule and related workload provisions, if any, adopted pursuant to RCW 28A.405.200 by the school district; and

(b) Documentation indicating:

(i) Whether your position is included on the employing district's salary schedule, in workload provisions, or in a collective bargaining agreement;

(ii) Whether your position has duties, responsibilities, workload requirements, or methods of pay similar to those of positions found in the district's schedule, workload provisions, or collective bargaining agreement;

(iii) When your position was created, and how long you held the position;

(iv) Whether you have previously retired under the provisions of chapter 41.32 RCW.

NEW SECTION

**WAC 415-112-434 How is my earnable compensation adjusted if I meet the requirements in WAC 415-112-432 for two consecutive fiscal years?** If you meet the requirements in WAC 415-112-432 for each fiscal year for two consecutive fiscal years, you may choose to have your

annual earnable compensation computed according to this section rather than WAC 415-112-430.

(1) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the hours per day reported under (a) of this subsection, by the number of days reported under (b) of this subsection. For each contracted position you occupied during the fiscal year, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers there are seven hours in a school day.

(ii) If you were employed in more than one position to meet the requirements in WAC 415-112-432, the department will average the number of hours reported by your employers; and

(b) The number of days in the employer's official calendar under a regular full-time contract:

(i) For K-12 teachers, the department will count only days identified in contracts adopted pursuant to RCW 28A.405.200. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements in WAC 415-112-432, the department will average the number of days reported by your employers.

(2) The department will calculate your average hourly rate by dividing the compensation reported under (b) of this subsection, by the hours reported under (a) of this subsection. Your employer(s) must provide the following written information:

(a) Total hours you worked during the fiscal year under all employment contracts with the employer; and

(b) Total earnable compensation you earned during the fiscal year under all employment contracts with the employer.

(3) To determine your adjusted earnable compensation for each fiscal year, the department will multiply your average hourly wage determined in subsection (2) of this section, by the number of hours in an official calendar, as determined by subsection (1) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

#### NEW SECTION

**WAC 415-112-435 How is earnable compensation adjusted for TRS Plan 1 members in extended school year programs?** If you meet the requirements in WAC 415-112-432 for each year in an alternate period as defined in WAC 415-112-430, you may choose to have your annual earnable compensation computed according to this section rather than WAC 415-112-430. If you meet the requirements in WAC 415-112-432 for both, an alternate period and two consecutive fiscal years, you may also have your earnable compensation calculated by fiscal years under WAC 415-112-434.

(1) For purposes of this section, the "alternate period" in WAC 415-112-430 (1)(b) will be divided into two consecu-

tive twelve-month periods and each will be referred to as an "alternate year." Annual earnable compensation will be determined for each alternate year.

(2) The department will determine the number of hours you would have worked if you were employed on a regular full-time basis by multiplying the hours per day reported under (a) of this subsection, by the number of days reported under (b) of this subsection. For each contracted position you occupied during the alternate year, your employer must provide written verification of:

(a) The number of hours in the employer's school day.

(i) Unless otherwise determined by a contract, bargaining agreement or employer policy, the department considers there are seven hours in a school day.

(ii) If you were employed in more than one position to meet the requirements in WAC 415-112-432, the department will average the number of hours reported by your employers.

(b) The number of days in the employer's official calendar under a regular full-time contract:

(i) For K-12 teachers, the department will count only days identified in contracts adopted pursuant to RCW 28A.405.200. Days worked pursuant to supplemental contracts authorized by RCW 28A.405.240 and 28A.400.200(4) are not considered days required under a "regular full-time contract."

(ii) If you were employed in more than one position to meet the requirements in WAC 415-112-432, the department will average the number of days reported by your employers.

(3) The department will calculate your average hourly rate by dividing the compensation reported under (b) of this subsection, by the hours reported under (a) of this subsection. Your employer(s) must provide the following written information regarding your employment:

(a) Total hours you worked during the alternate year under all employment contracts with the employer; and

(b) Total earnable compensation you earned during the alternate year under all employment contracts with the employer.

(4) To determine your adjusted earnable compensation for the alternate year, the department will multiply your average hourly wage determined in subsection (3) of this section, by the number of hours in the official calendar, as determined by subsection (2) of this section. The product is the compensation you would have received in the same position if employed on a regular full-time basis.

#### NEW SECTION

**WAC 415-112-474 Is compensation from shared leave earnable compensation?** If you receive leave through the leave sharing program created by RCW 41.04.660, the compensation you receive from your employer for that leave is earnable compensation.

#### NEW SECTION

**WAC 415-112-509 When will the department approve my application for service retirement?** The department will approve your application for service retirement only after you:

(1) Submit a properly completed form according to the provisions of WAC 415-112-507;

(2) Meet the age and service requirements in WAC 415-112-500 for Plan 1, WAC 415-112-501 for Plan 2, or WAC 415-112-502 for Plan 3;

(3) Separate from service with all employers as defined in RCW 41.32.010(11);

(4) Have no written agreement to return to employment with an employer; and

(5) Pay in full for any service credit you wish to purchase or restore.

AMENDATORY SECTION (Amending WSR 99-14-008, filed 6/24/99, effective 7/25/99)

**WAC 415-112-520** (~~(Date from which service retirement allowance accrues-)~~) **When do my monthly retirement payments begin?** (~~(When does my retirement allowance become payable?)~~)

(1) (~~(The department must receive proof and payment to establish membership or additional service credit before your retirement allowance will be payable. After the department receives the necessary proof and payment and approves your application for service retirement, your retirement allowance is payable on:~~

(a) July 1 following your final year of service if you established a full year of Washington service credit for the year in which you retired; or

(b) The first of the month following the month that you terminated public school service.

(2) ~~If you terminate public school employment before you are eligible for a service retirement allowance, you may later qualify for a deferred retirement allowance based on your age if you are not employed in public education. If you qualify, your retirement allowance is payable on the date you reach the minimum age required to start receiving payments-)~~ **The department will issue your first retirement allowance payment at the end of the month in which you retire.**

**(2) If your accrual date is prior to the date your application is approved, you will receive a lump sum payment of the amount that has accrued prior to your first payment. Thereafter, you will receive the calculated monthly benefit.**

#### NEW SECTION

**WAC 415-112-715 Who gets the balance of my monthly retirement allowance if I die partway through a month?** If you have entered retirement status and die part way through a month, a prorated portion of the defined benefit retirement allowance payable for the month of your death will be paid to the beneficiary named on the form in effect at the time of your death, if that person or entity survives your death. If your named beneficiary has died or is no longer in existence, the prorated amount will be paid to your estate.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-112-200	Establishing credit for previous service.
WAC 415-112-210	Withdrawal before final date for establishing additional credit.
WAC 415-112-220	Withdrawal before making final payment to establish additional credit.
WAC 415-112-230	Failure to make final payment to establish credit.
WAC 415-112-260	How is service credit evaluated for service in higher institutions?
WAC 415-112-530	Balance of monthly payment due on date of death.
WAC 415-112-810	Who qualifies for the alternate computation of earnable compensation in RCW 41.32.345?
WAC 415-112-820	What is a bona fide position for purposes of WAC 415-112-810?
WAC 415-112-830	How is earnable compensation adjusted for bona fide employees?
WAC 415-112-835	How is the computation in WAC 415-112-830 modified for teachers in extended school year programs?

**WSR 06-15-014**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 6, 2006, 1:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-02-035.

Title of Rule and Other Identifying Information: Chapter 415-02 WAC, General provisions.

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 22, 2006, at 9:00 a.m.

Date of Intended Adoption: August 23, 2006.

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 August 22, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger by August 14, 2006, 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: These amendments update and clarify several sections in chapter 415-02 WAC, and incorporate provisions for the public safety employees' retirement system, which goes into effect July 1, 2006.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: For WAC 415-02-175 May I establish service credit for the time I was on an unpaid authorized leave of absence? is RCW 41.40.710, 41.40.805, 41.32.810, 41.32.865, 41.35.470, 41.35.650, 41.26.520, 41.37.260; for WAC 415-02-320 Early retirement factors and 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans is chapter 41.45 RCW; for WAC 415-02-350 What are cost-of-living adjustments (COLA) and how are they calculated? is RCW 2.10.170, 41.26.240, 41.26.440, 41.37.160, 41.40.197, 41.40.188 (1)(c), 41.40.640, 41.40.840, 41.35.210, 41.32.489, 41.32.530 (1)(d), 41.32.770, 41.32.845, 43.43.260; for WAC 415-02-370 Factors for establishing or restoring service credit is RCW 41.50.165; for WAC 415-02-380 How will my retirement allowance be affected if I choose a benefit option with a survivor feature? is RCW 41.26.164, 41.26.460, 41.40.188, 41.40.660, 41.40.845, 41.37.170, 41.35.220, 41.32.530, 41.32.785, 41.32.851, 43.43.271; for WAC 415-02-500 Property division in dissolution orders, 415-02-510 How can a property division dissolution order give my ex-spouse an interest in my Plan 1 or 2 retirement account?, and WAC 415-02-520 How can my Plan 1 or 2 retirement account be split by a property division dissolution order? is RCW 41.50.670, 41.50.680, 41.50.790; for WAC 415-02-700 Are fallen heroes' survivor benefits nontaxable? is RCW 41.04.393; and for WAC 415-02-710 What is the \$150,000 death benefit? is RCW 41.04.017, 41.26.048, 41.32.053, 41.35.115, 41.40.0931, 41.40.0932, 43.43.285.

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.

July 6, 2006  
Leslie L. Saeger  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-10-016, filed 4/21/00, effective 5/22/00)

**WAC 415-02-020 Authority.** (1) The department ~~((is vested with the authority to administer, in accordance with chapter 105, Laws of 1975-'76 2nd ex. sess.))~~ has the authority, in accordance with RCW 41.50.030, as now or hereafter amended, ~~((the))~~ to administer the:

(a) Washington public employees' retirement system created by chapter 41.40 RCW~~((the))~~;

(b) Washington public safety employees' retirement system created by chapter 41.37 RCW;

(c) Washington state teachers' retirement system created by chapter~~((s))~~ 41.32 ~~((and 41.34))~~ RCW~~((the))~~;

(d) Washington school employees' retirement system created by chapter 41.35 RCW~~((the))~~;

(e) Washington law enforcement officers' and fire fighters' retirement system~~((s))~~ created by chapter 41.26 RCW~~((the))~~;

(f) Washington state patrol retirement system~~((s))~~ created by chapter 43.43 RCW~~((the))~~;

(g) Washington judicial retirement system~~((s))~~ created by chapter 2.10 RCW~~((s))~~; and

~~((the))~~ (h) Judges retirement fund created by chapter 2.12 RCW.

(2) The director is ~~((empowered to propose))~~ authorized to adopt rules pursuant to RCW 41.50.050.

AMENDATORY SECTION (Amending WSR 04-04-037, filed 1/29/04, effective 3/1/04)

**WAC 415-02-030 Definitions.** This section contains ~~((a central location for))~~ definitions of words and phrases commonly used in the department of retirement system~~((s))~~'s rules. It also serves as a directory for finding definitions within the RCWs and WACs.

(1) **Accumulated contributions** means the sum of all contributions paid into a member's defined benefit account, including interest.

(2) **Appeal** means the proceeding through which a party obtains review of a department action in an adjudicative proceeding conducted under chapter 34.05 RCW (the Administrative Procedure Act) and chapter 415-08 WAC (the department's appeal rules).

(3) **Average final compensation**~~((--))~~ is defined in RCW 41.32.010(30) (TRS); RCW 41.35.010(14) (SERS); RCW 41.40.010(17) (PERS); and RCW ~~((43.43.120(15) (WSPRS)))~~ 41.37.010(14) (PSERS).

(4) **Average final salary** for WSPRS is defined in RCW 43.43.120(15).

(5) **Cafeteria plan** means a "qualified" employee benefit program under IRC section 125 ~~((of the Internal Revenue Code))~~, such as certain health and welfare plans.

~~((s))~~ (6) **Calendar month.**

(a) Refers to one of the twelve named months of the year, extending from the first day of the named month through the last day. For example: January 1st through January 31st is a calendar month. February 1st through February 29th is a calendar month in a leap year. March 13th through April 12th is **not** a calendar month.

(b) Exception: For the purpose of administering the break in employment ~~((rules interpreting and implementing the retiree return to work statutes (-)))~~ required by RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, 41.37.050 and 41.40.037((+)) for retirees returning to work, one calendar month means thirty consecutive calendar days. For example: Kim's retirement date is August 1~~((st))~~. August 31 would be the earliest Kim could return to work and meet the requirement for a one calendar month break in employment.

~~((6))~~ (7) Compensation earnable or earnable compensation definitions can be found in RCW 41.32.010(10) and 41.32.345 (TRS); RCW 41.35.010(6) (SERS); RCW 41.37.010(6) (PSERS); and RCW 41.40.010(8) (PERS).

~~((7))~~ (8) Contribution rate is:

(a) For employees: The fraction (percent) of compensation a member contributes to a retirement system each month.

(b) For employers: The fraction (percent) of payroll a member's employer contributes to a retirement system each month. Contribution rates vary for the different systems and plans.

~~((8))~~ (9) Deferred compensation refers to the amount of the participant's compensation, which the participant voluntarily defers from earnings before taxes to a deferred compensation program.

~~((9))~~ (10) Defined benefit plan is a pension plan in which a lifetime retirement ~~((benefit))~~ allowance is available, based on the member's service credit and compensation.

~~((10))~~ (11) Defined contribution plan is a plan in which part of members' or participants' earnings are deferred into an investment account in which tax is deferred until funds are withdrawn. The benefit is based on the contribution rate and the amount of return from the investment of the contributions. Members or participants receive the full market rate of return minus expenses. There is no guaranteed rate of return and the value of an account will increase or decrease based upon market fluctuations.

~~((11))~~ (12) Department means the department of retirement systems.

~~((12))~~ (13) Dependent care assistance salary reduction plan (DCAP) is a plan that allows an eligible employee of the state of Washington to set aside a "before tax" portion of his or her gross salary before federal income and Social Security taxes to be used for the reimbursement of dependent care expenses.

~~((13))~~ (14) Director means the director of the department of retirement systems.

~~((14))~~ (15) Employee means a worker who performs labor or services for a retirement systems employer under the control and direction of the employer as determined under WAC 415-02-110(2). An employee may be eligible to participate as a member of one of the state-administered retirement systems according to eligibility requirements specified under the applicable retirement system.

~~((15))~~ (16) Employer is defined in RCW 41.26.030(2) (LEOFF), 41.32.010(11) (TRS), ~~((41.34.010))~~ 41.34.020(5) (Plan 3), 41.35.010(4) (SERS), 41.37.010(4) (PSERS) and 41.40.010(4) (PERS).

~~((16))~~ (17) Ex-spouse refers to a person who is a party to a "dissolution order" as defined in RCW 41.50.500(3).

~~((17))~~ (18) Final average salary for LEOFF is defined in RCW 41.26.030(12) ~~((LEOFF))~~.

~~((18))~~ (19) Gainsharing is the process through which members of certain plans share in the extraordinary investment gains on earnings on retirement assets under chapters 41.31 and 41.31A RCW.

~~((19))~~ (20) Independent contractor means a contract worker who is not under the direction or control of the employer as determined under WAC 415-02-110 (2) and (3).

~~((20))~~ (21) IRC means the Federal Internal Revenue Code of 1986, as subsequently amended.

(22) JRF means the judges' retirement fund created by chapter 2.12 RCW.

(23) JRS means the Washington judicial retirement system created by chapter 2.10 RCW.

(24) LEOFF means the Washington law enforcement officers' and fire fighters' retirement system created by chapter 41.26 RCW.

(25) Member means a person who is included in the membership of one of the retirement systems created by chapters 2.10, 2.12, 41.26, 41.32, 41.34, 41.35, 41.37, 41.40, or 43.43 RCW.

~~((21))~~ (26) Participant means an eligible employee who participates in a deferred compensation or dependent care assistance plan.

~~((22))~~ (27) Participation agreement means an agreement that an eligible employee signs to become a participant in a deferred compensation or dependent care assistance plan.

~~((23))~~ (28) Pension plan is a plan that provides a life-long post retirement payment of benefits to employees.

~~((24))~~ (29) PERS means the Washington public employee's retirement system created by chapter 41.40 RCW.

(30) Petition means the method by which a party requests a review of an administrative determination prior to an appeal to the director. The department's petitions examiner performs the review under chapter 415-04 WAC.

~~((25))~~ (31) Plan 1 means the retirement plans in existence prior to the enactment of chapters 293, 294 and 295, Laws of 1977 ex. sess.

~~((26))~~ (32) Plan 2 means the retirement plans established by chapters 293, 294 and 295, Laws of 1977 ex. sess., chapter 341, Laws of 1998, and chapter 329, Laws of 2001.

~~((27))~~ (33) Plan 3 means the retirement plans established by chapter 239, Laws of 1995, chapter 341 Laws of 1998, and chapter 247 Laws of 2000.

~~((28))~~ Pop-up is a term that the department uses to refer to the benefit available to a retiree where the survivor of a retiree receiving a benefit reduced by a survivor option predeceases the retiree. Example: Linda is receiving a retirement benefit reduced by a survivor option for her husband, Joe. Joe dies before Linda. Linda's monthly retirement allowance increases. The department refers to the increase as a "pop-up."

~~((29))~~ (34) Portability is the ability to use membership in more than one Washington state retirement system in order to qualify for retirement benefits. See chapters 41.54 RCW and 415-113 WAC.

~~((30))~~ (35) PSERS means the Washington public safety employees' retirement system created by chapter 41.37 RCW.

~~((36))~~(41). (36) **Public record** is defined in RCW 42.17.020

~~((31))~~ (37) **Restoration** is the process of restoring a member's service credit for prior periods.

~~((32))~~ (38) **Retirement system employer - see "employer."**

~~((33))~~ (39) **Rollover** means a distribution that is paid to or from an eligible retirement plan within the statutory time limit allowed.

~~((34))~~ (40) **Separation date** is the date a member ends employment in a position eligible for retirement or disability benefit coverage.

~~((35))~~ (41) SERS means the Washington school employees' retirement system created by chapter 41.35 RCW.

(42) **Split account** is the account the department establishes for a member or retiree's ex-spouse.

~~((36))~~ (43) **Surviving spouse** refers to a person who was married to the member at the time of the member's death and who is receiving or is eligible to receive a survivor benefit.

~~((37))~~ (44) **Survivor beneficiary** means a person designated by the member to receive a monthly benefit allowance after the member dies.

~~((38))~~ (45) **Survivor benefit** is a feature of a retirement plan that provides continuing payments to a beneficiary after the death of a member or retiree.

~~((39))~~ (46) TRS means the Washington state teachers' retirement system created by chapter 41.32 RCW.

(47) **The Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA)** is the federal law that requires employers to reemploy and preserve job security, pension and welfare benefits for qualified employees who engage in military service.

(48) WSPRS means the Washington state patrol retirement system created by chapter 43.43 RCW.

AMENDATORY SECTION (Amending WSR 04-20-005, filed 9/23/04, effective 10/24/04)

**WAC 415-02-175 May I ((purchase)) establish service credit for the time I was on an unpaid authorized leave of absence? (1) Will I get service credit for the time I was on an unpaid authorized leave of absence?** You will receive service credit for the period of time you are on an unpaid authorized leave of absence, up to a maximum of twenty-four service credit months during your entire working career, provided all of the following apply:

(a) You are a member of LEOFF Plan 2, PERS Plan 2 or ~~((Plan))~~ 3, ~~((TRS Plan 2 or Plan 3))~~ PSERS, SERS Plan 2 or ~~((Plan))~~ 3, or ~~((LEOFF Plan 2))~~ TRS Plan 2 or 3;

(b) Your leave of absence was authorized by your employer;

(c) You resumed employment according to the requirements in subsection (3) of this section; and

(d) You ~~((purchase))~~ establish the service credit for the period of leave according to the provisions in this section.

(2) **How does an unpaid authorized leave of absence affect my retirement?** If you ~~((purchase))~~ establish service credit for the period of time you were on an unpaid authorized leave of absence:

(a) It will be used as part of your total service credit to determine retirement eligibility and pension; but

~~((b)(i))~~ Except as noted in (b)(ii) of this subsection, the period of time you were on leave will not be included in your average final compensation period.

Example:

Joseph has the following earnable compensation prior to retirement:

YR 1	\$30,000
YR 2	\$35,000
YR 3	\$40,000
YR 4	\$45,000
YR 5	\$50,000
YR 6	Unpaid leave of absence for entire year
YR 7	\$55,000

Joseph's AFC period will be YR 2, YR 3, YR 4, YR 5, and YR 7.

(ii) This provision does not apply to interruptive military service. If you establish service credit for a period of interruptive military service and that period falls in your AFC period, you are entitled to have the salary you would have earned during that time period used in the calculation of your AFC.

(3) **Do I qualify to ((purchase)) establish this service credit?** As a requirement for ~~((purchasing))~~ establishing this service credit, you must resume employment within the same retirement system you left.

(a) After resuming employment, you may request, and pay for, service credit whether you are a contributing member or whether you become inactive.

(b) If you are a law enforcement officer in LEOFF Plan 2 and took a part-time unpaid leave of absence while you worked part-time, you may request service credit only after returning to full-time employment with the employer that authorized your leave of absence. In this case, you may only request part-time service credit for the portion of time you were on unpaid leave of absence.

(4) **How do I request this service credit?** If you ~~((desire to purchase the))~~ wish to establish this service credit ~~((for unpaid authorized leave of absence))~~, you must contact the department. The department will obtain written verification from your employer confirming the months of your authorized leave of absence and your salary for the months preceding and following the leave.

(5) **How does the department determine the cost of ((purchasing)) establishing this service credit?**

(a) In order to ~~((purchase))~~ establish service credit for the period of time you were on leave of absence, you must pay the employee and employer retirement contributions, plus applicable interest. LEOFF Plan 2 members must also pay the contributions normally paid by the state.

(b) The amount of the employee and employer contributions is calculated as follows:



(i) For TRS members, the salary upon which contributions are calculated is determined by averaging the salary earned for the school year, as defined in RCW 28A.150.040, prior to your unpaid leave of absence and the salary earned in the school year after you returned to work. If you were on leave of absence for less than the entire school year, that year's salary will be prorated according to the number of months you were on leave of absence.

(ii) For law enforcement officers in LEOFF Plan 2 who took a part-time unpaid leave of absence while working part-time, the salary upon which contributions are calculated is determined by:

(A) Averaging your basic salary during the last full month of employment before your part-time leave of absence, and your basic salary during the first full month after you return to full-time employment; and

(B) Multiplying the monthly salary determined according to (b)(ii)(A) of this subsection by the number of months you were on leave.

(iii) For members of other systems, the salary upon which contributions are calculated is determined by:

(A) Averaging the compensation earned during the last full month of employment before your leave of absence, and the compensation you earned during the first full month after you returned to work; and

(B) Multiplying the monthly salary determined according to (b)(iii)(A) of this subsection by the number of months you were on leave.

If you worked part-time prior to the leave of absence, partial month wages will be used to estimate your average salary. In this case, you may only ~~((purchase))~~ establish part-time service credit for the period of time you were on leave of absence.

**(6) What is the payment process for ~~((purchasing))~~ establishing this service credit?**

(a) You may purchase this service credit in one payment, or make payments at any time until the deadline expires.

(b) Interest will accrue on the unpaid balance until payment is made in full.

(c) The department will accept funds that have been rolled over from a tax-deferred retirement account for the purchase of the service credit. However, the amount you may roll over is limited to the purchase price of the service credit. If the rollover amount does not cover the entire purchase price, you must pay the additional amount within thirty days of the rollover. If the balance is not paid within thirty days, the rollover funds will be returned to the original financial institution.

(d) If you took more than one authorized leave of absence, the department will bill you separately for each occurrence. Service credit will be granted for each occurrence only after the bill for that period is paid in full.

**(7) What is the deadline for ~~((purchasing))~~ establishing this service credit?** Except as provided in subsection (9) of this section:

(a) If you are a member of LEOFF Plan 2, PERS Plan 2, PSERS, or SERS Plan 2, ((or LEOFF Plan 2,)) payment in full must be received within five years from the initial date of your return to an eligible position, or prior to your retirement, whichever occurs first.

(b) If you are a member of PERS Plan 3 or SERS Plan 3, payment in full must be received prior to your retirement.

(c) If you are a member of TRS Plan 2 or ~~((Plan))~~ 3, payment in full must be received by August 31st of the fifth school year, as defined in RCW 28A.150.040, after you return to employment or prior to your retirement, whichever comes first. The school year during which you return to work will be counted as year one.

**(8) What if I do not make payment in full by the deadline?**

(a) If you are a Plan 2 member or a PSERS member and do not make payment in full by the deadline, the amount you paid will be refunded to you.

(b) If you are a Plan 3 member and do not make payment by the deadline, the portion of your payments that were:

(i) Employer contributions will be refunded to you; and

(ii) Employee contributions will be deposited into your defined contribution account and available to you only upon separation from service.

(c) If you are a Plan 2 member or a PSERS member, the department will refund partial payments prior to the deadline upon your request.

(d) If you are a PERS Plan 2, SERS Plan 2, or TRS Plan 2 member and transfer to Plan 3 prior to making payment in full:

(i) The department will refund any partial payments; and

(ii) You must reapply under Plan 3 if you still wish to ~~((purchase))~~ establish this service credit.

**(9) What is the exception to the deadline?** After your initial deadline has passed, you retain the right to ~~((purchase))~~ establish this service credit until the date of your retirement. However, the purchase price will be equal to the full actuarial value of the increase in benefit that results from the purchased service credit. You may use the two-part formula in WAC 415-10-040 to determine actuarial value.

**(10) What state law applies to ~~((purchasing))~~ establishing service credit for an unpaid authorized leave of absence?**

(a) PERS Plan 2: RCW 41.40.710;

(b) PERS Plan 3: RCW 41.40.805;

(c) TRS Plan 2: RCW 41.32.810;

(d) TRS Plan 3: RCW 41.32.865;

(e) SERS Plan 2: RCW 41.35.470;

(f) SERS Plan 3: RCW 41.35.650;

(g) LEOFF Plan 2: RCW 41.26.520;

(h) PSERS: RCW 41.37.260;

(i) Deadline extension: RCW 41.50.165.

**AMENDATORY SECTION** (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-02-320 Early retirement factors.** (1) **What are early retirement factors (ERF)?** ~~((Early retirement factors (ERFs) are the factors the department uses to reduce your normal monthly benefit payments to reflect an earlier starting date of paying benefits and a longer payment schedule.<sup>†</sup>~~

<sup>†</sup>The actuarial reduction takes into account that (1), retirees who begin drawing benefits at a younger age generally receive benefits over a longer time, and (2), member and employer contributions intended to provide for the defined benefit at the typical retirement age will be adequate to fund only a smaller benefit at an earlier age.

(2) What is a "normal" monthly benefit payment?—A "normal" monthly benefit payment is the amount you would receive if you met the plan-specific criteria as to age and length of service before you retire.

(3) What happens if you die before becoming eligible for a normal monthly benefit payment?

(a) Generally speaking, within the plans listed in the table in this section, the department may pay a monthly benefit to your surviving spouse or minor children. If you die before being eligible for retirement, or when you are eligible only for retirement with an actuarially reduced benefit, the department will reduce the benefit paid to your surviving spouse or minor children by the ERF corresponding to the amount of time between your age at death and the age at which you would have been eligible for an unreduced retirement benefit. (Exception: A TRS Plan 1 reduction is based on the earliest date a member would have first qualified if the member had continued in service.)

(b) There are differences among plans; please consult your plan for specific, detailed information:

LEOFF Plan 2:	RCW 41.26.460	WAC 415-104-211 and 415-104-215
PERS Plan 1:	RCW 41.40.188	WAC 415-108-324 and 415-108-326
PERS Plan 2:	RCW 41.40.660	WAC 415-108-324 and 415-108-326
PERS Plan 3:	RCW 41.40.845	WAC 415-108-324 and 415-108-326
SERS Plans 2/3:	RCW 41.35.220	WAC 415-110-324 and 415-110-326
TRS Plan 1:	RCW 41.32.530	WAC 415-112-710 to 415-112-727
TRS Plan 2:	RCW 41.32.785	WAC 415-112-710 to 415-112-727
TRS Plan 3:	RCW 41.32.851	WAC 415-112-710 to 415-112-727
WSPRS Plan 1:	RCW 43.43.278	WAC 415-103-215
WSPRS Plan 2:	RCW 43.43.271	WAC 415-103-225

(4) Examples

(a) Example (a) (early retirement):

Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00. PERS Plan 2 provides for two percent (.02) of AFC per year of service. Within PERS Plan 2, age 65 is the normal retirement age, but an actuarially reduced monthly retirement is available at an age as young as 55 if the member has at least 20 years of service credit. If Sandy retires now, she would be doing so eight years and eleven months early. According to the table, the ERF for retirement eight years and eleven months early is .4025. To determine the reduced monthly benefit, PERS will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x .4025 (ERF). Sandy's monthly retirement benefit will be \$594.77.

(b) Example (b) (member's death):

	Early Retirement
LEOFF Plan 1:	N/A
LEOFF Plan 2:	RCW 41.26.430
PERS Plan 1:	N/A

Robert, a 56-year-old TRS Plan 1 active member, dies April 1, 2003, with 23.17 years of service. His AFC was \$3,171.74. TRS Plan 1 allows for normal retirement at age 55 with 25 years of service. Since Robert was not fully qualified for retirement, his wife, Karen, who is 58 years old, is eligible for an actuarially reduced benefit based on the earliest date Robert would have first qualified for the normal retirement benefit, reduced by the Option 2 survivor factor. Survivor factors are based on the age difference between the member and the survivor. Robert was over 55; if he had continued in service, he would be eligible for retirement in one year and ten months, when he would have completed 25 years of service. According to the actuary tables, the ERF for one year and ten months is .8530, and the Option 2 survivor factor for a beneficiary two years older is .913 (see WAC 415-02-380(11)). To determine the reduced monthly benefit to which Karen is entitled, TRS would multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x .8530 (ERF) x .913 (the Option 2 factor). Karen's monthly benefit will be \$1,144.65.

(5)) The department uses an early retirement factor (ERF) to actuarially reduce a member's or beneficiary's monthly allowance if the monthly allowance begins before the member meets the age requirement for an unreduced retirement benefit. This reduction offsets the cost of paying the monthly allowance for a longer period of time.

**(1) In what situations will the department use an ERF?**

(a) The department will use an ERF to reduce a monthly allowance in any of the following situations, subject to the law governing your plan, and subject to the exceptions in (b) of this subsection:

- (i) You choose to retire early.
- (ii) You retire due to a disability before you are eligible to retire with an unreduced retirement allowance.
- (iii) You die before you are eligible to retire with an unreduced retirement allowance, and your beneficiary is eligible for a monthly allowance.

(b) An ERF is not used in the following circumstances, although another method may be used to reduce benefits as required by the laws governing each plan:

- (i) You meet your plan's requirements for "alternate early retirement";
  - (ii) You meet PSERS requirements for "early retirement";
  - (iii) You retire for service or due to a disability, from PERS Plan 1 or TRS Plan 1;
  - (iv) You are a member of LEOFF Plan 1;
  - (v) You retire due to a duty-related disability from LEOFF Plan 2;
  - (vi) You retire due to a disability or die before retirement from WSPRS Plan 1; or
  - (vii) You retire due to a disability from WSPRS Plan 2.
- (c) The following table shows the law governing plans that use an ERF:

Disability Retirement	Death Prior to Retirement
N/A	N/A
RCW 41.26.470	RCW 41.26.510
N/A	RCW 41.40.270

	<u>Early Retirement</u>	<u>Disability Retirement</u>	<u>Death Prior to Retirement</u>
PERS Plan 2:	RCW 41.40.630	RCW 41.40.670	RCW 41.40.700
PERS Plan 3:	RCW 41.40.820	RCW 41.40.825	RCW 41.40.835 and 41.34.070
PSERS:	N/A	RCW 41.37.230	RCW 41.37.250
SERS Plan 2:	RCW 41.35.420	RCW 41.35.440	RCW 41.35.460
SERS Plan 3:	RCW 41.35.680	RCW 41.35.690	RCW 41.35.710
TRS Plan 1:	N/A	N/A	RCW 41.32.520
TRS Plan 2:	RCW 41.32.765	RCW 41.32.790	RCW 41.32.805
TRS Plan 3:	RCW 41.32.875	RCW 41.32.880	RCW 41.32.895 and 41.34.070
WSPRS Plan 1:	RCW 43.43.280	N/A	N/A
WSPRS Plan 2:	RCW 43.43.280	N/A	RCW 43.43.295

**(2) How does the department determine the number of years on which to base the ERF?** The calculation varies among plans: (a) TRS Plan 1 only: The ERF used to calculate your beneficiary's monthly allowance if you die before retirement is based on the number of years between the age at which you die and the age at which you would have first become eligible to retire under RCW 41.32.480. See RCW 41.32.520.

(b) WSPRS Plan 2 only: The ERF used to calculate your beneficiary's monthly allowance if you die before retirement is based on the number of years between the age at which you die and age fifty-five or when you could have attained twenty-five years of service, whichever is less. See RCW 43.43.295.

(c) All other ERFs are based on number of years between the age at which you retire, or die, and the age at which you would have been eligible to retire with an unreduced retirement allowance.

**(3) Examples.**

**(a) Early retirement:**

Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00.

PERS Plan 2 provides for two percent (.02) of AFC per year of service. A PERS Plan 2 member must be age 65 to retire with an unreduced benefit, but is eligible for an actuarially reduced monthly retirement allowance at age 55 with 20 years of service credit.

The difference between Sandy's age now (56) and the age at which she would receive an unreduced monthly allow-

ance (65) is 8 years and 11 months. The corresponding ERF is .4025. Therefore, the department will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x .4025 (ERF). Sandy's monthly retirement allowance will be \$594.77.

**(b) Death before retirement (applies to TRS 1 only):**

Robert, a 56-year-old TRS Plan 1 member, died April 1, 2006, with 23.17 years of service credit. His AFC is \$3,171.74.

TRS Plan 1 provides an unreduced retirement allowance at age 55 with 25 years of service credit.

Robert's wife, Karen, will receive an actuarially reduced allowance based on the date Robert would have first qualified for an unreduced retirement allowance. If Robert had continued in service, he would have met eligibility requirements in one year and 10 months, when he earned 25 years of service credit. The ERF for one year and 10 months is .8530.

Karen's monthly allowance will be further reduced by the Option 2 survivor factor, which is based on the age difference between her and Robert. Karen is age 58, two years older than Robert. The Option 2 survivor factor for a beneficiary two years older is .913 (see WAC 415-02-380(11)).

The department will multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x .8530 (ERF) x .913 (the Option 2 factor). Karen's monthly allowance will be \$1,144.65.

**(4) Table - Early retirement factors (ERF) for ((these systems/plans:))** LEOFF Plan 2, WSP Plan 2, PERS Plan 1, TRS Plan 1, and WSP Plan 1 and 2 vested/terminated members:

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9933	.9866	.9799	.9732	.9665	.9598	.9531	.9464	.9397	.9330	.9263
1	.9200	.9133	.9066	.8999	.8932	.8865	.8798	.8731	.8664	.8597	.8530	.8463
2	.8400	.8333	.8266	.8199	.8132	.8065	.7998	.7931	.7864	.7797	.7730	.7663
3	.7600	.7558	.7516	.7474	.7432	.7390	.7348	.7306	.7264	.7222	.7180	.7138
4	.7100	.7058	.7016	.6974	.6932	.6890	.6848	.6806	.6764	.6722	.6680	.6638
5	.6600	.6558	.6516	.6474	.6432	.6390	.6348	.6306	.6264	.6222	.6180	.6138
6	.6100	.6058	.6016	.5974	.5932	.5890	.5848	.5806	.5764	.5722	.5680	.5638
7	.5600	.5558	.5516	.5474	.5432	.5390	.5348	.5306	.5264	.5222	.5180	.5138
8	.5100	.5067	.5034	.5001	.4968	.4935	.4902	.4869	.4836	.4803	.4770	.4737
9	.4700	.4667	.4634	.4601	.4568	.4535	.4502	.4469	.4436	.4403	.4370	.4337
10	.4300	.4267	.4234	.4201	.4168	.4135	.4102	.4069	.4036	.4003	.3970	.3937
11	.3900	.3867	.3834	.3801	.3768	.3735	.3702	.3669	.3636	.3603	.3570	.3537
12	.3500	.3467	.3434	.3401	.3368	.3335	.3302	.3269	.3236	.3203	.3170	.3137
13	.3100	.3083	.3066	.3049	.3032	.3015	.2998	.2981	.2964	.2947	.2930	.2913
14	.2900	.2883	.2866	.2849	.2832	.2815	.2798	.2781	.2764	.2747	.2730	.2713
15	.2700	.2683	.2666	.2649	.2632	.2615	.2598	.2581	.2564	.2547	.2530	.2513

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
16	.2500	.2483	.2466	.2449	.2432	.2415	.2398	.2381	.2364	.2347	.2330	.2313
17	.2300	.2283	.2266	.2249	.2232	.2215	.2198	.2181	.2164	.2147	.2130	.2113
18	.2100	.2092	.2084	.2076	.2068	.2060	.2052	.2044	.2036	.2028	.2020	.2012
19	.2000	.1992	.1984	.1976	.1968	.1960	.1952	.1944	.1936	.1928	.1920	.1912
20	.1900	.1892	.1884	.1876	.1868	.1860	.1852	.1844	.1836	.1828	.1820	.1812
21	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
22	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
23	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
24	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
25	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
26	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
27	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
28	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

~~((6))~~ (5) Table - Early retirement factors (ERF) for Plans 2 and 3, TRS Plans 2 and 3, and PERS Plan 1  
 ((these systems/plans)) PERS Plans 2 and 3, PSERS, SERS vested/terminated members:

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9925	.9850	.9775	.9700	.9625	.9550	.9475	.9400	.9325	.9250	.9175
1	.9100	.9025	.8950	.8875	.8800	.8725	.8650	.8575	.8500	.8425	.8350	.8275
2	.8200	.8125	.8050	.7975	.7900	.7825	.7750	.7675	.7600	.7525	.7450	.7375
3	.7300	.7250	.7200	.7150	.7100	.7050	.7000	.6950	.6900	.6850	.6800	.6750
4	.6700	.6650	.6600	.6550	.6500	.6450	.6400	.6350	.6300	.6250	.6200	.6150
5	.6100	.6050	.6000	.5950	.5900	.5850	.5800	.5750	.5700	.5650	.5600	.5550
6	.5500	.5450	.5400	.5350	.5300	.5250	.5200	.5150	.5100	.5050	.5000	.4950
7	.4900	.4850	.4800	.4750	.4700	.4650	.4600	.4550	.4500	.4450	.4400	.4350
8	.4300	.4275	.4250	.4225	.4200	.4175	.4150	.4125	.4100	.4075	.4050	.4025
9	.4000	.3975	.3950	.3925	.3900	.3875	.3850	.3825	.3800	.3775	.3750	.3725
10	.3700	.3675	.3650	.3625	.3600	.3575	.3550	.3525	.3500	.3475	.3450	.3425
11	.3400	.3375	.3350	.3325	.3300	.3275	.3250	.3225	.3200	.3175	.3150	.3125
12	.3100	.3075	.3050	.3025	.3000	.2975	.2950	.2925	.2900	.2875	.2850	.2825
13	.2800	.2783	.2766	.2749	.2732	.2715	.2698	.2681	.2664	.2647	.2630	.2613
14	.2600	.2583	.2566	.2549	.2532	.2515	.2498	.2481	.2464	.2447	.2430	.2413
15	.2400	.2383	.2366	.2349	.2332	.2315	.2298	.2281	.2264	.2247	.2230	.2213
16	.2200	.2183	.2166	.2149	.2132	.2115	.2098	.2081	.2064	.2047	.2030	.2013
17	.2000	.1983	.1966	.1949	.1932	.1915	.1898	.1881	.1864	.1847	.1830	.1813
18	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
19	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
20	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
21	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
22	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
23	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
24	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
25	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
26	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
41	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
42	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
43	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
44	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
45	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

**AMENDATORY SECTION** (Amending WSR 02-18-048, filed 8/28/02, effective 9/1/02)

**WAC 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans.** (1) **How does the department use the information in the table called "monthly benefit per \$1.00 of accumulation for defined benefit plans"?** The department uses this information to:

- (a) Determine what a future lifetime monthly benefit is worth in present-day dollars;
- (b) Determine the equivalent value of a lump sum when compared with monthly payments; and
- (c) For TRS Plan 1 only: Reduce the monthly retirement ~~((benefit in TRS Plan 1 if you take a lump sum cash out for some or all of your funds))~~ allowance if some or all of the funds in a member's account are taken in a lump sum payment.<sup>(2)</sup>

<sup>2</sup>This option is only available in TRS Plan 1.

(2) **What type of information is in this table?** The information in this table reflects the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan, and all reflect an assumed rate of return of 8%.<sup>3</sup>

<sup>3</sup>The younger a person is, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. ~~((Put another way:))~~ The amount of monthly lifetime benefit that a present-day dollar buys ~~((goes up))~~ increases as the remaining life expectancy of the recipient ~~((goes down))~~ decreases.

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
20	0.0039835	0.0043310	0.0065444	0.0043102	0.0042786	0.0065267	0.0042774	0.0043319
21	0.0039997	0.0043459	0.0065518	0.0043243	0.0042911	0.0065329	0.0042897	0.0043469
22	0.0040168	0.0043615	0.0065598	0.0043390	0.0043042	0.0065396	0.0043027	0.0043626
23	0.0040347	0.0043780	0.0065684	0.0043546	0.0043181	0.0065468	0.0043165	0.0043791
24	0.0040535	0.0043955	0.0065778	0.0043710	0.0043327	0.0065546	0.0043309	0.0043966
25	0.0040734	0.0044139	0.0065878	0.0043884	0.0043481	0.0065630	0.0043462	0.0044150
26	0.0040943	0.0044333	0.0065987	0.0044067	0.0043644	0.0065720	0.0043622	0.0044346
27	0.0041163	0.0044539	0.0066105	0.0044261	0.0043816	0.0065818	0.0043792	0.0044552
28	0.0041396	0.0044757	0.0066232	0.0044466	0.0043997	0.0065924	0.0043971	0.0044771
29	0.0041641	0.0044988	0.0066370	0.0044682	0.0044189	0.0066038	0.0044161	0.0045002
30	0.0041899	0.0045231	0.0066517	0.0044911	0.0044391	0.0066162	0.0044361	0.0045246
31	0.0042171	0.0045488	0.0066676	0.0045152	0.0044605	0.0066295	0.0044572	0.0045503

(3) ~~((Examples))~~ (a) **Example ~~((a))~~:**

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she ~~((could))~~ would receive if she accepted a lump sum payment instead. Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns that \$0.0072458 per month for life is equivalent to one dollar in cash for this system, plan, and age class. Celina divides \$45.00 by 0.0072458 and learns that her lump sum payment would be \$6,210.49.

(b) **Example ~~((b))~~:**

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do and still receive a monthly allowance). From the row in the table for age 58 in the TRS Plan 1 column, Fred learns that \$0.0077573 per month for life is the equivalent to one dollar in cash for this system, plan, and age class. Fred multiplies ~~((the lump sum cash out amount of))~~ \$124,934.00 by 0.0077573, and learns that his monthly retirement allowance will be reduced by \$969.15 per month ~~((because of the lump sum cash out made at retirement))~~ if he withdraws his account balance.

(4) **Table<sup>1</sup> - Monthly benefit per \$1.00 of accumulation for defined benefit plans:**

~~((Based on the 1995 2000 actuarial experience study monthly benefit per \$1.00 of accumulation defined benefit (DB) single life pension:))~~

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
32	0.0042456	0.0045758	0.0066845	0.0045405	0.0044830	0.0066438	0.0044795	0.0045774
33	0.0042755	0.0046042	0.0067025	0.0045672	0.0045067	0.0066592	0.0045031	0.0046059
34	0.0043069	0.0046340	0.0067217	0.0045952	0.0045316	0.0066756	0.0045278	0.0046358
35	0.0043398	0.0046654	0.0067421	0.0046247	0.0045578	0.0066930	0.0045539	0.0046672
36	0.0043745	0.0046984	0.0067639	0.0046558	0.0045854	0.0067116	0.0045812	0.0047004
37	0.0044109	0.0047333	0.0067873	0.0046886	0.0046145	0.0067315	0.0046101	0.0047353
38	0.0044494	0.0047701	0.0068123	0.0047233	0.0046452	0.0067527	0.0046404	0.0047723
39	0.0044900	0.0048091	0.0068393	0.0047600	0.0046777	0.0067754	0.0046725	0.0048114
40	0.0045330	0.0048505	0.0068682	0.0047988	0.0047120	0.0067998	0.0047065	0.0048529
41	0.0045784	0.0048944	0.0068994	0.0048400	0.0047483	0.0068261	0.0047423	0.0048969
42	0.0046266	0.0049409	0.0069329	0.0048837	0.0047868	0.0068543	0.0047803	0.0049436
43	0.0046777	0.0049904	0.0069690	0.0049300	0.0048275	0.0068846	0.0048206	0.0049932
44	0.0047319	0.0050430	0.0070078	0.0049791	0.0048706	0.0069172	0.0048632	0.0050460
45	0.0047894	0.0050989	0.0070495	0.0050312	0.0049163	0.0069523	0.0049084	0.0051021
46	0.0048504	0.0051584	0.0070945	0.0050866	0.0049647	0.0069900	0.0049562	0.0051617
47	0.0049153	0.0052218	0.0071429	0.0051455	0.0050161	0.0070305	0.0050070	0.0052253
48	0.0049844	0.0052894	0.0071953	0.0052082	0.0050707	0.0070740	0.0050609	0.0052932
49	0.0050581	0.0053617	0.0072519	0.0052752	0.0051287	0.0071210	0.0051183	0.0053657
50	0.0051368	0.0054390	0.0073132	0.0053466	0.0051905	0.0071717	0.0051793	0.0054432
51	0.0052210	0.0055218	0.0073796	0.0054231	0.0052564	0.0072265	0.0052444	0.0055264
52	0.0053104	0.0056098	0.0074510	0.0055044	0.0053265	0.0072858	0.0053139	0.0056147
53	0.0054060	0.0057042	0.0075283	0.0055914	0.0054014	0.0073500	0.0053881	0.0057094
54	0.0055084	0.0058054	0.0076121	0.0056846	0.0054813	0.0074191	0.0054671	0.0058110
55	0.0056182	0.0059141	0.0077029	0.0057845	0.0055668	0.0074939	0.0055515	0.0059201
56	0.0057354	0.0060302	0.0078008	0.0058912	0.0056581	0.0075749	0.0056420	0.0060367
57	0.0058601	0.0061539	0.0079058	0.0060049	0.0057557	0.0076627	0.0057388	0.0061608
58	0.0059937	0.0062865	0.0080192	0.0061265	0.0058600	0.0077573	0.0058422	0.0062940
59	0.0061368	0.0064287	0.0081415	0.0062566	0.0059712	0.0078589	0.0059524	0.0064368
60	0.0062900	0.0065812	0.0082732	0.0063959	0.0060901	0.0079685	0.0060703	0.0065898
61	0.0064540	0.0067444	0.0084149	0.0065448	0.0062172	0.0080866	0.0061963	0.0067538
62	0.0066294	0.0069191	0.0085668	0.0067036	0.0063529	0.0082138	0.0063311	0.0069292
63	0.0068167	0.0071058	0.0087294	0.0068729	0.0064976	0.0083506	0.0064751	0.0071168
64	0.0070165	0.0073050	0.0089030	0.0070531	0.0066517	0.0084970	0.0066285	0.0073169
65	0.0072307	0.0075186	0.0090893	0.0072458	0.0068158	0.0086537	0.0067919	0.0075315
66	0.0074600	0.0077474	0.0092891	0.0074517	0.0069903	0.0088208	0.0069657	0.0077614
67	0.0077052	0.0079921	0.0095028	0.0076715	0.0071765	0.0090000	0.0071514	0.0080073
68	0.0079692	0.0082556	0.0097332	0.0079076	0.0073755	0.0091921	0.0073497	0.0082721
69	0.0082539	0.0085400	0.0099823	0.0081620	0.0075879	0.0093974	0.0075612	0.0085580
70	0.0085622	0.0088479	0.0102523	0.0084366	0.0078162	0.0096186	0.0077883	0.0088676
71	0.0088938	0.0091793	0.0105419	0.0087308	0.0080615	0.0098577	0.0080327	0.0092008
72	0.0092539	0.0095393	0.0108558	0.0090487	0.0083261	0.0101166	0.0082964	0.0095628
73	0.0096446	0.0099300	0.0111955	0.0093919	0.0086093	0.0103939	0.0085784	0.0099559
74	0.0100684	0.0103538	0.0115628	0.0097624	0.0089142	0.0106939	0.0088826	0.0103824
75	0.0105280	0.0108135	0.0119604	0.0101627	0.0092422	0.0110180	0.0092104	0.0108451
76	0.0110267	0.0113124	0.0123914	0.0105960	0.0095951	0.0113678	0.0095637	0.0113472
77	0.0115688	0.0118547	0.0128599	0.0110662	0.0099757	0.0117460	0.0099450	0.0118933
78	0.0121597	0.0124460	0.0133705	0.0115778	0.0103875	0.0121558	0.0103575	0.0124885
79	0.0128051	0.0130919	0.0139278	0.0121352	0.0108344	0.0126012	0.0108049	0.0131389
80	0.0135111	0.0137984	0.0145368	0.0127433	0.0113202	0.0130863	0.0112914	0.0138505
81	0.0142843	0.0145725	0.0152030	0.0134074	0.0118492	0.0136157	0.0118211	0.0146303
82	0.0151240	0.0154130	0.0159279	0.0141293	0.0124242	0.0141938	0.0123986	0.0154769
83	0.0160353	0.0163252	0.0167162	0.0149136	0.0130497	0.0148256	0.0130286	0.0163958
84	0.0170241	0.0173149	0.0175726	0.0157650	0.0137302	0.0155137	0.0137139	0.0173927
85	0.0180966	0.0183884	0.0185016	0.0166876	0.0144701	0.0162628	0.0144589	0.0184740
86	0.0192583	0.0195513	0.0195059	0.0176841	0.0152736	0.0170771	0.0152680	0.0196456
87	0.0205119	0.0208062	0.0205851	0.0187541	0.0161432	0.0179605	0.0161446	0.0209102
88	0.0218550	0.0221507	0.0217347	0.0198932	0.0170791	0.0189147	0.0170905	0.0222656
89	0.0232781	0.0235752	0.0229444	0.0210916	0.0180779	0.0199388	0.0181048	0.0237021
90	0.0247625	0.0250609	0.0241977	0.0223336	0.0191323	0.0210275	0.0191823	0.0252008
91	0.0262789	0.0265782	0.0254717	0.0235975	0.0202301	0.0221705	0.0203134	0.0267317
92	0.0278427	0.0281429	0.0267640	0.0248804	0.0213620	0.0233525	0.0214834	0.0283116

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
93	0.0294384	0.0297392	0.0280581	0.0261661	0.0225126	0.0245532	0.0226729	0.0299249
94	0.0310505	0.0313517	0.0293389	0.0274402	0.0236656	0.0257646	0.0238739	0.0315562
95	0.0326651	0.0329665	0.0305940	0.0286908	0.0248057	0.0269704	0.0250708	0.0331914
96	0.0342704	0.0345719	0.0318149	0.0299099	0.0259197	0.0281559	0.0262493	0.0348186
97	0.0358572	0.0361585	0.0329987	0.0310951	0.0269980	0.0293096	0.0273986	0.0364281
98	0.0374173	0.0377185	0.0341503	0.0322517	0.0280348	0.0304239	0.0285118	0.0380114
99	0.0389423	0.0392433	0.0352857	0.0333956	0.0290309	0.0314979	0.0295884	0.0395582))

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
20	0.0039835	0.0043310	0.0065444	0.0043102	0.0043248	0.0042786	0.0065267	0.0042774	0.0043319
21	0.0039997	0.0043459	0.0065518	0.0043243	0.0043395	0.0042911	0.0065329	0.0042897	0.0043469
22	0.0040168	0.0043615	0.0065598	0.0043390	0.0043549	0.0043042	0.0065396	0.0043027	0.0043626
23	0.0040347	0.0043780	0.0065684	0.0043546	0.0043711	0.0043181	0.0065468	0.0043165	0.0043791
24	0.0040535	0.0043955	0.0065778	0.0043710	0.0043882	0.0043327	0.0065546	0.0043309	0.0043966
25	0.0040734	0.0044139	0.0065878	0.0043884	0.0044063	0.0043481	0.0065630	0.0043462	0.0044150
26	0.0040943	0.0044333	0.0065987	0.0044067	0.0044255	0.0043644	0.0065720	0.0043622	0.0044346
27	0.0041163	0.0044539	0.0066105	0.0044261	0.0044457	0.0043816	0.0065818	0.0043792	0.0044552
28	0.0041396	0.0044757	0.0066232	0.0044466	0.0044671	0.0043997	0.0065924	0.0043971	0.0044771
29	0.0041641	0.0044988	0.0066370	0.0044682	0.0044897	0.0044189	0.0066038	0.0044161	0.0045002
30	0.0041899	0.0045231	0.0066517	0.0044911	0.0045136	0.0044391	0.0066162	0.0044361	0.0045246
31	0.0042171	0.0045488	0.0066676	0.0045152	0.0045388	0.0044605	0.0066295	0.0044572	0.0045503
32	0.0042456	0.0045758	0.0066845	0.0045405	0.0045653	0.0044830	0.0066438	0.0044795	0.0045774
33	0.0042755	0.0046042	0.0067025	0.0045672	0.0045932	0.0045067	0.0066592	0.0045031	0.0046059
34	0.0043069	0.0046340	0.0067217	0.0045952	0.0046225	0.0045316	0.0066756	0.0045278	0.0046358
35	0.0043398	0.0046654	0.0067421	0.0046247	0.0046533	0.0045578	0.0066930	0.0045539	0.0046672
36	0.0043745	0.0046984	0.0067639	0.0046558	0.0046857	0.0045854	0.0067116	0.0045812	0.0047004
37	0.0044109	0.0047333	0.0067873	0.0046886	0.0047200	0.0046145	0.0067315	0.0046101	0.0047353
38	0.0044494	0.0047701	0.0068123	0.0047233	0.0047562	0.0046452	0.0067527	0.0046404	0.0047723
39	0.0044900	0.0048091	0.0068393	0.0047600	0.0047945	0.0046777	0.0067754	0.0046725	0.0048114
40	0.0045330	0.0048505	0.0068682	0.0047988	0.0048351	0.0047120	0.0067998	0.0047065	0.0048529
41	0.0045784	0.0048944	0.0068994	0.0048400	0.0048782	0.0047483	0.0068261	0.0047423	0.0048969
42	0.0046266	0.0049409	0.0069329	0.0048837	0.0049239	0.0047868	0.0068543	0.0047803	0.0049436
43	0.0046777	0.0049904	0.0069690	0.0049300	0.0049724	0.0048275	0.0068846	0.0048206	0.0049932
44	0.0047319	0.0050430	0.0070078	0.0049791	0.0050240	0.0048706	0.0069172	0.0048632	0.0050460
45	0.0047894	0.0050989	0.0070495	0.0050312	0.0050787	0.0049163	0.0069523	0.0049084	0.0051021
46	0.0048504	0.0051584	0.0070945	0.0050866	0.0051370	0.0049647	0.0069900	0.0049562	0.0051617
47	0.0049153	0.0052218	0.0071429	0.0051455	0.0051990	0.0050161	0.0070305	0.0050070	0.0052253
48	0.0049844	0.0052894	0.0071953	0.0052082	0.0052652	0.0050707	0.0070740	0.0050609	0.0052932
49	0.0050581	0.0053617	0.0072519	0.0052752	0.0053358	0.0051287	0.0071210	0.0051183	0.0053657



Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
50	0.0051368	0.0054390	0.0073132	0.0053466	0.0054114	0.0051905	0.0071717	0.0051793	0.0054432
51	0.0052210	0.0055218	0.0073796	0.0054231	0.0054923	0.0052564	0.0072265	0.0052444	0.0055264
52	0.0053104	0.0056098	0.0074510	0.0055044	0.0055783	0.0053265	0.0072858	0.0053139	0.0056147
53	0.0054060	0.0057042	0.0075283	0.0055914	0.0056704	0.0054014	0.0073500	0.0053881	0.0057094
54	0.0055084	0.0058054	0.0076121	0.0056846	0.0057692	0.0054813	0.0074191	0.0054671	0.0058110
55	0.0056182	0.0059141	0.0077029	0.0057845	0.0058752	0.0055668	0.0074939	0.0055515	0.0059201
56	0.0057354	0.0060302	0.0078008	0.0058912	0.0059885	0.0056581	0.0075749	0.0056420	0.0060367
57	0.0058601	0.0061539	0.0079058	0.0060049	0.0061091	0.0057557	0.0076627	0.0057388	0.0061608
58	0.0059937	0.0062865	0.0080192	0.0061265	0.0062384	0.0058600	0.0077573	0.0058422	0.0062940
59	0.0061368	0.0064287	0.0081415	0.0062566	0.0063769	0.0059712	0.0078589	0.0059524	0.0064368
60	0.0062900	0.0065812	0.0082732	0.0063959	0.0065253	0.0060901	0.0079685	0.0060703	0.0065898
61	0.0064540	0.0067444	0.0084149	0.0065448	0.0066842	0.0062172	0.0080866	0.0061963	0.0067538
62	0.0066294	0.0069191	0.0085668	0.0067036	0.0068540	0.0063529	0.0082138	0.0063311	0.0069292
63	0.0068167	0.0071058	0.0087294	0.0068729	0.0070354	0.0064976	0.0083506	0.0064751	0.0071168
64	0.0070165	0.0073050	0.0089030	0.0070531	0.0072287	0.0066517	0.0084970	0.0066285	0.0073169
65	0.0072307	0.0075186	0.0090893	0.0072458	0.0074359	0.0068158	0.0086537	0.0067919	0.0075315
66	0.0074600	0.0077474	0.0092891	0.0074517	0.0076576	0.0069903	0.0088208	0.0069657	0.0077614
67	0.0077052	0.0079921	0.0095028	0.0076715	0.0078946	0.0071765	0.0090000	0.0071514	0.0080073
68	0.0079692	0.0082556	0.0097332	0.0079076	0.0081496	0.0073755	0.0091921	0.0073497	0.0082721
69	0.0082539	0.0085400	0.0099823	0.0081620	0.0084247	0.0075879	0.0093974	0.0075612	0.0085580
70	0.0085622	0.0088479	0.0102523	0.0084366	0.0087223	0.0078162	0.0096186	0.0077883	0.0088676
71	0.0088938	0.0091793	0.0105419	0.0087308	0.0090421	0.0080615	0.0098577	0.0080327	0.0092008
72	0.0092539	0.0095393	0.0108558	0.0090487	0.0093889	0.0083261	0.0101166	0.0082964	0.0095628
73	0.0096446	0.0099300	0.0111955	0.0093919	0.0097647	0.0086093	0.0103939	0.0085784	0.0099559
74	0.0100684	0.0103538	0.0115628	0.0097624	0.0101717	0.0089142	0.0106939	0.0088826	0.0103824
75	0.0105280	0.0108135	0.0119604	0.0101627	0.0106127	0.0092422	0.0110180	0.0092104	0.0108451
76	0.0110267	0.0113124	0.0123914	0.0105960	0.0110908	0.0095951	0.0113678	0.0095637	0.0113472
77	0.0115688	0.0118547	0.0128599	0.0110662	0.0116103	0.0099757	0.0117460	0.0099450	0.0118933
78	0.0121597	0.0124460	0.0133705	0.0115778	0.0121762	0.0103875	0.0121558	0.0103575	0.0124885
79	0.0128051	0.0130919	0.0139278	0.0121352	0.0127939	0.0108344	0.0126012	0.0108049	0.0131389

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
80	0.0135111	0.0137984	0.0145368	0.0127433	0.0134689	0.0113202	0.0130863	0.0112914	0.0138505
81	0.0142843	0.0145725	0.0152030	0.0134074	0.0142077	0.0118492	0.0136157	0.0118211	0.0146303
82	0.0151240	0.0154130	0.0159279	0.0141293	0.0150101	0.0124242	0.0141938	0.0123986	0.0154769
83	0.0160353	0.0163252	0.0167162	0.0149136	0.0158811	0.0130497	0.0148256	0.0130286	0.0163958
84	0.0170241	0.0173149	0.0175726	0.0157650	0.0168262	0.0137302	0.0155137	0.0137139	0.0173927
85	0.0180966	0.0183884	0.0185016	0.0166876	0.0178509	0.0144701	0.0162628	0.0144589	0.0184740
86	0.0192583	0.0195513	0.0195059	0.0176841	0.0189598	0.0152736	0.0170771	0.0152680	0.0196456
87	0.0205119	0.0208062	0.0205851	0.0187541	0.0201546	0.0161432	0.0179605	0.0161446	0.0209102
88	0.0218550	0.0221507	0.0217347	0.0198932	0.0214321	0.0170791	0.0189147	0.0170905	0.0222656
89	0.0232781	0.0235752	0.0229444	0.0210916	0.0227826	0.0180779	0.0199388	0.0181048	0.0237021
90	0.0247625	0.0250609	0.0241977	0.0223336	0.0241882	0.0191323	0.0210275	0.0191823	0.0252008
91	0.0262789	0.0265782	0.0254717	0.0235975	0.0256220	0.0202301	0.0221705	0.0203134	0.0267317
92	0.0278427	0.0281429	0.0267640	0.0248804	0.0270932	0.0213620	0.0233525	0.0214834	0.0283116
93	0.0294384	0.0297392	0.0280581	0.0261661	0.0285859	0.0225126	0.0245532	0.0226729	0.0299249
94	0.0310505	0.0313517	0.0293389	0.0274402	0.0300847	0.0236656	0.0257646	0.0238739	0.0315562
95	0.0326651	0.0329665	0.0305940	0.0286908	0.0315762	0.0248057	0.0269704	0.0250708	0.0331914
96	0.0342704	0.0345719	0.0318149	0.0299099	0.0330499	0.0259197	0.0281559	0.0262493	0.0348186
97	0.0358572	0.0361585	0.0329987	0.0310951	0.0344988	0.0269980	0.0293096	0.0273986	0.0364281
98	0.0374173	0.0377185	0.0341503	0.0322517	0.0359196	0.0280348	0.0304239	0.0285118	0.0380114
99	0.0389423	0.0392433	0.0352857	0.0333956	0.0373129	0.0290309	0.0314979	0.0295884	0.0395582

<sup>1</sup>This table is based on the 1995-2000 actuarial experience study monthly benefit per \$1.00 of accumulation defined benefit (DB) single life pension.

AMENDATORY SECTION (Amending WSR 03-06-044, filed 2/27/03, effective 4/1/03)

**WAC 415-02-350 What are cost-of-living adjustments (COLA) and how are they calculated? (1) What is a cost-of-living adjustment (COLA)?** ~~The value of a retiree's, beneficiary's, or ex-spouse's ((benefit is a fixed amount. The benefit's value can))~~ monthly allowance may change in the years after retirement because of inflation or other factors. A COLA automatically adjusts benefits based on the cost of living changes.

**(2) What retirement plans include COLAs?** With one exception, all retirement plans ~~((that the department administers))~~ administered by the department provide one or more of

the types of COLAs listed in subsection (3) of this section. The judges retirement fund ~~((JRF))~~ (chapter 2.12 RCW) does not provide a COLA.

<u>RETIREMENT SYSTEM</u>	<u>PLAN</u>	<u>COLA TYPE</u>	<u>STATUTE</u>
<u>JUDICIAL</u>		<u>Base</u>	<u>RCW 2.10.170</u>
<u>LEOFF</u>	<u>Plan 1</u>	<u>Base</u>	<u>RCW 41.26.240</u>
<u>LEOFF</u>	<u>Plan 2</u>	<u>Base</u>	<u>RCW 41.26.440</u>
<u>PSERS</u>		<u>Base</u>	<u>RCW 41.37.160</u>
<u>PERS</u>	<u>Plan 1</u>	<u>Uniform</u>	<u>RCW 41.40.197</u>
<u>PERS</u>	<u>Plan 1</u>	<u>Optional</u>	<u>RCW 41.40.188</u>
		<u>Auto</u>	<u>(1)(c)</u>
<u>PERS</u>	<u>Plan 2</u>	<u>Base</u>	<u>RCW 41.40.640</u>
<u>PERS</u>	<u>Plan 3</u>	<u>Base</u>	<u>RCW 41.40.840</u>
<u>SERS</u>	<u>Plans 2 and 3</u>	<u>Base</u>	<u>RCW 41.35.210</u>
<u>TRS</u>	<u>Plan 1</u>	<u>Uniform</u>	<u>RCW 41.32.489</u>

RETIREMENT SYSTEM	PLAN	COLA TYPE	STATUTE
TRS	Plan 1	Optional Auto	RCW 41.32.530 (1)(d)
TRS	Plan 2	Base	RCW 41.32.770
TRS	Plan 3	Base	RCW 41.32.845
WSPRS	Plans 1 and 2	Base	RCW 43.43.260

**(3) What are the types of COLAs?**

**(a) Auto COLA**

~~((The auto COLA is an option members can select at retirement. Members who choose this option have their benefits actuarially reduced at retirement to provide for an automatic annual adjustment in the benefit for the members' lives. The auto COLA has no age requirement and is based on the annual Consumer Price Index (CPI) change up to a maximum of 3% times the monthly benefit. The annual adjustment for the uniform COLA is independent from the auto COLA or any other COLA.))~~ The auto COLA, if offered under your plan, is an option you may select at retirement. If you choose this option, your monthly retirement allowance will be actuarially reduced at retirement, and you will receive an automatic adjustment in your monthly retirement allowance each year for the rest of your life. The auto COLA has no age requirement and is limited to a maximum of 3% times your monthly allowance.

<sup>(4)</sup>CPI for the Seattle-Tacoma-Bremerton, Washington area for urban wage earners and clerical workers compiled by the Bureau of Labor Statistics, United States Department of Labor.)

**(b) Base COLA**

The base COLA is applied in July (April for LEOFF Plan 1) of each year and adjusts the benefit based on the change in the CPI for the Seattle area. Base COLAs are limited to a maximum of 3% times the monthly allowance for all affected plans except LEOFF Plan 1. They are payable to retirees, beneficiaries, and ex-spouses who have been retired for at least one year before July 1st of each year (April 1st for LEOFF Plan 1).

**(c) Uniform COLA**

The uniform COLA is an annual adjustment to the benefit, based on years of service(±). The annual adjustment for the uniform COLA is independent from any other COLA. It is payable to:

- (i) Retirees, beneficiaries, or ex-spouses age 66 or older who have been retired for at least one year by July 1st of each year; and
- (ii) Retirees, beneficiaries, or ex-spouses of any age whose retirement is calculated under the minimum formula.

~~((How are COLAs calculated? The retirement statutes for all department administered systems explain how the COLAs are calculated. Refer to the following table to find your plan:~~

RETIREMENT SYSTEM	PLAN	COLA TYPE	STATUTE
JUDICIAL		Base	RCW 2.10.170
LEOFF	Plan 1	Base	RCW 41.26.240
LEOFF	Plan 2	Base	RCW 41.26.440
PERS	Plan 1	Uniform	RCW 41.40.197
PERS	Plan 1	Optional-Auto	RCW 41.40.188 (1)(e)

RETIREMENT SYSTEM	PLAN	COLA TYPE	STATUTE
PERS	Plan 2	Base	RCW 41.40.640
PERS	Plan 3	Base	RCW 41.40.840
SERS	Plans 2 and 3	Base	RCW 41.35.210
TRS	Plan 1	Uniform	RCW 41.32.489
TRS	Plan 1	Optional-Auto	RCW 41.32.530 (1)(d)
TRS	Plan 2	Base	RCW 41.32.770
TRS	Plan 3	Base	RCW 41.32.845
WSPRS	Plans 1 and 2	Base	RCW 43.43.260

~~(5) Who provides the amounts used in the calculations?~~

~~(a) The amount of change for each COLA is provided annually by the office of the state actuary (OSA) to the department. Questions concerning how a specific amount is calculated should be directed to OSA.~~

~~(b) Based upon the amounts that OSA provides, the department calculates the COLA applied to a benefit.~~

~~(c) Questions concerning eligibility and COLA formulas should be directed to the department. Please see WAC 415-06-100 for information on contacting the department.)~~ **Who is responsible for determining the amount of the COLA?** The office of the state actuary (OSA) bases the percentages of the COLAs on the Consumer Price Index. The Index is based on wages earned by urban wage earners and clerical workers in the Seattle-Tacoma-Bremerton, Washington area. OSA provides this information to the department annually.

**AMENDATORY SECTION** (Amending WSR 03-15-006, filed 7/3/03, effective 8/3/03)

**WAC 415-02-370 Factors for establishing or restoring service credit ((purchase factors)).** RCW 41.50.165(2) and chapter 415-10 WAC allow ~~((a member to purchase))~~ you to establish or restore service credit by paying the actuarial value of the resulting increase in ~~((his or her benefit))~~ **your monthly retirement allowance.** This section provides the actuarial factor tables that the department uses to calculate the lump sum costs ~~((for the purchase)).~~ For more information on the factors and their use, ~~((please read))~~ **see** chapter 415-10 WAC.

**(1) What are the factors for calculating the lump sum costs of ((purchasing)) establishing or restoring service credit?** There are three factors that may be used to calculate the cost of ~~((purchasing))~~ **establishing or restoring service credit:**

(a) **Factor 1** represents the pension accrual rate, the annuity price (value of future benefit payments), increases in average final compensation, future salary increases and interest discount between the ~~((member's age at the time of the service credit purchase and the normal retirement))~~ **age at which you establish or restore the service credit and the age at which you would be eligible to retire with an unreduced retirement allowance.**

(b) **Factor 2** represents the cost of lowering the normal retirement age by one year.

(c) **Factor 3** represents future salary increases and interest discount between the ~~((member's age at the time of the service credit purchase and the normal retirement))~~ **age at which you establish or restore the service credit and the age**

at which you would be eligible to retire with an unreduced retirement allowance.

(2) ~~((What is "normal retirement age"? Normal retirement age (NRA) is the earliest projected age at which a member will be eligible to retire with unreduced benefits under the requirements of his or her system and plan. The requirements are different among plans; please consult your plan for specific, detailed information.))~~ **At which age do I qualify for an unreduced retirement allowance (URA)?** Age requirements differ among plans. For specific information see the RCW pertaining to your plan:

- LEOFF Plan 1: RCW 41.26.090(1)
- LEOFF Plan 2: RCW 41.26.430(1)
- PERS Plan 1: RCW 41.40.180
- PERS Plan 2: RCW 41.40.630(1)
- PERS Plan 3: RCW 41.40.820(1)
- PSERS: RCW 41.37.210

- SERS Plan 2: RCW 41.35.420(1)
- SERS Plan 3: RCW 41.35.680(1)
- TRS Plan 1: RCW 41.32.480
- TRS Plan 2: RCW 41.32.765(1)
- TRS Plan 3: RCW 41.32.875(1)
- WSPRS Plan 1: RCW 43.43.250(2)
- WSPRS Plan 2: RCW 43.43.250(2)

(3) ~~((What is "Months to NRA"? This means the number of months from the member's age when the service credit is purchased to the member's NRA. The number of months to NRA is used to find the applicable factor(s) in Table 1 and Table 3 for calculating the service purchase credit cost.~~

~~(4))~~ **Table - Factor 1.** Factor 1 is used in the calculation of the cost to establish or restore service credit (~~((purchase cost))~~) for a member in any PERS, PSERS, TRS, SERS, LEOFF, or WSPRS plan.

**FACTOR 1**

Months to NRA <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
0	0.3245	0.2922	0.2115	0.2300	<u>0.2300</u>	0.2445	0.2112	0.2454	0.3026	0.2815
1	0.3236	0.2914	0.2109	0.2294	<u>0.2294</u>	0.2438	0.2106	0.2447	0.3018	0.2807
2	0.3227	0.2906	0.2104	0.2288	<u>0.2288</u>	0.2432	0.2101	0.2441	0.3010	0.2800
3	0.3219	0.2898	0.2098	0.2281	<u>0.2281</u>	0.2425	0.2095	0.2434	0.3001	0.2792
4	0.3210	0.2890	0.2092	0.2275	<u>0.2275</u>	0.2419	0.2089	0.2427	0.2993	0.2785
5	0.3201	0.2882	0.2087	0.2269	<u>0.2269</u>	0.2412	0.2084	0.2421	0.2985	0.2777
6	0.3192	0.2874	0.2081	0.2263	<u>0.2263</u>	0.2406	0.2078	0.2414	0.2977	0.2770
7	0.3183	0.2867	0.2075	0.2257	<u>0.2257</u>	0.2399	0.2072	0.2407	0.2969	0.2762
8	0.3174	0.2859	0.2070	0.2251	<u>0.2251</u>	0.2392	0.2067	0.2401	0.2961	0.2754
9	0.3166	0.2851	0.2064	0.2244	<u>0.2244</u>	0.2386	0.2061	0.2394	0.2952	0.2747
10	0.3157	0.2843	0.2058	0.2238	<u>0.2238</u>	0.2379	0.2055	0.2387	0.2944	0.2739
11	0.3148	0.2835	0.2053	0.2232	<u>0.2232</u>	0.2373	0.2050	0.2381	0.2936	0.2732
12	0.3139	0.2827	0.2047	0.2226	<u>0.2226</u>	0.2366	0.2044	0.2374	0.2928	0.2724
13	0.3131	0.2819	0.2041	0.2220	<u>0.2220</u>	0.2360	0.2038	0.2368	0.2920	0.2717
14	0.3122	0.2812	0.2036	0.2214	<u>0.2214</u>	0.2353	0.2033	0.2361	0.2912	0.2709
15	0.3114	0.2804	0.2030	0.2208	<u>0.2208</u>	0.2347	0.2027	0.2355	0.2904	0.2702
16	0.3105	0.2797	0.2025	0.2202	<u>0.2202</u>	0.2340	0.2022	0.2348	0.2896	0.2695
17	0.3097	0.2789	0.2019	0.2196	<u>0.2196</u>	0.2334	0.2016	0.2342	0.2888	0.2687
18	0.3088	0.2782	0.2014	0.2190	<u>0.2190</u>	0.2327	0.2011	0.2335	0.2880	0.2680
19	0.3080	0.2774	0.2008	0.2184	<u>0.2184</u>	0.2321	0.2005	0.2329	0.2873	0.2673
20	0.3072	0.2766	0.2002	0.2178	<u>0.2178</u>	0.2315	0.2000	0.2323	0.2865	0.2665
21	0.3063	0.2759	0.1997	0.2172	<u>0.2172</u>	0.2308	0.1994	0.2316	0.2857	0.2658
22	0.3055	0.2751	0.1991	0.2166	<u>0.2166</u>	0.2302	0.1989	0.2310	0.2849	0.2651
23	0.3046	0.2744	0.1986	0.2160	<u>0.2160</u>	0.2295	0.1983	0.2303	0.2841	0.2643
24	0.3038	0.2736	0.1980	0.2154	<u>0.2154</u>	0.2289	0.1978	0.2297	0.2833	0.2636
25	0.3030	0.2729	0.1975	0.2148	<u>0.2148</u>	0.2283	0.1973	0.2291	0.2825	0.2629
26	0.3021	0.2721	0.1969	0.2142	<u>0.2142</u>	0.2277	0.1967	0.2285	0.2818	0.2622
27	0.3013	0.2714	0.1964	0.2137	<u>0.2137</u>	0.2270	0.1962	0.2278	0.2810	0.2614
28	0.3005	0.2706	0.1959	0.2131	<u>0.2131</u>	0.2264	0.1957	0.2272	0.2803	0.2607
29	0.2997	0.2699	0.1953	0.2125	<u>0.2125</u>	0.2258	0.1951	0.2266	0.2795	0.2600
30	0.2988	0.2691	0.1948	0.2119	<u>0.2119</u>	0.2252	0.1946	0.2260	0.2788	0.2593
31	0.2980	0.2684	0.1943	0.2113	<u>0.2113</u>	0.2246	0.1941	0.2254	0.2780	0.2586
32	0.2972	0.2677	0.1937	0.2107	<u>0.2107</u>	0.2240	0.1935	0.2248	0.2772	0.2579

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
33	0.2964	0.2669	0.1932	0.2102	<u>0.2102</u>	0.2233	0.1930	0.2241	0.2765	0.2571
34	0.2955	0.2662	0.1927	0.2096	<u>0.2096</u>	0.2227	0.1925	0.2235	0.2757	0.2564
35	0.2947	0.2654	0.1921	0.2090	<u>0.2090</u>	0.2221	0.1919	0.2229	0.2750	0.2557
36	0.2939	0.2647	0.1916	0.2084	<u>0.2084</u>	0.2215	0.1914	0.2223	0.2742	0.2550
37	0.2931	0.2640	0.1911	0.2078	<u>0.2078</u>	0.2209	0.1909	0.2217	0.2735	0.2543
38	0.2923	0.2633	0.1906	0.2073	<u>0.2073</u>	0.2203	0.1904	0.2211	0.2727	0.2536
39	0.2915	0.2625	0.1900	0.2067	<u>0.2067</u>	0.2197	0.1898	0.2205	0.2720	0.2530
40	0.2907	0.2618	0.1895	0.2061	<u>0.2061</u>	0.2191	0.1893	0.2199	0.2712	0.2523
41	0.2899	0.2611	0.1890	0.2056	<u>0.2056</u>	0.2185	0.1888	0.2193	0.2705	0.2516
42	0.2891	0.2604	0.1885	0.2050	<u>0.2050</u>	0.2179	0.1883	0.2187	0.2697	0.2509
43	0.2884	0.2597	0.1880	0.2044	<u>0.2044</u>	0.2173	0.1878	0.2181	0.2690	0.2502
44	0.2876	0.2590	0.1875	0.2039	<u>0.2039</u>	0.2167	0.1873	0.2175	0.2683	0.2495
45	0.2868	0.2582	0.1869	0.2033	<u>0.2033</u>	0.2161	0.1867	0.2169	0.2675	0.2489
46	0.2860	0.2575	0.1864	0.2027	<u>0.2027</u>	0.2155	0.1862	0.2163	0.2668	0.2482
47	0.2852	0.2568	0.1859	0.2022	<u>0.2022</u>	0.2149	0.1857	0.2157	0.2660	0.2475
48	0.2844	0.2561	0.1854	0.2016	<u>0.2016</u>	0.2143	0.1852	0.2151	0.2653	0.2468
49	0.2836	0.2554	0.1849	0.2011	<u>0.2011</u>	0.2137	0.1847	0.2145	0.2646	0.2461
50	0.2829	0.2547	0.1844	0.2005	<u>0.2005</u>	0.2131	0.1842	0.2139	0.2639	0.2455
51	0.2821	0.2540	0.1839	0.2000	<u>0.2000</u>	0.2126	0.1837	0.2134	0.2631	0.2448
52	0.2813	0.2533	0.1834	0.1994	<u>0.1994</u>	0.2120	0.1832	0.2128	0.2624	0.2441
53	0.2806	0.2526	0.1829	0.1989	<u>0.1989</u>	0.2114	0.1827	0.2122	0.2617	0.2435
54	0.2798	0.2519	0.1824	0.1983	<u>0.1983</u>	0.2108	0.1822	0.2116	0.2610	0.2428
55	0.2790	0.2513	0.1819	0.1978	<u>0.1978</u>	0.2103	0.1817	0.2110	0.2603	0.2421
56	0.2783	0.2506	0.1814	0.1973	<u>0.1973</u>	0.2097	0.1812	0.2104	0.2596	0.2415
57	0.2775	0.2499	0.1809	0.1967	<u>0.1967</u>	0.2091	0.1807	0.2099	0.2588	0.2408
58	0.2767	0.2492	0.1804	0.1962	<u>0.1962</u>	0.2085	0.1802	0.2093	0.2581	0.2401
59	0.2760	0.2485	0.1799	0.1956	<u>0.1956</u>	0.2080	0.1797	0.2087	0.2574	0.2395
60	0.2752	0.2478	0.1794	0.1951	<u>0.1951</u>	0.2074	0.1792	0.2081	0.2567	0.2388
61	0.2745	0.2471	0.1789	0.1946	<u>0.1946</u>	0.2068	0.1787	0.2075	0.2560	0.2381
62	0.2737	0.2465	0.1784	0.1940	<u>0.1940</u>	0.2063	0.1782	0.2070	0.2553	0.2375
63	0.2730	0.2458	0.1780	0.1935	<u>0.1935</u>	0.2057	0.1778	0.2064	0.2546	0.2368
64	0.2722	0.2451	0.1775	0.1930	<u>0.1930</u>	0.2052	0.1773	0.2059	0.2539	0.2362
65	0.2715	0.2445	0.1770	0.1925	<u>0.1925</u>	0.2046	0.1768	0.2053	0.2532	0.2355
66	0.2707	0.2438	0.1765	0.1919	<u>0.1919</u>	0.2041	0.1763	0.2048	0.2525	0.2349
67	0.2700	0.2431	0.1760	0.1914	<u>0.1914</u>	0.2035	0.1758	0.2042	0.2519	0.2342
68	0.2693	0.2425	0.1755	0.1909	<u>0.1909</u>	0.2029	0.1753	0.2036	0.2512	0.2336
69	0.2685	0.2418	0.1751	0.1904	<u>0.1904</u>	0.2024	0.1749	0.2031	0.2505	0.2329
70	0.2678	0.2411	0.1746	0.1898	<u>0.1898</u>	0.2018	0.1744	0.2025	0.2498	0.2323
71	0.2670	0.2405	0.1741	0.1893	<u>0.1893</u>	0.2013	0.1739	0.2020	0.2491	0.2316
72	0.2663	0.2398	0.1736	0.1888	<u>0.1888</u>	0.2007	0.1734	0.2014	0.2484	0.2310
73	0.2656	0.2391	0.1731	0.1883	<u>0.1883</u>	0.2002	0.1729	0.2009	0.2477	0.2304
74	0.2648	0.2385	0.1727	0.1878	<u>0.1878</u>	0.1996	0.1724	0.2003	0.2470	0.2297
75	0.2641	0.2378	0.1722	0.1872	<u>0.1872</u>	0.1991	0.1720	0.1998	0.2464	0.2291
76	0.2634	0.2372	0.1717	0.1867	<u>0.1867</u>	0.1985	0.1715	0.1992	0.2457	0.2285
77	0.2627	0.2365	0.1713	0.1862	<u>0.1862</u>	0.1980	0.1710	0.1987	0.2450	0.2279
78	0.2619	0.2359	0.1708	0.1857	<u>0.1857</u>	0.1974	0.1705	0.1981	0.2443	0.2272
79	0.2612	0.2352	0.1703	0.1852	<u>0.1852</u>	0.1969	0.1701	0.1976	0.2437	0.2266
80	0.2605	0.2346	0.1699	0.1847	<u>0.1847</u>	0.1964	0.1696	0.1971	0.2430	0.2260
81	0.2598	0.2339	0.1694	0.1841	<u>0.1841</u>	0.1958	0.1691	0.1965	0.2423	0.2254
82	0.2590	0.2333	0.1689	0.1836	<u>0.1836</u>	0.1953	0.1686	0.1960	0.2416	0.2247
83	0.2583	0.2326	0.1685	0.1831	<u>0.1831</u>	0.1947	0.1682	0.1954	0.2410	0.2241
84	0.2576	0.2320	0.1680	0.1826	<u>0.1826</u>	0.1942	0.1677	0.1949	0.2403	0.2235
85	0.2569	0.2314	0.1675	0.1821	<u>0.1821</u>	0.1937	0.1672	0.1944	0.2396	0.2229
86	0.2562	0.2307	0.1671	0.1816	<u>0.1816</u>	0.1931	0.1668	0.1938	0.2390	0.2223
87	0.2555	0.2301	0.1666	0.1811	<u>0.1811</u>	0.1926	0.1663	0.1933	0.2383	0.2217

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
88	0.2548	0.2295	0.1662	0.1806	<u>0.1806</u>	0.1921	0.1659	0.1928	0.2377	0.2211
89	0.2541	0.2289	0.1657	0.1801	<u>0.1801</u>	0.1916	0.1654	0.1922	0.2370	0.2205
90	0.2534	0.2282	0.1653	0.1796	<u>0.1796</u>	0.1910	0.1650	0.1917	0.2364	0.2199
91	0.2528	0.2276	0.1648	0.1792	<u>0.1792</u>	0.1905	0.1645	0.1912	0.2357	0.2193
92	0.2521	0.2270	0.1643	0.1787	<u>0.1787</u>	0.1900	0.1641	0.1906	0.2351	0.2187
93	0.2514	0.2264	0.1639	0.1782	<u>0.1782</u>	0.1895	0.1636	0.1901	0.2344	0.2181
94	0.2507	0.2257	0.1634	0.1777	<u>0.1777</u>	0.1889	0.1632	0.1896	0.2338	0.2175
95	0.2500	0.2251	0.1630	0.1772	<u>0.1772</u>	0.1884	0.1627	0.1890	0.2331	0.2169
96	0.2493	0.2245	0.1625	0.1767	<u>0.1767</u>	0.1879	0.1623	0.1885	0.2325	0.2163
97	0.2486	0.2239	0.1621	0.1762	<u>0.1762</u>	0.1874	0.1619	0.1880	0.2319	0.2157
98	0.2479	0.2233	0.1616	0.1757	<u>0.1757</u>	0.1869	0.1614	0.1875	0.2312	0.2151
99	0.2473	0.2227	0.1612	0.1753	<u>0.1753</u>	0.1864	0.1610	0.1870	0.2306	0.2146
100	0.2466	0.2221	0.1608	0.1748	<u>0.1748</u>	0.1859	0.1605	0.1865	0.2300	0.2140
101	0.2459	0.2215	0.1603	0.1743	<u>0.1743</u>	0.1854	0.1601	0.1860	0.2294	0.2134
102	0.2452	0.2209	0.1599	0.1738	<u>0.1738</u>	0.1849	0.1596	0.1855	0.2287	0.2128
103	0.2446	0.2202	0.1595	0.1734	<u>0.1734</u>	0.1843	0.1592	0.1849	0.2281	0.2122
104	0.2439	0.2196	0.1590	0.1729	<u>0.1729</u>	0.1838	0.1588	0.1844	0.2275	0.2116
105	0.2432	0.2190	0.1586	0.1724	<u>0.1724</u>	0.1833	0.1583	0.1839	0.2269	0.2111
106	0.2425	0.2184	0.1582	0.1719	<u>0.1719</u>	0.1828	0.1579	0.1834	0.2262	0.2105
107	0.2419	0.2178	0.1577	0.1715	<u>0.1715</u>	0.1823	0.1574	0.1829	0.2256	0.2099
108	0.2412	0.2172	0.1573	0.1710	<u>0.1710</u>	0.1818	0.1570	0.1824	0.2250	0.2093
109	0.2405	0.2166	0.1569	0.1705	<u>0.1705</u>	0.1813	0.1566	0.1819	0.2244	0.2087
110	0.2399	0.2160	0.1564	0.1701	<u>0.1701</u>	0.1808	0.1562	0.1814	0.2238	0.2082
111	0.2392	0.2155	0.1560	0.1696	<u>0.1696</u>	0.1803	0.1557	0.1809	0.2232	0.2076
112	0.2386	0.2149	0.1556	0.1692	<u>0.1692</u>	0.1798	0.1553	0.1804	0.2226	0.2070
113	0.2379	0.2143	0.1552	0.1687	<u>0.1687</u>	0.1793	0.1549	0.1799	0.2220	0.2065
114	0.2373	0.2137	0.1547	0.1683	<u>0.1683</u>	0.1788	0.1545	0.1794	0.2214	0.2059
115	0.2366	0.2131	0.1543	0.1678	<u>0.1678</u>	0.1784	0.1541	0.1790	0.2207	0.2053
116	0.2360	0.2125	0.1539	0.1673	<u>0.1673</u>	0.1779	0.1537	0.1785	0.2201	0.2048
117	0.2353	0.2120	0.1535	0.1669	<u>0.1669</u>	0.1774	0.1532	0.1780	0.2195	0.2042
118	0.2347	0.2114	0.1530	0.1664	<u>0.1664</u>	0.1769	0.1528	0.1775	0.2189	0.2036
119	0.2340	0.2108	0.1526	0.1660	<u>0.1660</u>	0.1764	0.1524	0.1770	0.2183	0.2031
120	0.2334	0.2102	0.1522	0.1655	<u>0.1655</u>	0.1759	0.1520	0.1765	0.2177	0.2025
121	0.2328	0.2096	0.1518	0.1650	<u>0.1650</u>	0.1754	0.1516	0.1760	0.2171	0.2019
122	0.2321	0.2091	0.1514	0.1646	<u>0.1646</u>	0.1749	0.1512	0.1755	0.2165	0.2014
123	0.2315	0.2085	0.1509	0.1641	<u>0.1641</u>	0.1745	0.1507	0.1751	0.2159	0.2008
124	0.2309	0.2079	0.1505	0.1637	<u>0.1637</u>	0.1740	0.1503	0.1746	0.2153	0.2003
125	0.2302	0.2074	0.1501	0.1632	<u>0.1632</u>	0.1735	0.1499	0.1741	0.2147	0.1997
126	0.2296	0.2068	0.1497	0.1628	<u>0.1628</u>	0.1730	0.1495	0.1736	0.2141	0.1992
127	0.2290	0.2062	0.1493	0.1623	<u>0.1623</u>	0.1726	0.1491	0.1732	0.2136	0.1986
128	0.2283	0.2057	0.1489	0.1619	<u>0.1619</u>	0.1721	0.1487	0.1727	0.2130	0.1981
129	0.2277	0.2051	0.1484	0.1614	<u>0.1614</u>	0.1716	0.1482	0.1722	0.2124	0.1975
130	0.2271	0.2045	0.1480	0.1610	<u>0.1610</u>	0.1711	0.1478	0.1717	0.2118	0.1970
131	0.2264	0.2040	0.1476	0.1605	<u>0.1605</u>	0.1707	0.1474	0.1713	0.2112	0.1964
132	0.2258	0.2034	0.1472	0.1601	<u>0.1601</u>	0.1702	0.1470	0.1708	0.2106	0.1959
133	0.2252	0.2028	0.1468	0.1597	<u>0.1597</u>	0.1697	0.1466	0.1703	0.2100	0.1954
134	0.2246	0.2023	0.1464	0.1592	<u>0.1592</u>	0.1693	0.1462	0.1699	0.2095	0.1948
135	0.2240	0.2017	0.1460	0.1588	<u>0.1588</u>	0.1688	0.1458	0.1694	0.2089	0.1943
136	0.2234	0.2012	0.1456	0.1584	<u>0.1584</u>	0.1684	0.1454	0.1690	0.2083	0.1938
137	0.2228	0.2006	0.1452	0.1579	<u>0.1579</u>	0.1679	0.1450	0.1685	0.2078	0.1933
138	0.2222	0.2001	0.1448	0.1575	<u>0.1575</u>	0.1675	0.1446	0.1681	0.2072	0.1927
139	0.2215	0.1995	0.1444	0.1571	<u>0.1571</u>	0.1670	0.1443	0.1676	0.2066	0.1922
140	0.2209	0.1990	0.1441	0.1566	<u>0.1566</u>	0.1665	0.1439	0.1671	0.2061	0.1917
141	0.2203	0.1984	0.1437	0.1562	<u>0.1562</u>	0.1661	0.1435	0.1667	0.2055	0.1912
142	0.2197	0.1979	0.1433	0.1558	<u>0.1558</u>	0.1656	0.1431	0.1662	0.2049	0.1906

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
143	0.2191	0.1973	0.1429	0.1553	<u>0.1553</u>	0.1652	0.1427	0.1658	0.2044	0.1901
144	0.2185	0.1968	0.1425	0.1549	<u>0.1549</u>	0.1647	0.1423	0.1653	0.2038	0.1896
145	0.2179	0.1963	0.1421	0.1545	<u>0.1545</u>	0.1642	0.1419	0.1648	0.2032	0.1891
146	0.2173	0.1957	0.1417	0.1541	<u>0.1541</u>	0.1638	0.1415	0.1644	0.2027	0.1886
147	0.2167	0.1952	0.1413	0.1536	<u>0.1536</u>	0.1633	0.1412	0.1639	0.2021	0.1881
148	0.2161	0.1947	0.1409	0.1532	<u>0.1532</u>	0.1629	0.1408	0.1635	0.2016	0.1876
149	0.2155	0.1941	0.1405	0.1528	<u>0.1528</u>	0.1624	0.1404	0.1630	0.2010	0.1871
150	0.2149	0.1936	0.1401	0.1524	<u>0.1524</u>	0.1620	0.1400	0.1626	0.2005	0.1866
151	0.2144	0.1931	0.1398	0.1520	<u>0.1520</u>	0.1615	0.1396	0.1621	0.1999	0.1860
152	0.2138	0.1925	0.1394	0.1516	<u>0.1516</u>	0.1611	0.1392	0.1617	0.1994	0.1855
153	0.2132	0.1920	0.1390	0.1511	<u>0.1511</u>	0.1606	0.1389	0.1612	0.1988	0.1850
154	0.2126	0.1915	0.1386	0.1507	<u>0.1507</u>	0.1602	0.1385	0.1608	0.1983	0.1845
155	0.2120	0.1909	0.1382	0.1503	<u>0.1503</u>	0.1597	0.1381	0.1603	0.1977	0.1840
156	0.2114	0.1904	0.1378	0.1499	<u>0.1499</u>	0.1593	0.1377	0.1599	0.1972	0.1835
157	0.2108	0.1899	0.1374	0.1495	<u>0.1495</u>	0.1589	0.1373	0.1595	0.1967	0.1830
158	0.2103	0.1894	0.1371	0.1491	<u>0.1491</u>	0.1584	0.1369	0.1590	0.1961	0.1825
159	0.2097	0.1888	0.1367	0.1487	<u>0.1487</u>	0.1580	0.1366	0.1586	0.1956	0.1820
160	0.2091	0.1883	0.1363	0.1483	<u>0.1483</u>	0.1576	0.1362	0.1582	0.1951	0.1815
161	0.2086	0.1878	0.1360	0.1479	<u>0.1479</u>	0.1572	0.1358	0.1577	0.1945	0.1810
162	0.2080	0.1873	0.1356	0.1475	<u>0.1475</u>	0.1567	0.1354	0.1573	0.1940	0.1805
163	0.2074	0.1868	0.1352	0.1470	<u>0.1470</u>	0.1563	0.1351	0.1569	0.1935	0.1800
164	0.2069	0.1863	0.1349	0.1466	<u>0.1466</u>	0.1559	0.1347	0.1564	0.1929	0.1795
165	0.2063	0.1857	0.1345	0.1462	<u>0.1462</u>	0.1555	0.1343	0.1560	0.1924	0.1790
166	0.2057	0.1852	0.1341	0.1458	<u>0.1458</u>	0.1550	0.1339	0.1556	0.1919	0.1785
167	0.2052	0.1847	0.1338	0.1454	<u>0.1454</u>	0.1546	0.1336	0.1551	0.1913	0.1780
168	0.2046	0.1842	0.1334	0.1450	<u>0.1450</u>	0.1542	0.1332	0.1547	0.1908	0.1775
169	0.2040	0.1837	0.1330	0.1446	<u>0.1446</u>	0.1538	0.1328	0.1543	0.1903	0.1770
170	0.2035	0.1832	0.1327	0.1442	<u>0.1442</u>	0.1534	0.1325	0.1539	0.1898	0.1765
171	0.2029	0.1827	0.1323	0.1438	<u>0.1438</u>	0.1529	0.1321	0.1534	0.1892	0.1761
172	0.2024	0.1822	0.1319	0.1434	<u>0.1434</u>	0.1525	0.1318	0.1530	0.1887	0.1756
173	0.2018	0.1817	0.1316	0.1430	<u>0.1430</u>	0.1521	0.1314	0.1526	0.1882	0.1751
174	0.2013	0.1812	0.1312	0.1426	<u>0.1426</u>	0.1517	0.1311	0.1522	0.1877	0.1746
175	0.2007	0.1808	0.1308	0.1423	<u>0.1423</u>	0.1513	0.1307	0.1518	0.1872	0.1742
176	0.2001	0.1803	0.1305	0.1419	<u>0.1419</u>	0.1509	0.1303	0.1514	0.1867	0.1737
177	0.1996	0.1798	0.1301	0.1415	<u>0.1415</u>	0.1504	0.1300	0.1509	0.1861	0.1732
178	0.1990	0.1793	0.1297	0.1411	<u>0.1411</u>	0.1500	0.1296	0.1505	0.1856	0.1727
179	0.1985	0.1788	0.1294	0.1407	<u>0.1407</u>	0.1496	0.1293	0.1501	0.1851	0.1723
180	0.1979	0.1783	0.1290	0.1403	<u>0.1403</u>	0.1492	0.1289	0.1497	0.1846	0.1718
181	0.1974	0.1778	0.1287	0.1399	<u>0.1399</u>	0.1488	0.1285	0.1493	0.1841	0.1713
182	0.1968	0.1773	0.1283	0.1395	<u>0.1395</u>	0.1484	0.1282	0.1489	0.1836	0.1709
183	0.1963	0.1769	0.1280	0.1392	<u>0.1392</u>	0.1480	0.1278	0.1485	0.1831	0.1704
184	0.1958	0.1764	0.1276	0.1388	<u>0.1388</u>	0.1476	0.1275	0.1481	0.1826	0.1699
185	0.1952	0.1759	0.1273	0.1384	<u>0.1384</u>	0.1472	0.1271	0.1477	0.1821	0.1695
186	0.1947	0.1754	0.1269	0.1380	<u>0.1380</u>	0.1468	0.1268	0.1473	0.1816	0.1690
187	0.1942	0.1749	0.1266	0.1377	<u>0.1377</u>	0.1463	0.1264	0.1469	0.1812	0.1685
188	0.1936	0.1744	0.1263	0.1373	<u>0.1373</u>	0.1459	0.1261	0.1465	0.1807	0.1681
189	0.1931	0.1740	0.1259	0.1369	<u>0.1369</u>	0.1455	0.1257	0.1461	0.1802	0.1676
190	0.1926	0.1735	0.1256	0.1365	<u>0.1365</u>	0.1451	0.1254	0.1457	0.1797	0.1671
191	0.1920	0.1730	0.1252	0.1362	<u>0.1362</u>	0.1447	0.1250	0.1453	0.1792	0.1667
192	0.1915	0.1725	0.1249	0.1358	<u>0.1358</u>	0.1443	0.1247	0.1449	0.1787	0.1662
193	0.1910	0.1720	0.1246	0.1354	<u>0.1354</u>	0.1439	0.1244	0.1445	0.1782	0.1657
194	0.1905	0.1716	0.1242	0.1351	<u>0.1351</u>	0.1435	0.1240	0.1441	0.1777	0.1653
195	0.1899	0.1711	0.1239	0.1347	<u>0.1347</u>	0.1432	0.1237	0.1437	0.1773	0.1648
196	0.1894	0.1706	0.1235	0.1343	<u>0.1343</u>	0.1428	0.1234	0.1433	0.1768	0.1644
197	0.1889	0.1702	0.1232	0.1340	<u>0.1340</u>	0.1424	0.1230	0.1429	0.1763	0.1639

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
198	0.1884	0.1697	0.1228	0.1336	<u>0.1336</u>	0.1420	0.1227	0.1425	0.1758	0.1635
199	0.1879	0.1692	0.1225	0.1332	<u>0.1332</u>	0.1416	0.1224	0.1422	0.1753	0.1630
200	0.1874	0.1688	0.1222	0.1329	<u>0.1329</u>	0.1412	0.1220	0.1418	0.1748	0.1626
201	0.1868	0.1683	0.1218	0.1325	<u>0.1325</u>	0.1409	0.1217	0.1414	0.1744	0.1621
202	0.1863	0.1678	0.1215	0.1321	<u>0.1321</u>	0.1405	0.1214	0.1410	0.1739	0.1617
203	0.1858	0.1674	0.1211	0.1318	<u>0.1318</u>	0.1401	0.1210	0.1406	0.1734	0.1612
204	0.1853	0.1669	0.1208	0.1314	<u>0.1314</u>	0.1397	0.1207	0.1402	0.1729	0.1608
205	0.1848	0.1664	0.1205	0.1310	<u>0.1310</u>	0.1393	0.1204	0.1398	0.1724	0.1604
206	0.1843	0.1660	0.1201	0.1307	<u>0.1307</u>	0.1389	0.1200	0.1394	0.1720	0.1599
207	0.1838	0.1655	0.1198	0.1303	<u>0.1303</u>	0.1386	0.1197	0.1391	0.1715	0.1595
208	0.1833	0.1651	0.1195	0.1300	<u>0.1300</u>	0.1382	0.1194	0.1387	0.1710	0.1591
209	0.1828	0.1646	0.1192	0.1296	<u>0.1296</u>	0.1378	0.1191	0.1383	0.1706	0.1586
210	0.1823	0.1642	0.1188	0.1293	<u>0.1293</u>	0.1374	0.1187	0.1379	0.1701	0.1582
211	0.1818	0.1637	0.1185	0.1289	<u>0.1289</u>	0.1370	0.1184	0.1375	0.1696	0.1578
212	0.1813	0.1633	0.1182	0.1285	<u>0.1285</u>	0.1366	0.1181	0.1371	0.1692	0.1573
213	0.1808	0.1628	0.1179	0.1282	<u>0.1282</u>	0.1363	0.1178	0.1368	0.1687	0.1569
214	0.1803	0.1624	0.1175	0.1278	<u>0.1278</u>	0.1359	0.1174	0.1364	0.1682	0.1565
215	0.1798	0.1619	0.1172	0.1275	<u>0.1275</u>	0.1355	0.1171	0.1360	0.1678	0.1560
216	0.1793	0.1615	0.1169	0.1271	<u>0.1271</u>	0.1351	0.1168	0.1356	0.1673	0.1556
217	0.1788	0.1611	0.1166	0.1268	<u>0.1268</u>	0.1347	0.1165	0.1352	0.1668	0.1552
218	0.1783	0.1606	0.1163	0.1264	<u>0.1264</u>	0.1344	0.1162	0.1349	0.1664	0.1547
219	0.1779	0.1602	0.1159	0.1261	<u>0.1261</u>	0.1340	0.1158	0.1345	0.1659	0.1543
220	0.1774	0.1597	0.1156	0.1257	<u>0.1257</u>	0.1337	0.1155	0.1341	0.1655	0.1539
221	0.1769	0.1593	0.1153	0.1254	<u>0.1254</u>	0.1333	0.1152	0.1338	0.1650	0.1535
222	0.1764	0.1588	0.1150	0.1250	<u>0.1250</u>	0.1330	0.1149	0.1334	0.1646	0.1530
223	0.1759	0.1584	0.1147	0.1247	<u>0.1247</u>	0.1326	0.1146	0.1330	0.1641	0.1526
224	0.1754	0.1580	0.1144	0.1244	<u>0.1244</u>	0.1322	0.1143	0.1327	0.1636	0.1522
225	0.1750	0.1575	0.1140	0.1240	<u>0.1240</u>	0.1319	0.1139	0.1323	0.1632	0.1518
226	0.1745	0.1571	0.1137	0.1237	<u>0.1237</u>	0.1315	0.1136	0.1319	0.1627	0.1513
227	0.1740	0.1566	0.1134	0.1233	<u>0.1233</u>	0.1312	0.1133	0.1316	0.1623	0.1509
228	0.1735	0.1562	0.1131	0.1230	<u>0.1230</u>	0.1308	0.1130	0.1312	0.1618	0.1505
229	0.1730	0.1558	0.1128	0.1227	<u>0.1227</u>	0.1304	0.1127	0.1308	0.1614	0.1501
230	0.1726	0.1554	0.1125	0.1223	<u>0.1223</u>	0.1301	0.1124	0.1305	0.1609	0.1497
231	0.1721	0.1549	0.1122	0.1220	<u>0.1220</u>	0.1297	0.1121	0.1301	0.1605	0.1493
232	0.1716	0.1545	0.1119	0.1217	<u>0.1217</u>	0.1294	0.1118	0.1298	0.1601	0.1489
233	0.1712	0.1541	0.1116	0.1213	<u>0.1213</u>	0.1290	0.1115	0.1294	0.1596	0.1485
234	0.1707	0.1537	0.1113	0.1210	<u>0.1210</u>	0.1287	0.1112	0.1291	0.1592	0.1481
235	0.1702	0.1533	0.1109	0.1207	<u>0.1207</u>	0.1283	0.1108	0.1287	0.1588	0.1477
236	0.1698	0.1529	0.1106	0.1203	<u>0.1203</u>	0.1279	0.1105	0.1284	0.1583	0.1473
237	0.1693	0.1524	0.1103	0.1200	<u>0.1200</u>	0.1276	0.1102	0.1280	0.1579	0.1469
238	0.1688	0.1520	0.1100	0.1197	<u>0.1197</u>	0.1272	0.1099	0.1277	0.1575	0.1465
239	0.1684	0.1516	0.1097	0.1193	<u>0.1193</u>	0.1269	0.1096	0.1273	0.1570	0.1461
240	0.1679	0.1512	0.1094	0.1190	<u>0.1190</u>	0.1265	0.1093	0.1270	0.1566	0.1457
241	0.1674	0.1508	0.1091	0.1187	<u>0.1187</u>	0.1262	0.1090	0.1267	0.1562	0.1453
242	0.1670	0.1504	0.1088	0.1184	<u>0.1184</u>	0.1258	0.1087	0.1263	0.1557	0.1449
243	0.1665	0.1500	0.1085	0.1180	<u>0.1180</u>	0.1255	0.1084	0.1260	0.1553	0.1445
244	0.1661	0.1496	0.1082	0.1177	<u>0.1177</u>	0.1251	0.1081	0.1256	0.1549	0.1441
245	0.1656	0.1492	0.1079	0.1174	<u>0.1174</u>	0.1248	0.1078	0.1253	0.1545	0.1437
246	0.1652	0.1488	0.1076	0.1171	<u>0.1171</u>	0.1244	0.1075	0.1249	0.1540	0.1433
247	0.1647	0.1483	0.1074	0.1168	<u>0.1168</u>	0.1241	0.1073	0.1246	0.1536	0.1429
248	0.1642	0.1479	0.1071	0.1165	<u>0.1165</u>	0.1238	0.1070	0.1243	0.1532	0.1425
249	0.1638	0.1475	0.1068	0.1161	<u>0.1161</u>	0.1234	0.1067	0.1239	0.1528	0.1421
250	0.1633	0.1471	0.1065	0.1158	<u>0.1158</u>	0.1231	0.1064	0.1236	0.1523	0.1417
251	0.1629	0.1467	0.1062	0.1155	<u>0.1155</u>	0.1227	0.1061	0.1232	0.1519	0.1413
252	0.1624	0.1463	0.1059	0.1152	<u>0.1152</u>	0.1224	0.1058	0.1229	0.1515	0.1409



Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
253	0.1620	0.1459	0.1056	0.1149	<u>0.1149</u>	0.1221	0.1055	0.1226	0.1511	0.1405
254	0.1615	0.1455	0.1053	0.1146	<u>0.1146</u>	0.1217	0.1052	0.1222	0.1507	0.1401
255	0.1611	0.1451	0.1051	0.1142	<u>0.1142</u>	0.1214	0.1049	0.1219	0.1503	0.1398
256	0.1607	0.1447	0.1048	0.1139	<u>0.1139</u>	0.1211	0.1046	0.1216	0.1499	0.1394
257	0.1602	0.1443	0.1045	0.1136	<u>0.1136</u>	0.1208	0.1043	0.1212	0.1495	0.1390
258	0.1598	0.1439	0.1042	0.1133	<u>0.1133</u>	0.1204	0.1040	0.1209	0.1491	0.1386
259	0.1594	0.1435	0.1039	0.1130	<u>0.1130</u>	0.1201	0.1038	0.1206	0.1486	0.1383
260	0.1589	0.1431	0.1036	0.1127	<u>0.1127</u>	0.1198	0.1035	0.1202	0.1482	0.1379
261	0.1585	0.1427	0.1034	0.1123	<u>0.1123</u>	0.1195	0.1032	0.1199	0.1478	0.1375
262	0.1581	0.1423	0.1031	0.1120	<u>0.1120</u>	0.1191	0.1029	0.1196	0.1474	0.1371
263	0.1576	0.1419	0.1028	0.1117	<u>0.1117</u>	0.1188	0.1026	0.1192	0.1470	0.1368
264	0.1572	0.1415	0.1025	0.1114	<u>0.1114</u>	0.1185	0.1023	0.1189	0.1466	0.1364
265	0.1568	0.1411	0.1022	0.1111	<u>0.1111</u>	0.1182	0.1020	0.1186	0.1462	0.1360
266	0.1563	0.1407	0.1019	0.1108	<u>0.1108</u>	0.1178	0.1017	0.1182	0.1458	0.1357
267	0.1559	0.1404	0.1017	0.1105	<u>0.1105</u>	0.1175	0.1015	0.1179	0.1454	0.1353
268	0.1555	0.1400	0.1014	0.1102	<u>0.1102</u>	0.1172	0.1012	0.1176	0.1450	0.1349
269	0.1551	0.1396	0.1011	0.1099	<u>0.1099</u>	0.1169	0.1009	0.1173	0.1446	0.1346
270	0.1546	0.1392	0.1008	0.1096	<u>0.1096</u>	0.1165	0.1006	0.1169	0.1442	0.1342
271	0.1542	0.1389	0.1006	0.1093	<u>0.1093</u>	0.1162	0.1004	0.1166	0.1439	0.1338
272	0.1538	0.1385	0.1003	0.1090	<u>0.1090</u>	0.1159	0.1001	0.1163	0.1435	0.1335
273	0.1534	0.1381	0.1000	0.1087	<u>0.1087</u>	0.1156	0.0998	0.1160	0.1431	0.1331
274	0.1529	0.1377	0.0997	0.1084	<u>0.1084</u>	0.1152	0.0995	0.1156	0.1427	0.1327
275	0.1525	0.1374	0.0995	0.1081	<u>0.1081</u>	0.1149	0.0993	0.1153	0.1423	0.1324
276	0.1521	0.1370	0.0992	0.1078	<u>0.1078</u>	0.1146	0.0990	0.1150	0.1419	0.1320
277	0.1517	0.1366	0.0989	0.1075	<u>0.1075</u>	0.1143	0.0987	0.1147	0.1415	0.1316
278	0.1513	0.1362	0.0986	0.1072	<u>0.1072</u>	0.1140	0.0985	0.1144	0.1411	0.1313
279	0.1509	0.1359	0.0984	0.1069	<u>0.1069</u>	0.1137	0.0982	0.1141	0.1408	0.1309
280	0.1505	0.1355	0.0981	0.1066	<u>0.1066</u>	0.1134	0.0979	0.1138	0.1404	0.1306
281	0.1501	0.1351	0.0978	0.1063	<u>0.1063</u>	0.1131	0.0977	0.1135	0.1400	0.1302
282	0.1497	0.1347	0.0975	0.1060	<u>0.1060</u>	0.1128	0.0974	0.1132	0.1396	0.1299
283	0.1492	0.1344	0.0973	0.1058	<u>0.1058</u>	0.1124	0.0971	0.1128	0.1392	0.1295
284	0.1488	0.1340	0.0970	0.1055	<u>0.1055</u>	0.1121	0.0969	0.1125	0.1388	0.1291
285	0.1484	0.1336	0.0967	0.1052	<u>0.1052</u>	0.1118	0.0966	0.1122	0.1385	0.1288
286	0.1480	0.1332	0.0964	0.1049	<u>0.1049</u>	0.1115	0.0963	0.1119	0.1381	0.1284
287	0.1476	0.1329	0.0962	0.1046	<u>0.1046</u>	0.1112	0.0961	0.1116	0.1377	0.1281
288	0.1472	0.1325	0.0959	0.1043	<u>0.1043</u>	0.1109	0.0958	0.1113	0.1373	0.1277
289	0.1468	0.1321	0.0956	0.1040	<u>0.1040</u>	0.1106	0.0955	0.1110	0.1369	0.1273
290	0.1464	0.1318	0.0954	0.1037	<u>0.1037</u>	0.1103	0.0953	0.1107	0.1365	0.1270
291	0.1460	0.1314	0.0951	0.1035	<u>0.1035</u>	0.1100	0.0950	0.1104	0.1362	0.1266
292	0.1456	0.1311	0.0949	0.1032	<u>0.1032</u>	0.1097	0.0948	0.1101	0.1358	0.1263
293	0.1452	0.1307	0.0946	0.1029	<u>0.1029</u>	0.1094	0.0945	0.1098	0.1354	0.1259
294	0.1448	0.1304	0.0944	0.1026	<u>0.1026</u>	0.1091	0.0943	0.1095	0.1350	0.1256
295	0.1444	0.1300	0.0941	0.1023	<u>0.1023</u>	0.1088	0.0940	0.1092	0.1347	0.1252
296	0.1440	0.1296	0.0938	0.1020	<u>0.1020</u>	0.1085	0.0937	0.1089	0.1343	0.1249
297	0.1436	0.1293	0.0936	0.1018	<u>0.1018</u>	0.1082	0.0935	0.1086	0.1339	0.1245
298	0.1432	0.1289	0.0933	0.1015	<u>0.1015</u>	0.1079	0.0932	0.1083	0.1335	0.1242
299	0.1428	0.1286	0.0931	0.1012	<u>0.1012</u>	0.1076	0.0930	0.1080	0.1332	0.1238
300	0.1424	0.1282	0.0928	0.1009	<u>0.1009</u>	0.1073	0.0927	0.1077	0.1328	0.1235
301	0.1420	0.1279	0.0925	0.1006	<u>0.1006</u>	0.1070	0.0924	0.1074	0.1324	0.1232
302	0.1416	0.1275	0.0923	0.1004	<u>0.1004</u>	0.1067	0.0922	0.1071	0.1321	0.1228
303	0.1413	0.1272	0.0920	0.1001	<u>0.1001</u>	0.1064	0.0919	0.1068	0.1317	0.1225
304	0.1409	0.1268	0.0918	0.0998	<u>0.0998</u>	0.1061	0.0917	0.1065	0.1314	0.1222
305	0.1405	0.1265	0.0915	0.0996	<u>0.0996</u>	0.1058	0.0914	0.1062	0.1310	0.1218
306	0.1401	0.1261	0.0913	0.0993	<u>0.0993</u>	0.1055	0.0912	0.1059	0.1307	0.1215
307	0.1397	0.1258	0.0910	0.0990	<u>0.0990</u>	0.1053	0.0909	0.1057	0.1303	0.1212

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
308	0.1393	0.1255	0.0908	0.0988	<u>0.0988</u>	0.1050	0.0907	0.1054	0.1299	0.1208
309	0.1390	0.1251	0.0905	0.0985	<u>0.0985</u>	0.1047	0.0904	0.1051	0.1296	0.1205
310	0.1386	0.1248	0.0903	0.0982	<u>0.0982</u>	0.1044	0.0902	0.1048	0.1292	0.1202
311	0.1382	0.1244	0.0900	0.0980	<u>0.0980</u>	0.1041	0.0899	0.1045	0.1289	0.1198
312	0.1378	0.1241	0.0898	0.0977	<u>0.0977</u>	0.1038	0.0897	0.1042	0.1285	0.1195
313	0.1374	0.1238	0.0896	0.0974	<u>0.0974</u>	0.1035	0.0895	0.1039	0.1281	0.1192
314	0.1370	0.1234	0.0893	0.0972	<u>0.0972</u>	0.1032	0.0892	0.1036	0.1278	0.1189
315	0.1367	0.1231	0.0891	0.0969	<u>0.0969</u>	0.1030	0.0890	0.1034	0.1274	0.1185
316	0.1363	0.1227	0.0888	0.0966	<u>0.0966</u>	0.1027	0.0887	0.1031	0.1271	0.1182
317	0.1359	0.1224	0.0886	0.0964	<u>0.0964</u>	0.1024	0.0885	0.1028	0.1267	0.1179
318	0.1355	0.1220	0.0883	0.0961	<u>0.0961</u>	0.1021	0.0882	0.1025	0.1264	0.1176
319	0.1352	0.1217	0.0881	0.0958	<u>0.0958</u>	0.1019	0.0880	0.1022	0.1260	0.1173
320	0.1348	0.1214	0.0879	0.0956	<u>0.0956</u>	0.1016	0.0878	0.1019	0.1257	0.1170
321	0.1344	0.1210	0.0876	0.0953	<u>0.0953</u>	0.1013	0.0875	0.1017	0.1253	0.1166
322	0.1340	0.1207	0.0874	0.0950	<u>0.0950</u>	0.1010	0.0873	0.1014	0.1250	0.1163
323	0.1337	0.1203	0.0871	0.0948	<u>0.0948</u>	0.1008	0.0870	0.1011	0.1246	0.1160
324	0.1333	0.1200	0.0869	0.0945	<u>0.0945</u>	0.1005	0.0868	0.1008	0.1243	0.1157
325	0.1329	0.1197	0.0867	0.0942	<u>0.0942</u>	0.1002	0.0866	0.1005	0.1240	0.1154
326	0.1326	0.1194	0.0864	0.0940	<u>0.0940</u>	0.0999	0.0863	0.1003	0.1236	0.1151
327	0.1322	0.1190	0.0862	0.0937	<u>0.0937</u>	0.0997	0.0861	0.1000	0.1233	0.1147
328	0.1319	0.1187	0.0860	0.0935	<u>0.0935</u>	0.0994	0.0859	0.0997	0.1230	0.1144
329	0.1315	0.1184	0.0857	0.0932	<u>0.0932</u>	0.0991	0.0856	0.0995	0.1226	0.1141
330	0.1312	0.1181	0.0855	0.0930	<u>0.0930</u>	0.0988	0.0854	0.0992	0.1223	0.1138
331	0.1308	0.1178	0.0853	0.0927	<u>0.0927</u>	0.0986	0.0852	0.0989	0.1220	0.1135
332	0.1304	0.1175	0.0850	0.0924	<u>0.0924</u>	0.0983	0.0849	0.0987	0.1216	0.1132
333	0.1301	0.1171	0.0848	0.0922	<u>0.0922</u>	0.0980	0.0847	0.0984	0.1213	0.1128
334	0.1297	0.1168	0.0846	0.0919	<u>0.0919</u>	0.0977	0.0845	0.0981	0.1210	0.1125
335	0.1294	0.1165	0.0843	0.0917	<u>0.0917</u>	0.0975	0.0842	0.0979	0.1206	0.1122
336	0.1290	0.1162	0.0841	0.0914	<u>0.0914</u>	0.0972	0.0840	0.0976	0.1203	0.1119
337	0.1286	0.1159	0.0839	0.0912	<u>0.0912</u>	0.0969	0.0838	0.0973	0.1200	0.1116
338	0.1283	0.1156	0.0836	0.0909	<u>0.0909</u>	0.0967	0.0835	0.0971	0.1196	0.1113
339	0.1279	0.1152	0.0834	0.0907	<u>0.0907</u>	0.0964	0.0833	0.0968	0.1193	0.1110
340	0.1276	0.1149	0.0832	0.0904	<u>0.0904</u>	0.0962	0.0831	0.0965	0.1190	0.1107
341	0.1272	0.1146	0.0830	0.0902	<u>0.0902</u>	0.0959	0.0829	0.0963	0.1187	0.1104
342	0.1269	0.1143	0.0827	0.0899	<u>0.0899</u>	0.0957	0.0826	0.0960	0.1183	0.1101
343	0.1265	0.1140	0.0825	0.0897	<u>0.0897</u>	0.0954	0.0824	0.0957	0.1180	0.1098
344	0.1262	0.1137	0.0823	0.0895	<u>0.0895</u>	0.0951	0.0822	0.0955	0.1177	0.1095
345	0.1258	0.1133	0.0821	0.0892	<u>0.0892</u>	0.0949	0.0820	0.0952	0.1174	0.1092
346	0.1255	0.1130	0.0818	0.0890	<u>0.0890</u>	0.0946	0.0817	0.0949	0.1170	0.1089
347	0.1251	0.1127	0.0816	0.0887	<u>0.0887</u>	0.0944	0.0815	0.0947	0.1167	0.1086
348	0.1248	0.1124	0.0814	0.0885	<u>0.0885</u>	0.0941	0.0813	0.0944	0.1164	0.1083
349	0.1245	0.1121	0.0812	0.0883	<u>0.0883</u>	0.0938	0.0811	0.0941	0.1161	0.1080
350	0.1241	0.1118	0.0809	0.0880	<u>0.0880</u>	0.0936	0.0808	0.0939	0.1158	0.1077
351	0.1238	0.1115	0.0807	0.0878	<u>0.0878</u>	0.0933	0.0806	0.0936	0.1154	0.1074
352	0.1235	0.1112	0.0805	0.0875	<u>0.0875</u>	0.0931	0.0804	0.0934	0.1151	0.1071
353	0.1231	0.1109	0.0803	0.0873	<u>0.0873</u>	0.0928	0.0802	0.0931	0.1148	0.1068
354	0.1228	0.1106	0.0800	0.0870	<u>0.0870</u>	0.0926	0.0799	0.0929	0.1145	0.1065
355	0.1225	0.1103	0.0798	0.0868	<u>0.0868</u>	0.0923	0.0797	0.0926	0.1142	0.1063
356	0.1221	0.1100	0.0796	0.0866	<u>0.0866</u>	0.0920	0.0795	0.0923	0.1139	0.1060
357	0.1218	0.1097	0.0794	0.0863	<u>0.0863</u>	0.0918	0.0793	0.0921	0.1135	0.1057
358	0.1215	0.1094	0.0791	0.0861	<u>0.0861</u>	0.0915	0.0790	0.0918	0.1132	0.1054
359	0.1211	0.1091	0.0789	0.0858	<u>0.0858</u>	0.0913	0.0788	0.0916	0.1129	0.1051
360	0.1208	0.1088	0.0787	0.0856	<u>0.0856</u>	0.0910	0.0786	0.0913	0.1126	0.1048
361	0.1205	0.1085	0.0785	0.0854	<u>0.0854</u>	0.0908	0.0784	0.0911	0.1123	0.1045
362	0.1201	0.1082	0.0783	0.0851	<u>0.0851</u>	0.0905	0.0782	0.0908	0.1120	0.1042

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
363	0.1198	0.1079	0.0781	0.0849	<u>0.0849</u>	0.0903	0.0780	0.0906	0.1117	0.1040
364	0.1195	0.1076	0.0779	0.0847	<u>0.0847</u>	0.0900	0.0778	0.0903	0.1114	0.1037
365	0.1191	0.1073	0.0777	0.0844	<u>0.0844</u>	0.0898	0.0776	0.0901	0.1111	0.1034
366	0.1188	0.1070	0.0775	0.0842	<u>0.0842</u>	0.0895	0.0774	0.0898	0.1108	0.1031
367	0.1185	0.1067	0.0772	0.0840	<u>0.0840</u>	0.0893	0.0771	0.0896	0.1105	0.1028
368	0.1181	0.1064	0.0770	0.0837	<u>0.0837</u>	0.0891	0.0769	0.0894	0.1102	0.1025
369	0.1178	0.1061	0.0768	0.0835	<u>0.0835</u>	0.0888	0.0767	0.0891	0.1099	0.1023
370	0.1175	0.1058	0.0766	0.0833	<u>0.0833</u>	0.0886	0.0765	0.0889	0.1096	0.1020
371	0.1171	0.1055	0.0764	0.0830	<u>0.0830</u>	0.0883	0.0763	0.0886	0.1093	0.1017
372	0.1168	0.1052	0.0762	0.0828	<u>0.0828</u>	0.0881	0.0761	0.0884	0.1090	0.1014
373	0.1165	0.1049	0.0760	0.0826	<u>0.0826</u>	0.0879	0.0759	0.0882	0.1087	0.1011
374	0.1162	0.1046	0.0758	0.0824	<u>0.0824</u>	0.0876	0.0757	0.0879	0.1084	0.1008
375	0.1159	0.1044	0.0756	0.0821	<u>0.0821</u>	0.0874	0.0755	0.0877	0.1081	0.1006
376	0.1156	0.1041	0.0754	0.0819	<u>0.0819</u>	0.0871	0.0753	0.0874	0.1078	0.1003
377	0.1153	0.1038	0.0752	0.0817	<u>0.0817</u>	0.0869	0.0751	0.0872	0.1075	0.1000
378	0.1150	0.1035	0.0750	0.0815	<u>0.0815</u>	0.0866	0.0749	0.0869	0.1072	0.0997
379	0.1146	0.1032	0.0747	0.0813	<u>0.0813</u>	0.0864	0.0746	0.0867	0.1070	0.0995
380	0.1143	0.1029	0.0745	0.0811	<u>0.0811</u>	0.0862	0.0744	0.0865	0.1067	0.0992
381	0.1140	0.1027	0.0743	0.0808	<u>0.0808</u>	0.0859	0.0742	0.0862	0.1064	0.0989
382	0.1137	0.1024	0.0741	0.0806	<u>0.0806</u>	0.0857	0.0740	0.0860	0.1061	0.0986
383	0.1134	0.1021	0.0739	0.0804	<u>0.0804</u>	0.0854	0.0738	0.0857	0.1058	0.0984
384	0.1131	0.1018	0.0737	0.0802	<u>0.0802</u>	0.0852	0.0736	0.0855	0.1055	0.0981
385	0.1128	0.1015	0.0735	0.0800	<u>0.0800</u>	0.0850	0.0734	0.0853	0.1052	0.0978
386	0.1125	0.1012	0.0733	0.0798	<u>0.0798</u>	0.0847	0.0732	0.0850	0.1049	0.0976
387	0.1122	0.1010	0.0731	0.0795	<u>0.0795</u>	0.0845	0.0730	0.0848	0.1046	0.0973
388	0.1119	0.1007	0.0729	0.0793	<u>0.0793</u>	0.0843	0.0728	0.0846	0.1043	0.0970
389	0.1116	0.1004	0.0727	0.0791	<u>0.0791</u>	0.0840	0.0726	0.0843	0.1040	0.0968
390	0.1113	0.1001	0.0725	0.0789	<u>0.0789</u>	0.0838	0.0724	0.0841	0.1037	0.0965
391	0.1109	0.0999	0.0723	0.0787	<u>0.0787</u>	0.0836	0.0722	0.0839	0.1035	0.0962
392	0.1106	0.0996	0.0721	0.0785	<u>0.0785</u>	0.0833	0.0720	0.0836	0.1032	0.0960
393	0.1103	0.0993	0.0719	0.0782	<u>0.0782</u>	0.0831	0.0718	0.0834	0.1029	0.0957
394	0.1100	0.0990	0.0717	0.0780	<u>0.0780</u>	0.0829	0.0716	0.0832	0.1026	0.0954
395	0.1097	0.0988	0.0715	0.0778	<u>0.0778</u>	0.0826	0.0714	0.0829	0.1023	0.0952
396	0.1094	0.0985	0.0713	0.0776	<u>0.0776</u>	0.0824	0.0712	0.0827	0.1020	0.0949
397	0.1091	0.0982	0.0711	0.0774	<u>0.0774</u>	0.0822	0.0710	0.0825	0.1017	0.0946
398	0.1088	0.0980	0.0709	0.0772	<u>0.0772</u>	0.0820	0.0708	0.0823	0.1014	0.0944
399	0.1085	0.0977	0.0707	0.0769	<u>0.0769</u>	0.0817	0.0706	0.0820	0.1012	0.0941
400	0.1082	0.0974	0.0705	0.0767	<u>0.0767</u>	0.0815	0.0704	0.0818	0.1009	0.0939
401	0.1079	0.0972	0.0703	0.0765	<u>0.0765</u>	0.0813	0.0702	0.0816	0.1006	0.0936
402	0.1076	0.0969	0.0701	0.0763	<u>0.0763</u>	0.0811	0.0700	0.0814	0.1003	0.0934
403	0.1074	0.0966	0.0700	0.0761	<u>0.0761</u>	0.0809	0.0699	0.0812	0.1001	0.0931
404	0.1071	0.0964	0.0698	0.0759	<u>0.0759</u>	0.0807	0.0697	0.0810	0.0998	0.0928
405	0.1068	0.0961	0.0696	0.0756	<u>0.0756</u>	0.0804	0.0695	0.0807	0.0995	0.0926
406	0.1065	0.0958	0.0694	0.0754	<u>0.0754</u>	0.0802	0.0693	0.0805	0.0992	0.0923
407	0.1062	0.0956	0.0692	0.0752	<u>0.0752</u>	0.0800	0.0691	0.0803	0.0990	0.0921
408	0.1059	0.0953	0.0690	0.0750	<u>0.0750</u>	0.0798	0.0689	0.0801	0.0987	0.0918
409	0.1056	0.0950	0.0688	0.0748	<u>0.0748</u>	0.0796	0.0687	0.0799	0.0984	0.0916
410	0.1053	0.0948	0.0686	0.0746	<u>0.0746</u>	0.0794	0.0685	0.0797	0.0982	0.0913
411	0.1050	0.0945	0.0685	0.0744	<u>0.0744</u>	0.0791	0.0684	0.0794	0.0979	0.0911
412	0.1047	0.0943	0.0683	0.0742	<u>0.0742</u>	0.0789	0.0682	0.0792	0.0976	0.0908
413	0.1044	0.0940	0.0681	0.0740	<u>0.0740</u>	0.0787	0.0680	0.0790	0.0974	0.0906
414	0.1041	0.0938	0.0679	0.0738	<u>0.0738</u>	0.0785	0.0678	0.0788	0.0971	0.0903
415	0.1039	0.0935	0.0677	0.0736	<u>0.0736</u>	0.0783	0.0676	0.0786	0.0968	0.0901
416	0.1036	0.0932	0.0675	0.0734	<u>0.0734</u>	0.0781	0.0674	0.0784	0.0966	0.0899
417	0.1033	0.0930	0.0674	0.0732	<u>0.0732</u>	0.0778	0.0673	0.0781	0.0963	0.0896

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
418	0.1030	0.0927	0.0672	0.0730	<u>0.0730</u>	0.0776	0.0671	0.0779	0.0960	0.0894
419	0.1027	0.0925	0.0670	0.0728	<u>0.0728</u>	0.0774	0.0669	0.0777	0.0958	0.0891
420	0.1024	0.0922	0.0668	0.0726	<u>0.0726</u>	0.0772	0.0667	0.0775	0.0955	0.0889
421	0.1021	0.0919	0.0666	0.0724	<u>0.0724</u>	0.0770	0.0665	0.0773	0.0952	0.0887
422	0.1018	0.0917	0.0664	0.0722	<u>0.0722</u>	0.0768	0.0663	0.0771	0.0950	0.0884
423	0.1016	0.0914	0.0663	0.0720	<u>0.0720</u>	0.0766	0.0662	0.0769	0.0947	0.0882
424	0.1013	0.0912	0.0661	0.0718	<u>0.0718</u>	0.0764	0.0660	0.0767	0.0945	0.0879
425	0.1010	0.0909	0.0659	0.0716	<u>0.0716</u>	0.0762	0.0658	0.0765	0.0942	0.0877
426	0.1007	0.0907	0.0657	0.0714	<u>0.0714</u>	0.0760	0.0656	0.0763	0.0940	0.0874
427	0.1005	0.0904	0.0655	0.0713	<u>0.0713</u>	0.0757	0.0654	0.0760	0.0937	0.0872
428	0.1002	0.0902	0.0653	0.0711	<u>0.0711</u>	0.0755	0.0652	0.0758	0.0934	0.0870
429	0.0999	0.0899	0.0652	0.0709	<u>0.0709</u>	0.0753	0.0651	0.0756	0.0932	0.0867
430	0.0996	0.0897	0.0650	0.0707	<u>0.0707</u>	0.0751	0.0649	0.0754	0.0929	0.0865
431	0.0994	0.0894	0.0648	0.0705	<u>0.0705</u>	0.0749	0.0647	0.0752	0.0927	0.0862
432	0.0991	0.0892	0.0646	0.0703	<u>0.0703</u>	0.0747	0.0645	0.0750	0.0924	0.0860
433	0.0988	0.0890	0.0644	0.0701	<u>0.0701</u>	0.0745	0.0643	0.0748	0.0921	0.0858
434	0.0986	0.0887	0.0642	0.0699	<u>0.0699</u>	0.0743	0.0641	0.0746	0.0919	0.0855
435	0.0983	0.0885	0.0641	0.0697	<u>0.0697</u>	0.0741	0.0640	0.0744	0.0916	0.0853
436	0.0980	0.0883	0.0639	0.0695	<u>0.0695</u>	0.0739	0.0638	0.0742	0.0914	0.0851
437	0.0978	0.0880	0.0637	0.0693	<u>0.0693</u>	0.0737	0.0636	0.0740	0.0911	0.0848
438	0.0975	0.0878	0.0635	0.0691	<u>0.0691</u>	0.0735	0.0634	0.0738	0.0909	0.0846
439	0.0972	0.0876	0.0634	0.0690	<u>0.0690</u>	0.0733	0.0633	0.0735	0.0906	0.0844
440	0.0970	0.0873	0.0632	0.0688	<u>0.0688</u>	0.0731	0.0631	0.0733	0.0904	0.0841
441	0.0967	0.0871	0.0630	0.0686	<u>0.0686</u>	0.0729	0.0629	0.0731	0.0901	0.0839
442	0.0964	0.0869	0.0628	0.0684	<u>0.0684</u>	0.0727	0.0627	0.0729	0.0899	0.0837
443	0.0962	0.0866	0.0627	0.0682	<u>0.0682</u>	0.0725	0.0626	0.0727	0.0896	0.0834
444	0.0959	0.0864	0.0625	0.0680	<u>0.0680</u>	0.0723	0.0624	0.0725	0.0894	0.0832
445	0.0956	0.0862	0.0623	0.0678	<u>0.0678</u>	0.0721	0.0622	0.0723	0.0892	0.0830
446	0.0954	0.0859	0.0622	0.0676	<u>0.0676</u>	0.0719	0.0621	0.0721	0.0889	0.0827
447	0.0951	0.0857	0.0620	0.0675	<u>0.0675</u>	0.0717	0.0619	0.0719	0.0887	0.0825
448	0.0949	0.0855	0.0618	0.0673	<u>0.0673</u>	0.0715	0.0617	0.0717	0.0884	0.0823
449	0.0946	0.0852	0.0617	0.0671	<u>0.0671</u>	0.0713	0.0616	0.0715	0.0882	0.0821
450	0.0944	0.0850	0.0615	0.0669	<u>0.0669</u>	0.0711	0.0614	0.0713	0.0879	0.0818
451	0.0941	0.0848	0.0613	0.0667	<u>0.0667</u>	0.0709	0.0612	0.0712	0.0877	0.0816
452	0.0938	0.0845	0.0612	0.0665	<u>0.0665</u>	0.0707	0.0611	0.0710	0.0875	0.0814
453	0.0936	0.0843	0.0610	0.0664	<u>0.0664</u>	0.0705	0.0609	0.0708	0.0872	0.0812
454	0.0933	0.0841	0.0608	0.0662	<u>0.0662</u>	0.0703	0.0607	0.0706	0.0870	0.0809
455	0.0931	0.0838	0.0607	0.0660	<u>0.0660</u>	0.0701	0.0606	0.0704	0.0867	0.0807
456	0.0928	0.0836	0.0605	0.0658	<u>0.0658</u>	0.0699	0.0604	0.0702	0.0865	0.0805
457	0.0925	0.0834	0.0603	0.0656	<u>0.0656</u>	0.0697	0.0602	0.0700	0.0863	0.0803
458	0.0923	0.0831	0.0602	0.0654	<u>0.0654</u>	0.0695	0.0601	0.0698	0.0860	0.0801
459	0.0920	0.0829	0.0600	0.0653	<u>0.0653</u>	0.0694	0.0599	0.0696	0.0858	0.0798
460	0.0918	0.0827	0.0598	0.0651	<u>0.0651</u>	0.0692	0.0598	0.0694	0.0856	0.0796
461	0.0915	0.0824	0.0597	0.0649	<u>0.0649</u>	0.0690	0.0596	0.0692	0.0853	0.0794
462	0.0913	0.0822	0.0595	0.0647	<u>0.0647</u>	0.0688	0.0595	0.0690	0.0851	0.0792
463	0.0910	0.0820	0.0593	0.0645	<u>0.0645</u>	0.0686	0.0593	0.0689	0.0849	0.0790
464	0.0908	0.0817	0.0592	0.0643	<u>0.0643</u>	0.0684	0.0591	0.0687	0.0846	0.0788
465	0.0905	0.0815	0.0590	0.0642	<u>0.0642</u>	0.0683	0.0590	0.0685	0.0844	0.0785
466	0.0903	0.0813	0.0588	0.0640	<u>0.0640</u>	0.0681	0.0588	0.0683	0.0842	0.0783
467	0.0900	0.0810	0.0587	0.0638	<u>0.0638</u>	0.0679	0.0587	0.0681	0.0839	0.0781
468	0.0898	0.0808	0.0585	0.0636	<u>0.0636</u>	0.0677	0.0585	0.0679	0.0837	0.0779
469	0.0896	0.0806	0.0583	0.0634	<u>0.0634</u>	0.0675	0.0583	0.0677	0.0835	0.0777
470	0.0893	0.0804	0.0582	0.0633	<u>0.0633</u>	0.0673	0.0582	0.0675	0.0832	0.0775
471	0.0891	0.0801	0.0580	0.0631	<u>0.0631</u>	0.0672	0.0580	0.0674	0.0830	0.0773
472	0.0888	0.0799	0.0579	0.0629	<u>0.0629</u>	0.0670	0.0579	0.0672	0.0828	0.0771

Months to <del>NRA</del> <u>URA</u> <sup>2</sup>	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	<u>PSERS</u>	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1	WSPRS 2
473	0.0886	0.0797	0.0577	0.0628	<u>0.0628</u>	0.0668	0.0577	0.0670	0.0826	0.0769
474	0.0883	0.0795	0.0576	0.0626	<u>0.0626</u>	0.0666	0.0576	0.0668	0.0823	0.0767
475	0.0881	0.0793	0.0574	0.0624	<u>0.0624</u>	0.0664	0.0574	0.0666	0.0821	0.0764
476	0.0879	0.0791	0.0572	0.0623	<u>0.0623</u>	0.0662	0.0572	0.0664	0.0819	0.0762
477	0.0876	0.0788	0.0571	0.0621	<u>0.0621</u>	0.0661	0.0571	0.0663	0.0817	0.0760
478	0.0874	0.0786	0.0569	0.0619	<u>0.0619</u>	0.0659	0.0569	0.0661	0.0814	0.0758
479	0.0871	0.0784	0.0568	0.0618	<u>0.0618</u>	0.0657	0.0568	0.0659	0.0812	0.0756
480	0.0869	0.0782	0.0566	0.0616	<u>0.0616</u>	0.0655	0.0566	0.0657	0.0810	0.0754

<sup>2</sup> Months to URA means the number of months between the age at which you establish or restore the service credit and the age at which you would be eligible to retire with an unreduced retirement allowance (URA).

~~((5))~~ (4) Tables - Factor 2 and Factor 3. Factors 2 and 3 will be used in the calculation of the cost to establish or restore service credit (~~(purchase cost)~~) only for a member in PERS Plan 1, TRS Plan 1, WSPRS Plan 1 (~~(or WSPRS Plan)~~) or 2, and only if the service credit (~~(purchase)~~) would allow the member to retire earlier.

**FACTOR 2**

Plan	Factor 2
PERS 1	0.00434
TRS 1	0.00383
WSPRS 1	0.00489
WSPRS 2	0.00460

**FACTOR 3**

Months to <del>(NRA)</del> <u>URA</u>	Factor 3
0	1.0000
1	0.9973
2	0.9946
3	0.9919
4	0.9892
5	0.9865
6	0.9838
7	0.9811
8	0.9784
9	0.9757
10	0.9730
11	0.9703
12	0.9676
13	0.9650
14	0.9624
15	0.9597
16	0.9571
17	0.9545
18	0.9519
19	0.9493
20	0.9467
21	0.9440

Months to <del>(NRA)</del> <u>URA</u>	Factor 3
22	0.9414
23	0.9388
24	0.9362
25	0.9337
26	0.9311
27	0.9286
28	0.9261
29	0.9236
30	0.9210
31	0.9185
32	0.9160
33	0.9135
34	0.9109
35	0.9084
36	0.9059
37	0.9034
38	0.9010
39	0.8985
40	0.8961
41	0.8936
42	0.8912
43	0.8887
44	0.8863
45	0.8838
46	0.8814
47	0.8789
48	0.8765
49	0.8741
50	0.8718
51	0.8694
52	0.8670
53	0.8647
54	0.8623
55	0.8599
56	0.8576
57	0.8552

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
58	0.8528
59	0.8505
60	0.8481
61	0.8458
62	0.8435
63	0.8412
64	0.8389
65	0.8366
66	0.8343
67	0.8321
68	0.8298
69	0.8275
70	0.8252
71	0.8229
72	0.8206
73	0.8184
74	0.8162
75	0.8139
76	0.8117
77	0.8095
78	0.8073
79	0.8051
80	0.8029
81	0.8006
82	0.7984
83	0.7962
84	0.7940
85	0.7919
86	0.7897
87	0.7876
88	0.7854
89	0.7833
90	0.7811
91	0.7790
92	0.7769
93	0.7747
94	0.7726
95	0.7704
96	0.7683
97	0.7662
98	0.7641
99	0.7621
100	0.7600
101	0.7579
102	0.7558
103	0.7538
104	0.7517

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
105	0.7496
106	0.7475
107	0.7455
108	0.7434
109	0.7414
110	0.7394
111	0.7374
112	0.7354
113	0.7334
114	0.7314
115	0.7293
116	0.7273
117	0.7253
118	0.7233
119	0.7213
120	0.7193
121	0.7174
122	0.7154
123	0.7135
124	0.7115
125	0.7096
126	0.7076
127	0.7057
128	0.7038
129	0.7018
130	0.6999
131	0.6979
132	0.6960
133	0.6941
134	0.6922
135	0.6904
136	0.6885
137	0.6866
138	0.6847
139	0.6829
140	0.6810
141	0.6791
142	0.6772
143	0.6754
144	0.6735
145	0.6717
146	0.6698
147	0.6680
148	0.6662
149	0.6644
150	0.6625
151	0.6607

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
152	0.6589
153	0.6571
154	0.6552
155	0.6534
156	0.6516
157	0.6498
158	0.6481
159	0.6463
160	0.6446
161	0.6428
162	0.6411
163	0.6393
164	0.6375
165	0.6358
166	0.6340
167	0.6323
168	0.6305
169	0.6288
170	0.6271
171	0.6254
172	0.6237
173	0.6220
174	0.6203
175	0.6186
176	0.6169
177	0.6152
178	0.6135
179	0.6118
180	0.6101
181	0.6084
182	0.6068
183	0.6051
184	0.6035
185	0.6018
186	0.6002
187	0.5985
188	0.5969
189	0.5952
190	0.5936
191	0.5919
192	0.5903
193	0.5887
194	0.5871
195	0.5855
196	0.5839
197	0.5823
198	0.5807

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
199	0.5792
200	0.5776
201	0.5760
202	0.5744
203	0.5728
204	0.5712
205	0.5697
206	0.5681
207	0.5666
208	0.5650
209	0.5635
210	0.5619
211	0.5604
212	0.5589
213	0.5573
214	0.5558
215	0.5542
216	0.5527
217	0.5512
218	0.5497
219	0.5482
220	0.5467
221	0.5452
222	0.5437
223	0.5423
224	0.5408
225	0.5393
226	0.5378
227	0.5363
228	0.5348
229	0.5333
230	0.5319
231	0.5304
232	0.5290
233	0.5275
234	0.5261
235	0.5246
236	0.5232
237	0.5217
238	0.5203
239	0.5188
240	0.5174
241	0.5160
242	0.5146
243	0.5132
244	0.5118
245	0.5104

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
246	0.5090
247	0.5077
248	0.5063
249	0.5049
250	0.5035
251	0.5021
252	0.5007
253	0.4993
254	0.4980
255	0.4966
256	0.4953
257	0.4939
258	0.4926
259	0.4912
260	0.4898
261	0.4885
262	0.4871
263	0.4858
264	0.4844
265	0.4831
266	0.4818
267	0.4805
268	0.4792
269	0.4779
270	0.4766
271	0.4752
272	0.4739
273	0.4726
274	0.4713
275	0.4700
276	0.4687
277	0.4674
278	0.4662
279	0.4649
280	0.4636
281	0.4624
282	0.4611
283	0.4598
284	0.4586
285	0.4573
286	0.4560
287	0.4548
288	0.4535
289	0.4523
290	0.4510
291	0.4498
292	0.4486

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
293	0.4474
294	0.4461
295	0.4449
296	0.4437
297	0.4425
298	0.4412
299	0.4400
300	0.4388
301	0.4376
302	0.4364
303	0.4353
304	0.4341
305	0.4329
306	0.4317
307	0.4305
308	0.4293
309	0.4282
310	0.4270
311	0.4258
312	0.4246
313	0.4235
314	0.4223
315	0.4212
316	0.4200
317	0.4189
318	0.4177
319	0.4166
320	0.4155
321	0.4143
322	0.4132
323	0.4120
324	0.4109
325	0.4098
326	0.4087
327	0.4075
328	0.4064
329	0.4053
330	0.4042
331	0.4031
332	0.4020
333	0.4008
334	0.3997
335	0.3986
336	0.3975
337	0.3964
338	0.3954
339	0.3943



<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
340	0.3932
341	0.3922
342	0.3911
343	0.3900
344	0.3890
345	0.3879
346	0.3868
347	0.3858
348	0.3847
349	0.3837
350	0.3826
351	0.3816
352	0.3805
353	0.3795
354	0.3784
355	0.3774
356	0.3764
357	0.3753
358	0.3743
359	0.3732
360	0.3722
361	0.3712
362	0.3702
363	0.3692
364	0.3682
365	0.3672
366	0.3662
367	0.3651
368	0.3641
369	0.3631
370	0.3621
371	0.3611
372	0.3601
373	0.3591
374	0.3582
375	0.3572
376	0.3562
377	0.3553
378	0.3543
379	0.3533
380	0.3524
381	0.3514
382	0.3504
383	0.3495
384	0.3485
385	0.3476
386	0.3466

<b>Months to ((NRA)) URA</b>	<b>Factor 3</b>
387	0.3457
388	0.3447
389	0.3438
390	0.3428
391	0.3419
392	0.3410
393	0.3400
394	0.3391
395	0.3381
396	0.3372
397	0.3363
398	0.3354
399	0.3344
400	0.3335
401	0.3326
402	0.3317
403	0.3308
404	0.3299
405	0.3289
406	0.3280
407	0.3271
408	0.3262
409	0.3253
410	0.3244
411	0.3236
412	0.3227
413	0.3218
414	0.3209
415	0.3201
416	0.3192
417	0.3183
418	0.3174
419	0.3166
420	0.3157
421	0.3148
422	0.3140
423	0.3131
424	0.3123
425	0.3114
426	0.3106
427	0.3097
428	0.3088
429	0.3080
430	0.3071
431	0.3063
432	0.3054
433	0.3046

Months to (( <del>NRA</del> )) <u>URA</u>	Factor 3
434	0.3037
435	0.3029
436	0.3021
437	0.3013
438	0.3004
439	0.2996
440	0.2988
441	0.2980
442	0.2971
443	0.2963
444	0.2955
445	0.2947
446	0.2939
447	0.2931
448	0.2923
449	0.2915
450	0.2907
451	0.2900
452	0.2892
453	0.2884
454	0.2876
455	0.2868
456	0.2860
457	0.2852
458	0.2844
459	0.2837
460	0.2829
461	0.2821
462	0.2813
463	0.2806
464	0.2798
465	0.2790
466	0.2782
467	0.2775
468	0.2767
469	0.2759
470	0.2752
471	0.2744
472	0.2737
473	0.2729
474	0.2722
475	0.2714
476	0.2707
477	0.2699
478	0.2692
479	0.2684
480	0.2677

AMENDATORY SECTION (Amending WSR 05-23-062, filed 11/14/05, effective 12/15/05)

**WAC 415-02-380 How will my retirement allowance be affected if I choose a benefit option with a survivor feature?** This section applies to LEOFF Plan 1 and 2; PERS Plan 1, 2, and 3; PSERS; SERS Plan 2 and 3; TRS Plan 1, 2, and 3; and WSPRS Plan 2. For information about WSPRS Plan 1, see RCW 43.43.278 and WAC 415-103-215.

(1) **What is a survivor feature?** Some benefit options include a survivor feature, which provides a lifetime monthly allowance for your survivor beneficiary after your death.

(2) **What is a "survivor beneficiary"?** The person you name at the time of retirement to receive a lifetime monthly allowance after your death is referred to as your "survivor beneficiary."

(3) **What benefit options include a survivor feature?** Benefit options are described in detail for each system and plan in the following state law and regulations:

LEOFF Plan 1:	RCW 41.26.164	WAC 415-104-202
LEOFF Plan 2:	RCW 41.26.460	WAC 415-104-215
PERS Plan 1:	RCW 41.40.188	WAC 415-108-326
PERS Plan 2:	RCW 41.40.660	WAC 415-108-326
PERS Plan 3:	RCW 41.40.845	WAC 415-108-326
<u>PSERS</u> :	<u>RCW 41.37.170</u>	<u>WAC 415-106-600</u>
SERS Plans (( <del>2</del> / <del>3</del> )) <u>2 and 3</u> :	RCW 41.35.220	WAC (( <del>415-110-326</del> )) <u>415-110-610</u>
TRS Plan 1:	RCW 41.32.530	WAC (( <del>415-112-492</del> )) <u>415-112-504</u>
TRS Plan 2:	RCW 41.32.785	WAC (( <del>415-112-493</del> )) <u>415-112-505</u>
TRS Plan 3:	RCW 41.32.851	WAC (( <del>415-112-493</del> )) <u>415-112-505</u>
WSPRS Plan 2:	RCW 43.43.271	WAC 415-103-225

(4) **Will selecting a benefit option with a survivor feature affect my monthly retirement allowance?** Yes. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature.

(5) **Does my survivor beneficiary's age affect how much my monthly retirement allowance will be reduced?** Yes. Your survivor beneficiary's age is used in determining the amount of your monthly retirement allowance and the allowance of your survivor beneficiary. The younger the survivor beneficiary, the longer he or she is expected to receive an allowance. Your monthly allowance will be reduced accordingly.

**((Examples))**

(a) **Example ((~~1~~)):**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her survivor beneficiary. This means, if Kendra dies before Steve, Steve will receive a monthly allowance equal to half the amount Kendra was receiving. Steve is 30 years younger than Kendra. The department will calculate the adjustment to Kendra's monthly retirement allowance by using the survivor option factor table ("member older") in subsection (6) of this section. With a 30-year age difference (member's age minus beneficiary's age), the value corresponding to PERS Plan 2 and Option 3 is 0.753. This value, 0.753, is multiplied against the amount Kendra would

have received under Option 1 (no survivor feature). Kendra's monthly retirement allowance will be reduced to about 75% of her Option 1 level.

**(b) Example ((b)):**

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. He names his wife, Susan, as his survivor beneficiary. This means, if Mark dies before Susan, Susan will receive a monthly allowance equal to the amount Mark was receiving. Mark is five years younger than Susan. The department will calculate the adjustment to Mark's monthly retirement allowance by using the survivor option factor table ("member younger") in sub-

section (9) of this section. With a 5-year age difference (member's age minus beneficiary's age), the value corresponding to LEOFF Plan 2 and Option 2 is 0.894. This value, 0.894, will be multiplied against the amount Mark would have received under Option 1 (no survivor feature). Mark's monthly retirement allowance will be reduced to about 89 percent of his Option 1 level.

**(6) Table - Member older (PERS and SERS)**

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
0	.870	.930	.909	.791	.883	.850	.799	.888	.857
1	.862	.926	.904	.778	.875	.840	.773	.872	.836
2	.857	.923	.900	.767	.868	.832	.760	.864	.826
3	.844	.915	.890	.758	.863	.825	.748	.856	.816
4	.840	.913	.887	.751	.858	.819	.741	.851	.811
5	.836	.910	.884	.743	.853	.813	.734	.846	.805
6	.831	.908	.881	.736	.848	.807	.726	.841	.799
7	.818	.900	.871	.728	.843	.801	.719	.836	.793
8	.814	.897	.867	.721	.838	.795	.712	.832	.787
9	.809	.895	.864	.713	.833	.789	.705	.827	.782
10	.805	.892	.861	.706	.828	.783	.698	.822	.776
11	.802	.890	.858	.699	.823	.777	.692	.818	.771
12	.787	.881	.847	.693	.818	.772	.685	.813	.766
13	.784	.879	.845	.686	.814	.766	.679	.809	.760
14	.780	.876	.842	.680	.809	.761	.673	.805	.755
15	.777	.874	.839	.673	.805	.756	.667	.800	.750
16	.773	.872	.836	.667	.801	.751	.662	.796	.746
17	.770	.870	.834	.662	.796	.746	.656	.792	.741
18	.767	.868	.832	.656	.792	.741	.651	.789	.737
19	.764	.866	.829	.651	.788	.736	.646	.785	.732
20	.762	.865	.827	.645	.785	.732	.641	.781	.728
21	.759	.863	.825	.640	.781	.728	.637	.778	.724
22	.756	.861	.823	.636	.777	.724	.632	.775	.720
23	.754	.860	.821	.631	.774	.720	.628	.771	.717
24	.752	.858	.820	.627	.771	.716	.624	.768	.713
25	.750	.857	.818	.622	.767	.712	.620	.765	.710
26	.748	.856	.817	.618	.764	.709	.616	.762	.707
27	.746	.855	.815	.615	.761	.705	.613	.760	.703
28	.744	.853	.814	.611	.758	.702	.609	.757	.700
29	.743	.852	.812	.607	.756	.699	.606	.755	.697
30	.741	.851	.811	.604	.753	.696	.603	.752	.695
31	.740	.850	.810	.601	.751	.693	.600	.750	.692
32	.738	.849	.809	.598	.748	.690	.597	.748	.690
33	.737	.849	.808	.595	.746	.688	.594	.745	.687
34	.736	.848	.807	.592	.744	.685	.592	.743	.685
35	.735	.847	.806	.589	.742	.683	.589	.741	.683
36	.734	.846	.805	.587	.740	.680	.587	.740	.680
37	.733	.846	.804	.584	.738	.678	.585	.738	.678
38	.732	.845	.804	.582	.736	.676	.582	.736	.677
39	.731	.844	.803	.580	.734	.674	.580	.734	.675
40	.730	.844	.802	.578	.732	.672	.578	.733	.673

**(7) Table - Member younger (PERS and SERS)**

Survivor option factor table: Member younger than beneficiary  
 Age difference: Member's age minus beneficiary's age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-20	.958	.978	.971	.939	.969	.959	.949	.974	.965
-19	.955	.977	.970	.935	.967	.956	.946	.972	.963
-18	.952	.976	.968	.931	.964	.953	.942	.970	.961
-17	.949	.974	.966	.927	.962	.950	.938	.968	.958
-16	.947	.973	.964	.922	.959	.947	.934	.966	.955
-15	.944	.971	.962	.917	.957	.943	.930	.964	.952
-14	.940	.969	.959	.912	.954	.940	.926	.961	.949
-13	.937	.968	.957	.907	.951	.936	.921	.959	.946
-12	.934	.966	.955	.902	.948	.932	.917	.956	.943
-11	.930	.964	.953	.896	.945	.928	.912	.954	.939
-10	.927	.962	.950	.890	.942	.924	.907	.951	.936
-9	.923	.960	.948	.884	.938	.919	.901	.948	.932
-8	.920	.958	.945	.878	.935	.915	.896	.945	.928
-7	.916	.956	.942	.871	.931	.910	.890	.942	.924
-6	.912	.954	.940	.865	.927	.905	.885	.939	.920
-5	.908	.952	.937	.858	.924	.901	.879	.935	.916
-4	.901	.948	.931	.848	.918	.893	.873	.932	.911
-3	.896	.945	.928	.840	.913	.887	.863	.927	.905
-2	.889	.941	.923	.826	.905	.877	.853	.920	.897
-1	.879	.935	.916	.805	.892	.861	.834	.909	.883
0	.870	.930	.909	.791	.883	.850	.799	.888	.857

**(8) Table - Member older (PSERS)**

Survivor option factor table: Member older than beneficiary  
 Age difference: Member's age minus beneficiary's age

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
0	0.832	0.908	0.881
1	0.825	0.904	0.876
2	0.819	0.9	0.872
3	0.812	0.897	0.867
4	0.806	0.893	0.862
5	0.8	0.889	0.857
6	0.793	0.885	0.852
7	0.787	0.881	0.847
8	0.787	0.877	0.842
9	0.775	0.873	0.838
10	0.769	0.869	0.833
11	0.763	0.865	0.828
12	0.757	0.862	0.824
13	0.751	0.858	0.819
14	0.746	0.855	0.815
15	0.741	0.851	0.811
16	0.736	0.848	0.807
17	0.731	0.844	0.803
18	0.726	0.841	0.799
19	0.721	0.838	0.795

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
20	0.717	0.835	0.791
21	0.712	0.832	0.788
22	0.708	0.829	0.784
23	0.704	0.826	0.781
24	0.7	0.824	0.778
25	0.696	0.821	0.775
26	0.693	0.819	0.772
27	0.689	0.816	0.769
28	0.686	0.814	0.766
29	0.683	0.812	0.764
30	0.68	0.81	0.761
31	0.677	0.807	0.759
32	0.674	0.806	0.756
33	0.672	0.804	0.754
34	0.669	0.802	0.752
35	0.667	0.8	0.75
36	0.664	0.798	0.748
37	0.662	0.797	0.746
38	0.66	0.795	0.745
39	0.658	0.794	0.743
40	0.656	0.792	0.741

**(9) Table - Member younger (PSERS)**

Survivor option factor table: Member younger than beneficiary

Age difference: Member's age minus beneficiary's age

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-20	0.94	0.969	0.959
-19	0.936	0.967	0.956
-18	0.932	0.965	0.954
-17	0.928	0.962	0.951
-16	0.923	0.96	0.947
-15	0.919	0.958	0.944
-14	0.914	0.955	0.941
-13	0.909	0.952	0.937
-12	0.904	0.949	0.934
-11	0.899	0.947	0.93

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-10	0.893	0.944	0.926
-9	0.887	0.94	0.922
-8	0.882	0.937	0.918
-7	0.876	0.934	0.914
-6	0.87	0.93	0.909
-5	0.864	0.927	0.905
-4	0.858	0.923	0.9
-3	0.851	0.92	0.896
-2	0.845	0.916	0.891
-1	0.838	0.912	0.886

**(10) Table - Member older (LEOFF Plan 2 and WSPRS Plan 2)**

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

<u>Age Difference</u>	<u>LEOFF 2 Option 2 100%</u>	<u>LEOFF 2 Option 3 50%</u>	<u>LEOFF 2 Option 4 66 2/3%</u>	<u>WSP 2 Option 2 100%</u>	<u>WSP 2 Option 3 50%</u>	<u>WSP 2 Option 4 66 2/3%</u>
0	0.870	0.930	0.909	0.870	0.930	0.909
1	0.865	0.927	0.905	0.865	0.927	0.905
2	0.860	0.924	0.902	0.860	0.924	0.902
3	0.855	0.922	0.898	0.855	0.922	0.898
4	0.850	0.919	0.894	0.850	0.919	0.894
5	0.845	0.916	0.891	0.845	0.916	0.891
6	0.840	0.913	0.887	0.840	0.913	0.887
7	0.835	0.910	0.883	0.835	0.910	0.883
8	0.830	0.907	0.880	0.830	0.907	0.880
9	0.825	0.904	0.876	0.825	0.904	0.876
10	0.821	0.902	0.873	0.821	0.902	0.873
11	0.816	0.899	0.870	0.816	0.899	0.870
12	0.812	0.896	0.866	0.812	0.896	0.866
13	0.808	0.894	0.863	0.808	0.894	0.863
14	0.803	0.891	0.860	0.803	0.891	0.860
15	0.799	0.888	0.857	0.799	0.888	0.857
16	0.795	0.886	0.854	0.795	0.886	0.854
17	0.792	0.884	0.851	0.792	0.884	0.851
18	0.788	0.881	0.848	0.788	0.881	0.848
19	0.784	0.879	0.845	0.784	0.879	0.845
20	0.781	0.877	0.842	0.781	0.877	0.842
21	0.777	0.875	0.840	0.777	0.875	0.840
22	0.774	0.873	0.837	0.774	0.873	0.837
23	0.771	0.871	0.835	0.771	0.871	0.835
24	0.768	0.869	0.832	0.768	0.869	0.832
25	0.765	0.867	0.830	0.765	0.867	0.830
26	0.763	0.865	0.828	0.763	0.865	0.828
27	0.760	0.864	0.826	0.760	0.864	0.826
28	0.757	0.862	0.824	0.757	0.862	0.824
29	0.755	0.860	0.822	0.755	0.860	0.822
30	0.753	0.859	0.820	0.753	0.859	0.820
31	0.750	0.857	0.818	0.750	0.857	0.818
32	0.748	0.856	0.817	0.748	0.856	0.817
33	0.746	0.855	0.815	0.746	0.855	0.815

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
34	0.744	0.853	0.814	0.744	0.853	0.814
35	0.742	0.852	0.812	0.742	0.852	0.812
36	0.741	0.851	0.811	0.741	0.851	0.811
37	0.739	0.850	0.809	0.739	0.850	0.809
38	0.737	0.849	0.808	0.737	0.849	0.808
39	0.736	0.848	0.807	0.736	0.848	0.807
40	0.734	0.847	0.806	0.734	0.847	0.806

~~((9))~~ (11) Table - Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factor table: Member younger than beneficiary  
 Age difference: Member's age minus beneficiary's age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-20	0.953	0.976	0.968	0.953	0.976	0.968
-19	0.950	0.974	0.966	0.950	0.974	0.966
-18	0.947	0.973	0.964	0.947	0.973	0.964
-17	0.944	0.971	0.962	0.944	0.971	0.962
-16	0.940	0.969	0.959	0.940	0.969	0.959
-15	0.937	0.967	0.957	0.937	0.967	0.957
-14	0.933	0.965	0.954	0.933	0.965	0.954
-13	0.929	0.963	0.952	0.929	0.963	0.952
-12	0.925	0.961	0.949	0.925	0.961	0.949
-11	0.921	0.959	0.946	0.921	0.959	0.946
-10	0.917	0.957	0.943	0.917	0.957	0.943
-9	0.913	0.954	0.940	0.913	0.954	0.940
-8	0.908	0.952	0.937	0.908	0.952	0.937
-7	0.904	0.949	0.934	0.904	0.949	0.934
-6	0.899	0.947	0.930	0.899	0.947	0.930
-5	0.894	0.944	0.927	0.894	0.944	0.927
-4	0.890	0.942	0.924	0.890	0.942	0.924
-3	0.885	0.939	0.920	0.885	0.939	0.920
-2	0.880	0.936	0.916	0.880	0.936	0.916
-1	0.875	0.933	0.913	0.875	0.933	0.913
0	0.870	0.930	0.909	0.870	0.930	0.909

~~((10))~~ (12) Table - Member younger (TRS)

Survivor option factor table: Member younger than beneficiary  
 Age difference: Member's age minus beneficiary's age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-20	0.968	0.984	0.979	0.952	0.975	0.967
-19	0.966	0.983	0.977	0.949	0.974	0.965
-18	0.964	0.982	0.976	0.945	0.972	0.963
-17	0.962	0.981	0.974	0.942	0.970	0.960
-16	0.960	0.979	0.973	0.938	0.968	0.958
-15	0.957	0.978	0.971	0.934	0.966	0.955
-14	0.955	0.977	0.969	0.929	0.963	0.952
-13	0.952	0.976	0.968	0.925	0.961	0.949
-12	0.950	0.974	0.966	0.921	0.959	0.946
-11	0.947	0.973	0.964	0.916	0.956	0.942
-10	0.944	0.971	0.962	0.911	0.953	0.939
-9	0.942	0.970	0.960	0.906	0.951	0.935
-8	0.939	0.968	0.958	0.900	0.948	0.931
-7	0.936	0.967	0.956	0.895	0.945	0.927

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-6	0.933	0.965	0.954	0.889	0.941	0.923
-5	0.927	0.962	0.950	0.884	0.938	0.919
-4	0.923	0.960	0.947	0.877	0.934	0.914
-3	0.918	0.957	0.944	0.865	0.928	0.906
-2	0.913	0.955	0.941	0.855	0.922	0.899
-1	0.907	0.951	0.936	0.839	0.912	0.887
0	0.898	0.946	0.930	0.815	0.898	0.869

~~((11))~~ (13) Table - Member older (TRS)

Survivor option factor table: Member older than beneficiary

Age difference: Member's age minus beneficiary's age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
0	0.898	0.946	0.930	0.815	0.898	0.869
1	0.892	0.943	0.925	0.801	0.889	0.858
2	0.888	0.941	0.922	0.790	0.883	0.849
3	0.877	0.935	0.915	0.781	0.877	0.842
4	0.873	0.932	0.912	0.772	0.871	0.835
5	0.869	0.930	0.909	0.765	0.867	0.830
6	0.858	0.924	0.901	0.758	0.862	0.824
7	0.855	0.922	0.898	0.751	0.858	0.819
8	0.851	0.920	0.896	0.744	0.853	0.813
9	0.848	0.918	0.893	0.737	0.849	0.808
10	0.845	0.916	0.891	0.730	0.844	0.802
11	0.842	0.914	0.889	0.724	0.840	0.797
12	0.839	0.912	0.887	0.717	0.835	0.792
13	0.836	0.911	0.884	0.711	0.831	0.787
14	0.824	0.904	0.875	0.705	0.827	0.782
15	0.821	0.902	0.873	0.699	0.823	0.777
16	0.819	0.900	0.871	0.694	0.819	0.773
17	0.816	0.899	0.869	0.688	0.815	0.768
18	0.814	0.897	0.868	0.683	0.812	0.764
19	0.812	0.896	0.866	0.678	0.808	0.760
20	0.809	0.895	0.864	0.673	0.805	0.755
21	0.807	0.893	0.863	0.668	0.801	0.751
22	0.805	0.892	0.861	0.664	0.798	0.748
23	0.803	0.891	0.860	0.660	0.795	0.744
24	0.802	0.890	0.858	0.655	0.792	0.740
25	0.800	0.889	0.857	0.651	0.789	0.737
26	0.798	0.888	0.856	0.648	0.786	0.734
27	0.797	0.887	0.855	0.644	0.783	0.731
28	0.796	0.886	0.854	0.640	0.781	0.728
29	0.794	0.885	0.853	0.637	0.778	0.725
30	0.793	0.885	0.852	0.634	0.776	0.722
31	0.792	0.884	0.851	0.631	0.774	0.719
32	0.791	0.883	0.850	0.628	0.771	0.717
33	0.790	0.882	0.849	0.625	0.769	0.714
34	0.789	0.882	0.848	0.622	0.767	0.712
35	0.788	0.881	0.848	0.620	0.765	0.710
36	0.787	0.881	0.847	0.617	0.763	0.708
37	0.786	0.880	0.846	0.615	0.762	0.706
38	0.785	0.880	0.846	0.613	0.760	0.704
39	0.785	0.879	0.845	0.611	0.758	0.702
40	0.784	0.879	0.845	0.609	0.757	0.700

(((12))) (14) Table - Member younger (LEOFF Plan 1)

Survivor option factor table: Member younger than beneficiary  
Age difference: Member's age minus beneficiary's age

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
-20	0.958	0.978	0.971
-19	0.955	0.977	0.969
-18	0.952	0.975	0.967
-17	0.949	0.974	0.965
-16	0.946	0.972	0.963
-15	0.942	0.970	0.961
-14	0.939	0.969	0.959
-13	0.935	0.967	0.956
-12	0.932	0.965	0.953
-11	0.928	0.963	0.951
-10	0.924	0.960	0.948
-9	0.920	0.958	0.945
-8	0.916	0.956	0.942
-7	0.911	0.954	0.939
-6	0.907	0.951	0.936
-5	0.902	0.949	0.933
-4	0.898	0.946	0.929
-3	0.893	0.943	0.926
-2	0.888	0.941	0.922
-1	0.883	0.938	0.919

(((13))) (15) Table - Member older (LEOFF Plan 1)

Survivor option factor table: Member older than beneficiary  
Age difference: Member's age minus beneficiary's age

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3%
0	0.878	0.935	0.915
1	0.873	0.932	0.912
2	0.868	0.930	0.908
3	0.864	0.927	0.905
4	0.859	0.924	0.901
5	0.854	0.921	0.898
6	0.849	0.918	0.894
7	0.844	0.915	0.890
8	0.839	0.913	0.887
9	0.835	0.910	0.883
10	0.830	0.907	0.880
11	0.826	0.905	0.877
12	0.821	0.902	0.873
13	0.817	0.899	0.870
14	0.813	0.897	0.867
15	0.809	0.894	0.864

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3%
16	0.805	0.892	0.861
17	0.801	0.889	0.858
18	0.797	0.887	0.855
19	0.793	0.885	0.852
20	0.790	0.882	0.849
21	0.786	0.880	0.847
22	0.783	0.878	0.844
23	0.780	0.876	0.841
24	0.777	0.874	0.839
25	0.774	0.872	0.837
26	0.771	0.871	0.834
27	0.768	0.869	0.832
28	0.765	0.867	0.830
29	0.763	0.865	0.828
30	0.760	0.864	0.826
31	0.758	0.862	0.824
32	0.756	0.861	0.823
33	0.753	0.859	0.821
34	0.751	0.858	0.819
35	0.749	0.857	0.818
36	0.747	0.855	0.816
37	0.745	0.854	0.815
38	0.744	0.853	0.813
39	0.742	0.852	0.812
40	0.740	0.851	0.810

AMENDATORY SECTION (Amending WSR 03-12-014, filed 5/27/03, effective 7/1/03)

**WAC 415-02-500 Property division in dissolution orders<sup>1</sup>.** This section applies to all retirement plans that the department (~~(of retirement systems (department))~~) administers. This section also directs you to additional sections as needed for your particular situation.

(1) **What can a court do?** A court can (~~(divide)~~) enter a dissolution order dividing your retirement account ((between you and your ex-spouse through a property division dissolution order or later amendment. A court can do this by either)) in either of the following ways:

(a) Awarding an interest<sup>2</sup> in your account to your ex-spouse by using WAC 415-02-510 or 415-02-530; or

(b) Splitting<sup>3</sup> your account into two separate accounts (one for you and one for your ex-spouse) by using WAC 415-02-520 or 415-02-540, but only if you are vested (~~(- that is; have enough service credit to receive a service retirement when you meet the age requirement for your retirement system and plan)) at the time the dissolution order is entered. "Vested" is defined in subsection (16) of this section.~~

(2) **Which section should I use?** Consult the following table for direction to the section to use in developing your property division dissolution order. Different sections are provided depending on whether your property division disso-



lution order is going to provide an interest to your ex-spouse or whether you are splitting your retirement account with your ex-spouse.

If you are in this system and plan:	And the following is true:	Use this section:
Any	You need general information and rules about drafting dissolution orders related to your retirement plan and system.	415-02-500
JRF, JRS, LEOFF Plan 1, and WSPRS Plan 1	You are drafting a dissolution order. (We recommend that you contact the department for assistance because some exceptions may apply.)	415-02-510
LEOFF Plan 2, PERS Plan 1 or 2, PSERS, SERS Plan 2, and TRS Plan 1 or 2, WSPRS Plan 2	You ( <del>are not vested and you</del> ) are drafting a dissolution order <u>that will be entered before you are vested</u> ; or You are vested and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-510
	You <b>are</b> vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-520
PERS Plan 3, SERS Plan 3, and TRS Plan 3	You ( <del>do not have enough service credit to receive a service retirement, when eligible, and you</del> ) are drafting a dissolution order <u>that will be entered before you are vested</u> ; or You ( <del>have enough service credit to receive a service retirement, when eligible,</del> ) <b>are vested</b> and you are drafting a dissolution order that awards an interest in your account to your ex-spouse.	415-02-530
	You are vested and you are drafting a dissolution order that splits your benefit into two separate accounts (for you and your ex-spouse).	415-02-540
PERS Plan 2, SERS Plan 2, and TRS Plan 2	The department has already accepted your property division order, and you are considering a transfer to Plan 3.	415-02-550

(3) **What are the requirements for dissolution orders and amendments that provide for a property division of my retirement account?** The order must:

- (a) Be entered by a court of competent jurisdiction and enforceable in Washington state;
- (b) Be filed with the department within ninety days of the court's entry of the order;
- (c) Establish the right of your ex-spouse to a portion of your retirement;
- (d) Provide the name and date of birth of your ex-spouse;
- (e) Incorporate the applicable language in this section and one of the following: WAC 415-02-510, (~~415-02-540, 415-02-520, or 415-02-550~~) 415-02-520, 415-02-530, or 415-02-540; and
- (f) Indicate which WAC section was used in support of the order.

(4) **What else, besides a copy of the dissolution order, must my ex-spouse and I provide to the department?** You must provide address(~~(s)~~)es(~~(s)~~) and Social Security numbers for both you and your ex-spouse before the department will honor a dissolution order or amendment. This information can be submitted in a cover letter, in another document, or by other means arranged with the department.

(5) **I belong to more than one retirement plan. Does the order have to be written any differently?** The order must include specific provisions for each plan.

(a) Example for providing an **interest** to an ex-spouse (RCW 41.50.670 and WAC 415-02-510): Paul belongs to both TRS Plan 2 and PERS Plan (~~(2)~~) 3. His preretirement dissolution order gives an interest in his retirement accounts to his ex-spouse. The order should include the language provided in:

- (i) WAC 415-02-510(~~((2) and 415-02-510)~~) to divide Paul's TRS Plan 2 monthly retirement (~~(benefits and)~~) allow-  
ance or accumulated contributions.
- (ii) WAC (~~(415-02-510(2) and 415-02-510)~~) 415-02-530 to divide Paul's PERS Plan (~~(2)~~) 3 monthly retirement (~~(ben-  
efits and)~~) allowance and/or accumulated contributions.

(b) Example for **splitting** an account with an ex-spouse: Mary (~~belongs to~~) is vested in both TRS Plan 2 and PERS Plan (~~(2)~~) 3. Her preretirement dissolution order provides for splitting her retirement accounts with her ex-spouse. The order should include the language provided in:

- (i) WAC 415-02-520 (~~((5)(a))~~) for preretirement splits to divide Mary's TRS Plan 2 retirement account.
- (ii) WAC (~~(415-02-520 (5)(a))~~) 415-02-540 for pre-  
retirement splits to divide Mary's PERS Plan (~~(2-retirement  
account)~~) 3 monthly retirement allowance and/or defined contributions.

(6) **What happens if my ex-spouse misses the ninety-day deadline for filing a copy of the dissolution order with the department?**

- (a) RCW (~~(51.50.670(6))~~) 41.50.670 requires the "obli-  
gee" (ex-spouse) to file a copy of the dissolution order with the department within ninety days of the order's entry with the court of record.
- (b) The department will accept an order after the ninety-day deadline but will not make retroactive payments or split your defined contribution account retroactively.

(7) **How will the department divide the "after-tax" and "tax-deferred" dollars in my retirement account between my ex-spouse and me?** Depending on your plan and how long you have been a member, your retirement account may include both "after-tax" and "tax-deferred" dollars. The department will divide the "after-tax" and "tax-deferred" dollars based on the amount(s) awarded to your ex-spouse, unless the dissolution order states otherwise.

Example: At the time of John's marriage dissolution, he had \$50,000 total contributions in his retirement account with \$20,000 in after-taxed dollars and \$30,000 in tax-deferred dollars. The dissolution order awards 50% of his accumulated contributions to his ex-spouse, Susan. Therefore, the department will give Susan \$10,000 of after-tax dollars and \$15,000 of tax-deferred dollars.

(8) **If I am in a retirement plan that offers survivor options, can the court order me to name my ex-spouse as my survivor beneficiary?** Yes. To do so, the dissolution order must include the language in RCW 41.50.790(1).

(9) **Is there a minimum benefit amount that the department will pay to my ex-spouse if the property division dissolution order splits my retirement account with my ex-spouse?** The answer is different depending on if the department accepts the property division dissolution order BEFORE or AFTER you retire.

(a) BEFORE retirement split: Yes. If the court order splits your account with your ex-spouse, and your ex-spouse's monthly ~~((benefit is))~~ payment will be less than the ~~((monthly minimum benefit amount for))~~ minimum monthly dollar amount for your retirement plan, the department may make a lump sum payment ~~((in the amount of))~~ instead of monthly payments. The lump sum payment will be equal to the present value of the monthly ~~((benefit to the ex-spouse instead of paying monthly benefits))~~ payments. The department will NOT make the lump sum payment until your ex-spouse meets the age requirement for a normal retirement for your system and plan.

(b) AFTER retirement split: No. The department will pay the amount specified in the dissolution order as the ex-spouse's monthly ~~((benefit))~~ payment amount even if it is less than the minimum monthly ~~((benefit))~~ dollar amount for your system and plan.

(10) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. A court may not order the department to pay more than seventy-five percent of your monthly retirement ~~((payments))~~ allowance to your ex-spouse. See RCW 41.50.670(4).

(11) **How much is the fee the department charges for making payments directly to my ex-spouse?** The department charges seventy-five dollars for making the first disbursement and six dollars for each subsequent disbursement. The department will divide the fees evenly between you and your ex-spouse. See RCW 41.50.680.

(12) **What happens to my account if I return to retirement system membership?** Please contact the department for information if you are in this situation.

(13) **What language should the property division order use to divide my deferred compensation program (DCP) account?** Refer to WAC 415-501-495 or contact DCP for information about your DCP account and your marriage dissolution.

(14) **How do I contact the department for additional assistance?** Complete information is available in WAC 415-06-100 (How do I contact the department?).

(15) **Where can I find examples of completed property division dissolution orders?** Following are examples of the required language from the statutes and WAC sections that must be used in a dissolution order. The information in ***bold italics*** will be dictated by your own circumstances.

(a) **Example 1.** Jane Doe, ~~((a))~~ a nonvested member of PERS Plan 2~~((t))~~, and her husband, John Doe, decide to divorce. **WAC 415-02-510** ~~((applies to Jane's membership status))~~ governs dissolution orders of nonvested members of PERS Plan 2. Jane and John complete the paragraphs in RCW 41.50.670(2) and WAC 415-02-510(2) as follows:

***Defined Benefits:***

RCW 41.50.670(2), paragraph two, and WAC 415-02-510(2)

If ***Jane Doe*** (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to ***John Doe*** (the obligee), *N/A* dollars from such payments or ***a fraction where the numerator is equal to 24 (the number of months in which service credit was earned while the marital community was in existence), and the denominator is equal to the number of months of service credit earned by the obligor at the time of retirement X 50*** percent of such payments.

If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

***Accumulated Contributions:***

RCW 41.50.670(2), paragraph three, and WAC 415-02-510(2)

If ***Jane Doe*** (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to ***John Doe*** (the obligee) ***\$5,700*** dollars plus interest at the rate paid by the Department of Retirement Systems on member contributions. Such interest will accrue from the date of this order's entry with court of record.

(b) **Example 2:** Binh Nguyen (a TRS Plan 3 retiree) and his wife, Lan Nguyen, are obtaining a property division dissolution order that splits his retirement account. When he retired, Binh had selected Lan to receive survivor benefits. WAC 415-02-540 applies, and the couple completes the required paragraphs.

**Defined Benefits:**  
WAC 415-02-540(12)

The Department of Retirement Systems (department) shall create a **defined benefit account** for Lan Nguyen (ex-spouse) in the Teachers' Retirement System Plan 3 (name of retirement system and plan) and pay him or her \$350 (amount) for his or her life. To pay for this benefit, Binh Nguyen's (member's) **monthly defined benefit** payment will be reduced for life. This provision shall become effective no more than 30 days after the department's acceptance of the order.

**Defined Contributions:**  
WAC 415-02-540(9)

The Department of Retirement Systems (department) shall split Binh Nguyen's (member's) **defined contribution account** in the Teachers' Retirement System Plan 3 (name of retirement system and plan) and create a separate account for Lan Nguyen (ex-spouse). The amount of \$25,000 (amount) shall be transferred from Binh Nguyen's (member's) **defined contribution account** to Lan Nguyen's (ex-spouse's) new account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

**(16) Terms used:**

(a) Department's acceptance - The department's determination that a dissolution order ((that)) fully complies with the department's ((of retirement systems')) requirements and with chapter 41.50 RCW.

(b) Dissolution order - RCW 41.50.500.

(c) ~~((Ex-spouse - WAC 415-02-030.~~

(d) ~~JRF - Judicial retirement fund.~~

(e) ~~JRS - Judicial retirement system.~~

(f) ~~LEOFF - Law enforcement officers' and fire fighters' system.~~

(g)) Oblige - RCW 41.50.500(5).

((h)) (d) Obligor - RCW 41.50.500(6).

((i) ~~PERS - Public employees' retirement system.~~

(j)) (e) Plan 3 ((retirement systems)) - WAC 415-111-100.

((k) ~~SERS - School employees' retirement system.~~

(l) ~~Split account - WAC 415-02-030.~~

(m) ~~Survivor benefits - WAC 415-02-030.~~

(n) ~~TRS - Teachers' retirement system.~~

(o)) (f) Vested - The ((length of service by system and plan required)) status of a member who has the amount of service credit required by the member's system and plan for a service retirement when the age requirement is met.

((p) ~~WSPRS - Washington state patrol retirement system.~~)

Footnotes for section:

<sup>1</sup> "Dissolution order" means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, invalidity, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state. RCW 41.50.500(3) (2002).

<sup>2</sup> When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement ((benefit payments)) allowance or a portion of your contributions to your ex-spouse.

<sup>3</sup> When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account has been established, your account and your ex-spouse's account are not tied in any way.

AMENDATORY SECTION (Amending WSR 03-12-014, filed 5/27/03, effective 7/1/03)

**WAC 415-02-510 How can a property division dissolution order give my ex-spouse an interest<sup>1</sup> in my Plan 1 or ((Plan)) 2 retirement account? (1) Who may use this section?**

(a) You **MUST** use this section if you are a member of LEOFF Plan 1, WSPRS Plan 1, JRF or JRS, or a **nonvested** member of LEOFF Plan 2, PERS Plan((s)) 1 or 2, PERS, SERS Plan 2, TRS Plan((s)) 1 or 2, or WSPRS Plan 2.

(b) You **MAY** use this section if you are a **vested** member of LEOFF Plan 2, PERS Plan((s)) 1 or 2, PERS, SERS Plan 2, TRS Plan((s)) 1 or 2, or WSPRS Plan 2. If you are splitting your retirement account with your ex-spouse, use WAC 415-02-520.

(2) **What language must the property division dissolution order or amendment include?** The order must include the language in RCW 41.50.670(2), provided below. The order or amendment must state either a specific dollar amount or percentage of the benefit. It cannot state both. (See example in WAC 415-02-500(15).)

If\_\_\_\_(the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to\_\_\_\_(the obligee)\_\_\_\_dollars from such payments or\_\_\_\_percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If\_\_\_\_(the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to\_\_\_\_(the obligee) \_\_\_\_dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) **How will my account be affected if the department accepts the property division dissolution order BEFORE I retire?**

(a) Your ex-spouse will not receive any payments from the department until you terminate your employment or retire.

(b) If you terminate your employment and request a withdrawal of your accumulated contributions, the department will pay your ex-spouse his or her share when you receive your payment. If you terminate your employment and do not request a withdrawal of contributions, your ex-spouse will be unable to receive his or her share until you withdraw your accumulated contributions.

(c) If you die before retirement, the department will pay your ex-spouse his or her share of your accumulated contributions in a lump-sum payment.

(4) **How will my account be affected if the department accepts the property division dissolution order AFTER I retire?**

(a) If included in the dissolution order, the department will begin paying your ex-spouse his or her portion of your monthly retirement ~~((benefit))~~ allowance the first month after the department has accepted the order.

(b) If your ex-spouse dies before you, the portion of your monthly ~~((benefit being paid to him or her))~~ retirement allowance that was being paid to your ex-spouse will be paid to you.

(c) If you die before your ex-spouse, payments to your ex-spouse stop unless the department accepted the order at least thirty days before you retired and the order required the department to name your ex-spouse as a survivor beneficiary (if allowed by your retirement system and plan). See RCW 41.50.700(1) and 41.50.790.

(d) If you are a member of LEOFF Plan 1 or WSPRS Plan 1 and if one of the provisions in RCW 41.50.700(3) applies:

(i) Your ex-spouse may be eligible to receive payments for the life of your surviving spouse; or

(ii) If you are a member of LEOFF Plan 1, your ex-spouse may be eligible to receive payments for his or her lifetime.

(5) **Is there a maximum payment amount that a property division dissolution order can award to my ex-spouse?** Yes. See RCW 41.50.670(4) and WAC 415-02-500(10) for information.

(6) **If the property division dissolution order directs the department to make payments to my ex-spouse, how will the payments be made?** The department will make the required payments as specified in the dissolution order directly to your ex-spouse.

(7) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(8) **What happens if I transfer to Plan 3 after the department has accepted my property division dissolution order or most recent amendment?** See WAC 415-02-550 for information.

(9) **Can I amend my existing order to remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as survivor beneficiary will change your retirement benefit. See WAC 415-02-520~~((8))~~ (9) for the language that must be used.

(10) **Terms used:**

(a) Department's acceptance - ~~((Order))~~ That the department's determination that a dissolution order fully complies with the department's ~~((of retirement systems))~~ requirements and with chapter 41.50 RCW.

(b) ~~((Accumulated contributions - WAC 415-02-030-~~

~~(e)))~~ Dissolution order - RCW 41.50.500.

~~((d))~~ Ex-spouse - WAC 415-02-030.

~~(e)~~ JRF - Judicial retirement fund.

~~(f)~~ JRS - Judicial retirement system.

~~(g)~~ LEOFF - Law enforcement officers' and fire fighters' retirement system.

~~((h))~~ (c) Obligor - RCW 41.50.500(5).

~~((i))~~ (d) Obligor - RCW 41.50.500(6).

~~((j))~~ PERS - Public employees' retirement system.

~~((k))~~ (e) Plan 3 ((retirement systems)) - WAC 415-111-100.

~~((l))~~ SERS - School employees' retirement system.

~~(m)~~ Split accounts - WAC 415-02-030.

~~(n)~~ Survivor benefits - WAC 415-02-030.

~~(o)~~ TRS - Teachers' retirement system.

~~((p))~~ (f) Vested - The ~~((length of service by system and plan required))~~ status of a member who has the amount of service credit required by the member's system and plan for a service retirement when the age requirement is met.

~~((q))~~ WSPRS - Washington state patrol retirement system.

Footnote to section:

<sup>1</sup> When a court awards an interest in your retirement account, the department is required to pay a portion of your monthly retirement ~~((benefit payments))~~ allowance or a portion of your contributions to your ex-spouse.

AMENDATORY SECTION (Amending WSR 04-09-043, filed 4/14/04, effective 5/15/04)

**WAC 415-02-520 How can my Plan 1 or ~~((Plan))~~ 2 retirement account be split<sup>1</sup> by a property division dissolution order? (1) Who may use this section?** Vested members of LEOFF Plan 2, PERS Plan~~((s))~~ 1 or 2, PSERS, TRS Plan~~((s))~~ 1 or 2, SERS Plan 2, or WSPRS Plan 2 who have or will have a property division dissolution order or amendment dated on or after July 1, 2003<sup>2</sup>. If your ex-spouse will be receiving an interest in your account, use WAC 415-02-510.

(2) **What are the rules for splitting my account?** If you and your ex-spouse are eligible, the department will split *your* retirement account into two separate accounts—one for you, and one for your ex-spouse. The rules for splitting your account are different depending on whether your dissolution order or most recent amendment is dated *BEFORE* or *AFTER* retirement.

(3) **How will my account be affected if the department accepts the property division dissolution order *BEFORE* my retirement?**

(a) The department will split your retirement account into two completely separate accounts and create an account for your ex-spouse under his or her Social Security number for the amount awarded in the dissolution order.

(b) The department will pay each of you out of your separate accounts either a monthly ~~((retirement benefit payment))~~ allowance or a withdrawal of contributions.

(c) If you retire and receive a monthly retirement ~~((benefit payment))~~ allowance, your monthly ~~((payment))~~ retirement allowance will have a permanent reduction to ~~((account for))~~ offset the amount awarded as a monthly payment to your ex-spouse.

(d) Your monthly ~~((benefit payment))~~ retirement allowance will be payable over your lifetime, and your ex-spouse's monthly payment will be payable over ~~((his or her))~~ your ex-spouse's lifetime.

(e) You will have the right to ~~((pick a survivor option for your monthly benefit payment))~~ choose a benefit option with a survivor feature. See WAC 415-02-320.

(f) Your ex-spouse will not have the right to ~~((pick a survivor option for his or her monthly payment))~~ choose a benefit option with a survivor feature, but may name a beneficiary to receive any final death payment that may be due.

(g) If you terminate employment, ~~((whatever))~~ any decision you make about your accumulated contributions will have no effect upon your ex-spouse's separate account.

(h) When you or your ex-spouse dies, there will be no impact to the other person's retirement account because the accounts are independent from one another.

(i) Your ex-spouse may begin receiving monthly payments when ~~((he or she))~~ your ex-spouse reaches retirement age for your retirement plan, or the first day of the month following the department's acceptance of the order, whichever is later. The ~~((retirement))~~ minimum age for an ex-spouse to begin receiving a benefit from:

- ~~((A))~~ (A) TRS Plan 1 and PERS Plan 1 is age sixty;
- ~~((from))~~ (B) PERS Plan 2, PSERS, SERS Plan 2, and TRS Plan 2 it is age sixty-five;
- ~~((from))~~ (C) LEOFF Plan 2 ~~((#))~~ is age fifty-three; and
- ~~((from))~~ (D) WSPRS Plan 2 ~~((#))~~ is age fifty-five.

Your age or retirement eligibility has no effect on when your ex-spouse is eligible to begin receiving ~~((his or her monthly benefit))~~ a monthly payment. Your ex-spouse must apply for his or her monthly payment according to the rules for your system and plan.

(j) Your ex-spouse may withdraw his or her share of the accumulated contributions at any time before receiving a monthly ~~((retirement benefit))~~ payment. Regardless of whether your ex-spouse withdraws or receives a monthly payment, your monthly ~~((benefit payment))~~ retirement allowance will be permanently reduced to account for your ex-spouse's share of your retirement account.

**(4) Is there a limit to the amount of contributions I can award to my ex-spouse?** Yes. The amount of contributions awarded to ~~((an))~~ your ex-spouse~~((s))~~ cannot be greater than the **percentage** of ~~((the member's monthly benefit))~~ your monthly retirement allowance used to determine the amount of the monthly ~~((benefit))~~ payment awarded to ~~((the))~~ your ex-spouse.

Example:

Accumulated contributions earned during the marriage period:	\$50,000
Member's monthly <del>((benefit))</del> <u>retirement allowance</u> :	\$1,000
Percentage of member's monthly <del>((benefit))</del> <u>retirement allowance</u> awarded to ex-spouse:	50%
Monthly <del>((benefit))</del> <u>payment</u> awarded to ex-spouse:	<u>\$500 (50% of \$1,000)</u>
<b>Contributions awarded to ex-spouse:</b>	<b>\$25,000 (50% of 50,000)</b>

**(5) What happens if my retirement account was split and then I retire early?**

(a) If you are eligible and decide to retire early, or must retire early because of a disability, your ~~((monthly retirement benefit payment will))~~ retirement plan may require that your monthly retirement allowance be reduced by an early retirement factor (ERF) or by some other method. See WAC 415-02-320.

(b) To determine the reduction to your ~~((benefit))~~ monthly retirement allowance (when an ERF is used) because of your preretirement split (see subsection (3)(c) of this section), the adjustment to the amount awarded to your ex-spouse in the dissolution order will be reduced by the ERF used to reduce your ~~((benefit))~~ monthly retirement allowance.

**Example:** You are a member of PERS Plan 2 and retire for disability two years before you are eligible for a service retirement. The dissolution order awarded your ex-spouse a monthly ~~((benefit))~~ payment of five hundred dollars.

Your <del>((defined benefit))</del> <u>monthly retirement allowance</u> before ERF is applied:	\$2,500	
ERF (factor for retiring two years early)	0.82	
Your base <del>((benefit))</del> <u>allowance</u> :	\$2,050	(\$2500 x 0.82 ERF)
Adjustment for divorce split:	- \$410	(ex-spouse's \$500 x 0.82 (ERF))
<b>The <del>((defined benefit))</del> <u>monthly retirement allowance</u> you will receive:</b>	<b>\$1640</b>	<b>(\$2050 - \$410)</b>

Your ex-spouse will receive the full monthly amount (\$500) that was awarded to him or her in the dissolution order, regardless of your benefit amount.

**(6) What language must be used for a property division dissolution order or amendment that is accepted by the department BEFORE my retirement?**

(a) The order must include the language provided below. Do **not** use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly ~~((benefit))~~ payment must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for \_\_(ex-spouse) in the \_\_(name of retirement system and plan) and transfer \$\_\_from \_\_'s (member's) accumulated contributions account into \_\_'s (ex-spouse's) account. If \_\_(ex-spouse) does not withdraw the contributions and becomes eligible, the department will pay him or her \$\_\_(amount) as a monthly payment for his or her life. If (member) retires and receives a monthly retirement benefit payment, the payment will be permanently reduced to account for \_\_'s (ex-spouse's) monthly payment. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If you are a member of PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to your ex-spouse must be specified in the order if he or she is awarded a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If \_\_(ex-spouse) receives a monthly retirement payment, the department shall use \_\_(number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

**(7) How will my account be affected if the department accepts the property division dissolution order AFTER my retirement?**

(a) The department will split your retirement account **only if** you selected your ex-spouse to receive survivor benefits at the time you retired. If you did not select your ex-spouse to receive survivor benefits at the time you retired, you cannot use this section. You **must** use WAC 415-02-510.

(b) If you selected your ex-spouse to receive survivor benefits at the time you retired, the rules in subsection (3)(a) through (f) of this section will apply.

(c) At the time the department splits your account, your ex-spouse will be removed as the survivor beneficiary on your account.

(d) Regardless of his or her age, your ex-spouse will begin receiving a monthly ~~((benefit))~~ payment the first month after the department has accepted the dissolution order.

**(8) If the property division dissolution order is dated AFTER my retirement, how will my monthly retirement ~~((benefit payment))~~ allowance be calculated after the split?**

(a) The dissolution order must state the exact dollar amount your ex-spouse is to receive as his or her separate monthly ~~((benefit))~~ payment. The following describes how the new amount of your ~~((benefit))~~ monthly retirement allowance will be calculated, assuming your ex-spouse was awarded a monthly ~~((benefit))~~ payment of one thousand dollars in the dissolution order.

Step 1 The department will determine the single life benefit of your current monthly ~~((benefit payment))~~ retirement allowance by dividing your current monthly ~~((benefit payment))~~ allowance by the survivor option factor (see WAC 415-02-380) in effect at the time of the split.

**Example:**

Current monthly ~~((benefit))~~ retirement allowance = \$1679.38  
 Option factor = 0.9400000  
 Single life benefit amount = \$1679.38/0.9400000 = \$1786.57

Step 2 The single life benefit (\$1786.57) is divided by your annuity factor (see WAC 415-02-360) to determine the current present value of the single life benefit amount. The annuity factor the department uses is the factor for your age as of the date of the split.

**Example:**

Your age at time of the split = 61 years old  
 Annuity factor for age 61 = 0.0084149  
 Present value of single life benefit = \$1786.57/0.0084149 = \$212,310.31

Step 3 The department then determines the present value of your ex-spouse's share by dividing your ex-spouse's monthly ~~((benefit amount))~~ payment (as awarded in the dissolution order) by your ex-spouse's annuity factor. The annuity factor is the factor for your ex-spouse's age as of date of the split.

**Example:**

Ex-spouse's monthly benefit amount = \$1000

Ex-spouse's age at time of the split = 67  
 Annuity factor for age 67 = 0.0095028  
 Present value of your ex-spouse's monthly benefit = \$1000/0.0095028 = \$105,232.14

Step 4 Next, the department subtracts your ex-spouse's present value from the single life benefit present value. The result is the present value of the benefit you will receive.

**Example:**

Present value of single life benefit = \$212,310.31  
 Less present value of ex-spouse's benefit = -105,232.14  
 Your present value = \$107,078.17

Step 5 The department determines the amount of your new monthly ~~((benefit amount))~~ retirement allowance by multiplying your present value by your annuity factor.

**Example:**

Your present value = \$107,078.17  
 Annuity factor = 0.0084149  
 Your new monthly ~~((benefit amount))~~ retirement allowance = \$107,078.17 x 0.0084149 = \$901.05

(b) The department determines the percentage of the total present value each of you will receive by dividing each of your present value amounts by the single life benefit present value amount.

**Example:**

Your percentage of the single life benefit present value: \$107,078.17/\$212,310.31 = .5043  
 Your ex-spouse's percentage of the single life benefit present value: \$105,232.14/\$212,310.31 = .4957

**(9) What language must be used in a property division dissolution order or amendment that is accepted by the department AFTER my retirement?**

(a) The order must include the language provided below. Do **not** use the language in RCW 41.50.670(2). The exact dollar amount of your ex-spouse's monthly benefit must be specified. Do not use formulas or percentages.

The Department of Retirement Systems (department) shall create an account for \_\_\_(ex-spouse) in the \_\_\_(name of retirement system and plan) and pay him or her \$ \_\_\_(amount) as a monthly benefit payment for his or her life. To pay for this benefit, \_\_\_'s (retiree's) monthly retirement benefit payment will be reduced for his or her life. If (retiree) has any unused contributions remaining in his or her account, \$\_\_\_ (amount) shall be transferred to \_\_\_'s (ex-spouse's) account. This provision shall become effective no more than 30 days after the department's acceptance of the order.

(b) If the member is in PERS Plan 1 or TRS Plan 1, the amount of service credit awarded to the ex-spouse must be specified in the order if he or she is entitled to a portion of gainsharing payments and cost-of-living adjustments. Because gainsharing payments and cost-of-living adjustments are based on service credit, the following paragraph must be included:

If \_\_\_(ex-spouse) receives a monthly retirement payment, the department shall use \_\_\_(number) months of service credit to calculate future gainsharing payments, if any, and cost-of-living adjustments when he or she becomes eligible.

(10) **Is there a maximum payment amount that the department will pay to my ex-spouse?** Yes. See RCW 41.50.670(4) or WAC 415-02-500(10) for information.

(11) ~~((Can))~~ **May I amend an existing order that ~~((has))~~ awarded an interest in my account to my ex-spouse under WAC 415-02-520, and remove my ex-spouse as my survivor beneficiary?** Yes. To remove your ex-spouse as your survivor beneficiary, you must submit a "conformed copy" of the court order splitting your account. A conformed copy is a copy of the order that has been signed by the judge or commissioner on or after July 1, 2003, and filed with the court. Removing your ex-spouse as your survivor beneficiary will change the amount of your monthly retirement ~~((benefit))~~ allowance. See WAC 415-02-520(9) for the language that must be used.

**Example:**

Julio and May were married when Julio retired. Julio chose ~~((survivor))~~ benefit Option 2 (joint and one hundred percent survivorship) when he retired, and named May as his survivor beneficiary. ~~((This meant that if Julio died, May would receive monthly survivor benefits.))~~ Two years after Julio's retirement, the couple divorced. The court awarded "one hundred percent of retirement benefits" to Julio. Julio later learned that this award did not change the survivor option. Julio ~~((can))~~ may return to court and obtain an order stating that May is to receive "\$0" as the dollar amount for her separate monthly benefit. The order must use the language in WAC 415-02-520~~((8))~~ (9) and be signed by the court no sooner than July 1, 2003.

(12) **How much is the fee the department charges for making payments directly to my ex-spouse?** See RCW 41.50.680 and WAC 415-02-500(11) for information.

(13) **What happens if I transfer to Plan 3 after the property division dissolution order has been filed with the department?** See WAC 415-02-550 for information.

**(14) Terms used:**

(a) Department's acceptance - ~~((Order that fully complies with the department of retirement systems))~~ The department's determination that a dissolution order fully complies with the department's requirements and RCW 41.50.500.

(b) Dissolution order - RCW 41.50.500.

(c) ~~((Ex spouse - WAC 415-02-030.~~

~~(d) LEOFF - Law enforcement officers' and fire fighters' system.~~

~~(e) PERS - Public employees' retirement system.~~

~~(f) Plan 3 ~~((retirement systems))~~ - WAC 415-111-100.~~

~~((g) SERS - School employees' retirement system.~~

~~(h) Split account - WAC 415-02-030.~~

~~(i) Survivor benefits - WAC 415-02-030.~~

~~(j) TRS - Teachers' retirement system.~~

~~(k) Vested - The length of service, by system and plan, required to receive a service retirement when age requirements are met.~~

~~(l) WSPRS - Washington state patrol retirement system.))~~ (d) Vested - The status of a member who has the

amount of service credit required by the member's system and plan for a service retirement when the age requirement is met.

Footnotes to section:

<sup>1</sup> When a court splits your retirement account, the department will establish a separate account for your ex-spouse. Once the account is established, your account and your ex-spouse's account are not tied in any way.

<sup>2</sup> If ~~((an))~~ your ex-spouse was not listed as ~~((the member's))~~ your survivor beneficiary at retirement, then no postretirement property division dissolution order (or postretirement amendment) may split ~~((the member's))~~ your retirement account using WAC 415-02-520.

AMENDATORY SECTION (Amending WSR 03-18-031, filed 8/26/03, effective 10/1/03)

**WAC 415-02-700 Are fallen heroes' survivor benefits nontaxable? (1) What is the fallen heroes tax exemption?**

The department makes survivor benefit annuity payments to qualified survivor beneficiaries of public safety officers killed in the line of duty. All or part of the annuity benefit paid may be nontaxable under applicable federal law<sup>1</sup>. **Lump sum payments do not qualify** for nontaxable treatment under this provision of law.

(a) **Who is covered?** Deceased public safety officers who were members of ~~((the public employees' retirement system (PERS), the law enforcement officers' and fire fighters' retirement system (LEOFF), or the Washington state patrol retirement system (WSPRS)))~~ LEOFF, PERS, PSERS AND WSPRS. If the deceased officer was a member of another plan, please contact the department or your tax advisor to discuss the matter.

(b) **What time period is covered?**

MEMBER'S DATE OF DEATH	SURVIVOR BENEFIT PAYMENT DATE
On or after January 1, 1997	On or after January 1, 1997
On or before December 31, 1996	On or after January 1, 2002

(2) **Can I rely on the department's determination of whether the payments are nontaxable?** No.

(a) The department does not guarantee that payments should or should not be designated as exempt from federal income tax.

(b) The department does not guarantee that it was correct in withholding or not withholding taxes from survivor benefit payments to you.

(c) The department does not:

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

(d) You should consult with your own 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.

(3) **How will the department determine whether to withhold or not withhold from your survivor benefit annuity payment for income tax purposes?**

(a) If you receive survivor benefit annuity payments because of the death of a public safety officer killed in the

line of duty, and you are the public safety officer's spouse, ex-spouse, or child, the department will not withhold taxes *on the portion* of your survivor benefit payments attributable to the officer's service as a public safety officer.

(b) The department will compare the service credits associated with the member's employment as a public safety officer to the member's overall service credit to determine the portion of the survivor benefit payment that qualifies.

(c) **Examples:** In the following examples, assume that the plan administrator has determined that the death of the member qualifies under the fallen heroes tax exemption provision. Assume that the monthly survivor benefit payable is \$2000.

**Example 1.** Joe was employed as a law enforcement officer. He spent his entire career in law enforcement from July 1, 1976, until his death on June 10, 2003 (324 months).

Total service credit = 324 months  
 Service credit as public safety officer = 324 months  
 $324 / 324 = 1.0$   
 $1.0 \times \$2,000 = \$2,000$

**\$2,000 is not subject to withholding**

**Example 2.** Brian was employed as a research analyst for a state agency from July 1, 1976, to May 30, 1995 (227 months service credit). He was employed in a public safety officer position for another state agency from June 1, 1995, until his death on June 10, 2003 (97 months service credit).

Total service credit = 324 months  
 Service credit as public safety officer = 97 months  
 $97 / 324 = .299383$   
 $.299383 \times \$2,000 = \$598.77$

**\$598.77 is not subject to withholding**

**Example 3.** Susan was hired on July 1, 1976, as a research analyst for a state agency. She terminated that employment on May 30, 1995 (227 months service credit). Susan was hired into a public safety officer position on June 1, 2003, for another state agency. She died on June 4, 2003.

Total service credit = 227.25 months  
 Service credit as public safety officer = .25 months  
 $.25 / 227.25 = .001100$   
 $.001100 \times \$2,000 = \$2.20$

**\$2.20 is not subject to withholding**

(d) **What are the exceptions?** Subsection (3)(a) of this section shall not apply with respect to the death of any public safety officer if:

(i) The death was caused by the intentional misconduct of the officer or by the officer's intention to bring about his or her own death;

(ii) The officer was voluntarily intoxicated at the time of death;

(iii) The officer was performing his or her duties in a grossly negligent manner at the time of death; or

(iv) The payment is to an individual whose actions were a substantial contributing factor to the death of the officer.

(4) **Who will decide whether to withhold money for income tax from your survivor benefit payments?**

(a) The plan administrator will make the decision.

(b) If you disagree with the plan administrator's decision, you may petition for review under chapter 415-04 WAC.

(5) **What types of evidence will the department use in making the decision regarding whether to withhold taxes from the survivor payments?**

(a) Cause of death stated on the certified death certificate;

(b) Facts surrounding the public safety officer's death;

(c) The deceased public safety officer's job description;

(d) The deceased's membership records;

(e) Materials that the survivor submits for consideration; and

(f) Any other relevant evidence.

(6) **Examples:**

(a) **Police officer:** Charles is a police officer who works for a police department in a large Washington city. He receives a call to report to duty because a riot has started downtown. Charles drives to the riot scene and is killed getting out of his car from a bullet fired by a rioter. The department will not withhold taxes on survivor benefit payments.

(b) **Fire fighter:** Elaine is a fire fighter who attends a barbecue party on the Fourth of July. During the party, the barbecue falls over and the garage catches on fire. Elaine grabs a hose and puts out the fire, but dies from smoke inhalation in the process. The department would review the evidence and circumstances to determine whether Elaine would be considered to be "on duty" at the time of her death. If Elaine was not on duty, the department will withhold taxes on survivor benefit payments.

(c) **Park ranger:** Bobbi is a park ranger employed by the state parks and recreation commission. Her job duties include administration, development, maintenance, and visitor services, in addition to law enforcement, within a state park or park area. She is required to have knowledge of fire prevention and suppression methods and equipment. Although Bobbi is commissioned to enforce laws, her principal job functions do not include criminal law enforcement or crime control. The department would withhold taxes on payments to her survivors unless Bobbi was actually engaged in crime control, enforcement of criminal law, or fire suppression at the time of her death.

(7) **Definitions used;<sup>2</sup> these definitions apply to this WAC section ONLY.**

(a) **Chaplain** - any individual serving as an officially recognized or designated member of a legally organized fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency.

(b) **Child** - any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is:

(i) Eighteen years of age or under;

(ii) Over eighteen years of age and a student as defined in Section 8101 of Title 5, United States Code; or

(iii) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(c) **Fire fighter** - an individual serving as an officially recognized or designated member of a legally organized fire



department and an officially recognized or designated public employee member of a rescue squad or ambulance crew.

(d) **Intoxication** - a disturbance of mental or physical faculties;

(i) Resulting from the introduction of alcohol into the body as evidenced by:

((+)) (A) A postmortem blood alcohol level of .20 per centum or greater; or

((+)) (B) A postmortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the department receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death; or

((+)) (ii) Resulting from drugs or other substances in the body.

(e) **Law enforcement officer** - an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.

(f) **Line of duty** means:

(i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he or she serves. For other officers, "line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires; and

(ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(g) **Public agency** - any unit of government that meets the definition of "employer" in any retirement plan that the department administers.

(h) **Public safety officer:**

(i) Regardless of full-time or part-time status, an individual serving a public agency in an official capacity as a law enforcement officer, fire fighter, chaplain, or member of a rescue squad or ambulance crew; or

(ii) An individual who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties:

(A) Are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) Are determined by the head of the agency to be hazardous duties.

(i) **Rescue** - the provision of first response emergency medical treatment, transportation of persons in medical distress and under emergency conditions to medical care facilities, or search and rescue assistance in locating and extracting from danger persons lost, missing, or in imminent danger of bodily harm.

Footnotes to section:

<sup>1</sup> The "Omnibus Crime Control and Safe Streets Act of 1968," Act June 19, 1969, P.L. 90-351, which appears generally as 42 USCS §§ 3701 et seq., including Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.

<sup>2</sup> These definitions duplicate, as closely as possible, those in 42 USCS § 3796b (2003), the applicable federal definition section. Provisions not applicable to any plans administered by the department have been deleted.

AMENDATORY SECTION (Amending WSR 03-24-050, filed 11/26/03, effective 1/1/04)

**WAC 415-02-710 What is the \$150,000 death benefit? (1) What is the \$150,000 death benefit?** This is a benefit consistent with workers' compensation law, Title 51 RCW, for LEOFF, PERS, PSERS, SERS, TRS, and WSPRS beneficiaries where the member(~~s who~~) dies as a result of injuries<sup>3</sup> sustained in the course of employment. The benefit may be nontaxable under applicable federal law.

(2) **Who is covered?** Deceased members of LEOFF, PERS, PSERS, SERS, TRS, and WSPRS. If the deceased was a member of another plan, please contact the department.

(3) **Who will determine eligibility for the benefit?** The Washington state department of labor and industries (L&I) will determine eligibility consistent with Title 51 RCW and applicable retirement statutes in chapter 41.26 RCW (LEOFF), chapter 41.40 RCW (PERS), chapter 41.37 RCW (PSERS), chapter 41.35 RCW (SERS), chapter 41.32 RCW (TRS), or chapter 43.43 RCW (WSPRS).

(4) **Who will receive the \$150,000 death benefit?**

(a) **LEOFF Plan 2, PERS, PSERS, SERS, TRS, and WSPRS Plan 2:** The person(s) the member designated as his or her beneficiary(ies) for his or her retirement plan will receive the benefit *unless* the member designated a *different* beneficiary(ies) for the \$150,000 death benefit. If the member did not designate a beneficiary for either the plan or death benefit, then the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's estate.

(b) **LEOFF Plan 1 and WSPRS Plan 1:** In these plans, the member's surviving spouse is automatically the beneficiary for the member's retirement plan. The member may designate a different person(s) for the \$150,000 death benefit. If the member did not designate a beneficiary for either the plan or death benefit, then the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's estate.

(5) **How do I apply for the benefit?** To apply:

(a) Obtain an application from the department (~~(of retirement systems (DRS))~~).

(b) Submit a correctly completed application to (~~(DRS))~~ the department. (~~(DRS))~~ The department will submit the application to L&I.

(6) **How will I receive the benefit?** L&I will notify you and (~~(DRS))~~ the department of approval or disapproval of eligibility. (~~(DRS will either send you the lump sum payment or send it directly to your bank, depending on your preference.)~~)

If you are approved, you may choose to have the department send the lump sum payment directly to you or to your bank.

**(7) How will DRS treat the \$150,000 payment for tax purposes?**

(a) ~~((DRS))~~ The department will treat the payment as nontaxable.

(b) ~~((DRS))~~ The department does not guarantee that payments should or should not be designated as exempt from federal income tax.

(c) ~~((DRS))~~ The department does not guarantee that it was correct in withholding or not withholding taxes from the death benefit payment.

(d) ~~((DRS))~~ The department does not:

(i) 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

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

(e) You should consult with your own 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.

~~((8) Terms used:~~

~~(a) LEOFF – Law enforcement officers' and fire fighters' retirement system.~~

~~(b) PERS – Public employees' retirement system.~~

~~(c) SERS – School employees' retirement system.~~

~~(d) TRS – Teachers' retirement system.~~

~~(e) WSPRS – Washington state patrol retirement system.))~~

Footnote to section:

<sup>3</sup> A LEOFF Plan 2 beneficiary is entitled to the \$150,000 death benefit if the member dies as a result of injuries sustained in the course of employment, or if the member dies from an occupational disease or infection that arises naturally and proximately out of employment under LEOFF Plan 2. See RCW 41.26.048.

**WSR 06-15-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 7, 2006, 12:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-15-135.

Title of Rule and Other Identifying Information: WAC 415-113-080 Can I retire retroactively?

Hearing Location(s): Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 22, 2006, at 9:00 a.m.

Date of Intended Adoption: August 23, 2006.

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 August 22, 2006.

Assistance for Persons with Disabilities: Contact Leslie L. Saeger by August 14, 2006, 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: WAC 415-113-080 is being amended to clarify provisions for retroactive retirement.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapter 41.54 RCW.

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.

July 7, 2006

Leslie L. Saeger  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-18-046, filed 8/28/02, effective 9/30/02)

**WAC 415-113-080 (~~Can I retire retroactively?)~~  
May I receive a retroactive payment from a prior system?  
~~((You may retire retroactively. If you retire from all dual member systems, your retirement allowance from a prior system will be retroactive back to your accrual date under the prior system.~~**

~~(1) Accrual date determined. The department will determine your accrual date in each system by combining your total service and applying the statute or rule designating accrual dates in the particular system. Your accrual date for purposes of this section is the date that your combined service first makes you eligible for an unreduced benefit.~~

**Example 11:** ~~A person is a fifty-five year old member participant in PERS Plan 2 and a nonmember participant in LEOFF Plan 2. The person decides not to retire from LEOFF Plan 2 until he is eligible to retire with full benefits from PERS Plan 2 at age sixty-five. Upon retirement, he will be entitled to a LEOFF Plan 2 retirement allowance effective on his accrual date under LEOFF Plan 2 (i.e., age fifty-five).~~

**Example 12:** ~~A person with twenty years of prior service in TRS Plan 1 becomes a member participant in PERS Plan 2 on her fifty-fourth birthday. By combining her service in both systems under chapter 41.54 RCW, she will become eligible to retire under TRS Plan 1 at age fifty-nine with twenty-five total years of service. Assume she retires from both systems at age~~

sixty-five. Her TRS Plan 1 retirement allowance will be effective back to the date it accrued under TRS Plan 1 (i.e., the first of month following the month she turns fifty-nine):

(2) You cannot use salary earned after your accrual date in calculating your retroactive benefit. If you retire retroactively from a prior system, the department will not use any of the salary you earned after your accrual date to compute your benefit from the prior system.

**Example 13:** A PERS Plan 1 member receives a salary of \$3,000 per month. She has 30 years of service credit at age 50 and is eligible to retire with an unreduced (full) benefit.

Subsequently, she is offered a TRS Plan 3 covered position at a monthly salary of \$3,500. If she accepts the TRS Plan 3 position, will she be able to use its higher monthly salary of \$3,500 as base salary to calculate her PERS Plan 1 retirement benefit when she does retire? No, she will not. The TRS Plan 3 salary would have been earned after the PERS Plan 1 accrual date. The date that she first became eligible to retire with an unreduced benefit under PERS Plan 1 rules:

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed:

- (a) "Dual member system" - WAC 415-113-030.
- (b) "Member participant" - WAC 415-113-030.
- (c) "Nonmember participant" - WAC 415-113-030.) (1)

**Eligibility.** You are eligible to receive a retroactive payment from a prior system if:

(a) You retire with a multiple system benefit according to WAC 415-113-055; and

(b) You were eligible to retire from a prior system with an unreduced benefit before the date of your multiple system retirement.

(2) **Accrual date.** At the time of your retirement from all dual member systems, you must choose the date on which the benefit from your prior system will accrue. This may be

<u>2001</u>	==	\$55,200/year	<u>2006</u>	==	\$84,000/year
<u>2002</u>	==	\$56,400/year	<u>2007</u>	==	\$85,200/year
<u>2003</u>	==	\$57,600/year	<u>2008</u>	==	\$86,400/year
<u>2004</u>	==	\$81,600/year	<u>2009</u>	==	\$87,600/year
<u>2005</u>	==	\$82,800/year	<u>2010</u>	==	\$88,800/year

Upon separation on December 31, 2014, Tom chooses to retire from both LEOFF 2 and PERS 2 with a multiple system benefit. Because Tom met the eligibility requirements for an unreduced benefit from LEOFF 2 on December 31, 2005, he may choose an accrual date on or after January 1, 2006. His benefit will vary depending on the accrual date chosen. For example, an accrual date of January 1, 2006, yields a different result from an accrual date of January 1, 2009, as shown in Option 1 and Option 2 below. Tom may also retire from both systems with a January 1, 2015, effective date, as shown in Option 3.

any date on or after the date you first became eligible for an unreduced retirement allowance from that system. The date you choose will affect your monthly retirement allowance from that system and your retroactive payment.

(3) **Monthly retirement allowance from prior system.** Your monthly retirement allowance from your prior system will be calculated under the rules of that system.

(a) **Service credit.** Your service credit is the actual credit earned in the prior system.

(b) **Average compensation.** Your average compensation is calculated under the rules in WAC 415-113-030(2) and 415-113-065. If you substitute base salary from another system, the base salary must have been earned prior to your chosen accrual date.

(4) **Retroactive payment.** Your retroactive payment will be computed by multiplying:

(a) The amount of your monthly retirement allowance in subsection (3) of this section; by

(b) The number of months from your accrual date to the month your first monthly retirement allowance is paid.

**Example.** Tom became a member of LEOFF 2 on January 1, 1981, and remained a member through December 31, 2000. He earned 20 years of service credit. Tom reached age 48 on December 31, 2000. His highest years of compensation in LEOFF 2 were as follows:

<u>1996</u>	==	\$49,200/year
<u>1997</u>	==	\$50,400/year
<u>1998</u>	==	\$51,600/year
<u>1999</u>	==	\$52,800/year
<u>2000</u>	==	\$54,000/year

Tom became a member of PERS 2 on January 1, 2001. He separated from service on December 31, 2014. He earned 14 years of service credit. On December 31, 2005, Tom reached age 53 and met the eligibility requirements for an unreduced retirement from his prior system (LEOFF 2). During the period of his PERS employment, Tom's compensation was as follows:

<u>2011</u>	==	\$90,000/year
<u>2012</u>	==	\$91,200/year
<u>2013</u>	==	\$92,400/year
<u>2014</u>	==	\$93,600/year

**Option 1: Accrual date of January 1, 2006.** Tom chooses January 1, 2006, as the accrual date for his LEOFF 2 benefit.

**Monthly allowance:** The department will compare Tom's average compensation in LEOFF 2 with his highest sixty consecutive months of base salary in PERS 2, and will use whichever is greater in the calculation of his LEOFF 2 monthly allowance. Note: Tom's PERS 2 base salary must have been earned prior to January 1, 2006.

• Tom's average compensation, based on his highest sixty consecutive months of service in LEOFF 2, is:

$$\frac{\$49,200 + \$50,400 + \$51,600 + \$52,800 + \$54,000}{60} = \$4,300/\text{month}$$

- Tom's base salary, based on his highest sixty consecutive months of service in PERS 2, is:

$$\frac{\$55,200 + \$56,400 + \$57,600 + \$81,600 + \$82,800}{60} = \$5,560/\text{month}$$

The highest average compensation, i.e., \$5,560/month, will be used in the calculation of Tom's LEOFF 2 monthly allowance.

	<b><u>LEOFF 2 Benefit Calculation</u></b>	<b><u>PERS 2 Benefit Calculation<sup>1</sup></u></b>
<u>Service credit</u>	<u>20 yrs</u>	<u>14 yrs</u>
<u>Average compensation</u>	<u>\$5,560/month</u>	<u>\$7,600/month</u>
<u>2% monthly benefit</u>	<u>2% x 20 x \$5,560 = \$2,224/month<sup>2</sup></u>	<u>2% x 14 x \$7,600 = \$2,128/month</u>

**Retroactive payment.** Tom will receive a retroactive payment representing monthly retirement payments from January 1, 2006 (accrual date), through December 31, 2014, including applicable COLAs. This is nine years or one hundred eight monthly payments. His retroactive payment will be \$240,192, calculated as follows:

$$108 \times \$2,224 = \$240,192$$

(This assumes no COLAs were given during the nine-year period. If COLAs were given, the retroactive payment would be greater.)

**Total multiple system benefit (LEOFF 2 and PERS 2):** Tom will receive a retroactive payment of \$240,192 from LEOFF 2. He will receive a total monthly allowance of \$4,352 (\$2,224 from LEOFF 2 and \$2,128 from PERS 2), beginning January 1, 2015.

**Option 2: Accrual date of January 1, 2009.** Tom chooses January 1, 2009, as the accrual date for his LEOFF 2 benefit.

**Monthly allowance:** The department will compare Tom's average compensation in LEOFF 2 with his highest sixty consecutive months of base salary in PERS 2, and will use whichever is greater in the calculation of his LEOFF 2 monthly allowance. Note: Tom's PERS 2 base salary must have been earned prior to January 1, 2009.

- Tom's average compensation, based on his highest sixty consecutive months of service in LEOFF 2, is:

$$\frac{\$49,200 + \$50,400 + \$51,600 + \$52,800 + \$54,000}{60} = \$4,300/\text{month}$$

- Tom's base salary, based on his highest sixty consecutive months of service in PERS 2, is:

$$\frac{\$81,600 + \$82,800 + \$84,000 + \$85,200 + \$86,400}{60} = \$7,000/\text{month}$$

The highest average compensation, i.e., \$7,000/month, will be used in the calculation of Tom's LEOFF 2 monthly allowance.

	<b><u>LEOFF 2 Benefit Calculation</u></b>	<b><u>PERS 2 Benefit Calculation<sup>1</sup></u></b>
<u>Service credit</u>	<u>20 yrs</u>	<u>14 yrs</u>
<u>Average compensation</u>	<u>\$7,000/month</u>	<u>\$7,600/month</u>
<u>2% monthly benefit</u>	<u>2% x 20 x \$7,000 = \$2,800/month</u>	<u>2% x 14 x \$7,600 = \$2,128/month</u>

**Retroactive payment.** Tom will receive a retroactive payment representing monthly retirement payments from January 1, 2009 (accrual date), through December 31, 2014, including applicable COLAs. This is six years or seventy-two monthly payments. His retroactive payment will be \$201,600, calculated as follows:

$$72 \times \$2,800 = \$201,600$$

(This assumes no COLAs were given during the six-year period. If COLAs were given, the retroactive payment would be greater.)

**Total multiple system benefit (LEOFF 2 and PERS 2):** Tom will receive a retroactive payment of \$201,600 from LEOFF 2. He will receive a total monthly allowance of \$4,928 (\$2,800 from LEOFF 2 and \$2,128 from PERS 2), beginning January 1, 2015.

**Option 3: Accrual date of January 1, 2015 (no retroactive payment).** Tom is not required to choose a retroactive payment from his prior system. He may choose a multiple system benefit of \$5,168/month calculated as follows:

**Monthly allowance:** The department will compare Tom's average compensation in LEOFF 2 with his highest sixty consecutive months of base salary in PERS 2, and will use whichever is greater in the calculation of his LEOFF 2 monthly allowance.

- Tom's average compensation, based on his highest sixty consecutive months of service in LEOFF 2, is:

$$\frac{\$49,200 + \$50,400 + \$51,600 + \$52,800 + \$54,000}{60} = \$4,300/\text{month}$$

- Tom's base salary, based on his highest sixty consecutive months of service in PERS 2, is:

$$\frac{\$88,800 + \$90,000 + \$91,200 + \$92,400 + \$93,600}{60} = \$7,600/\text{month}$$

The highest average compensation, i.e., \$7,600/month, will be used in the calculation of Tom's LEOFF 2 monthly allowance.

	<u>LEOFF 2</u>	<u>PERS 2</u>
Service credit	20 yrs	14 yrs
Average compensation	\$7,600/month	\$7,600/month <sup>1</sup>
2% monthly benefit	2% x 20 x \$7,600 = \$3,040/month	2% x 14 x \$7,600 = \$2,128/month

**Total multiple system benefit (LEOFF 2 and PERS 2):** Tom will not receive a retroactive payment. He will receive a total monthly allowance of \$5,168 (\$3,040 from LEOFF 2 and \$2,128 from PERS 2), beginning January 1, 2015.

<sup>1</sup>Tom's PERS 2 allowance will be based on sixty consecutive months of PERS service, which yields a greater AFC than sixty consecutive months of LEOFF 2 base salary.

$$\frac{\$88,800 + \$90,000 + \$91,200 + \$92,400 + \$93,600}{60} = \$7,600/\text{month}$$

His PERS 2 allowance is NOT affected by his retroactive payment from LEOFF or by the accrual date he chooses.

<sup>2</sup>In certain cases, an increased benefit may be available from LEOFF Plan 2 (WAC 415-113-084).

**WSR 06-15-024**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed July 7, 2006, 2:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-006.

Title of Rule and Other Identifying Information: Amending WAC 230-02-412 Gambling equipment defined.

Hearing Location(s): Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000, on September 15, 2006, at 9:30 a.m.

Date of Intended Adoption: September 15, 2006.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail Susana@wsgc.wa.gov, fax (360) 486-3625, by September 1, 2006.

Assistance for Persons with Disabilities: Contact Shirley Corbett by September 1, 2006, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The petitioner requests the ability to buy and sell logo chips as collector items. The proposed changes to this rule:

1. Clarify that only logo cards and logo chips used in a currently licensed or class III facility be defined as gambling equipment.

2. Exclude logo chips from the definition of gambling equipment if they are sold to players for use in a gambling activity and the player removes the chips from the licensed premises; or if the chips are replaced by new chips with a different color, logo, or artwork.

3. Exclude logo cards from the definition of gambling equipment if they are defaced (for example, a hole drilled through the deck or the corners clipped).

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Don Logerwell, attorney at law, public.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change clarifies language of rules without changing the effect.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is

not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

July 7, 2006  
Susan Arland  
Rules Coordinator

AMENDATORY SECTION (Amending Order 421, filed 5/15/03, effective 7/1/03)

**WAC 230-02-412 Gambling equipment defined.** For purposes of this title, gambling equipment means any device, gambling related software, expendable supply or any other paraphernalia used in conjunction with or to facilitate gambling. Gambling equipment includes, but is not limited to:

- (1) Amusement games;
- (2) Punch boards and pull-tabs;
- (3) Devices for dispensing pull-tabs;
- (4) Electronic devices for conducting, facilitating or accounting for the results of gambling activities, including, but not limited to:
  - (a) Components of a tribal lottery system;
  - (b) Electronic devices for reading and displaying outcomes of gambling activities; and
  - (c) Accounting systems that are a part of, or directly connected to, a gaming system including, but not limited to:
    - (i) Bet totalizers;
    - (ii) Progressive jackpot meters; or
    - (iii) Keno systems;
- (5) Bingo equipment, as defined in WAC 230-02-250;
- (6) Equipment or machinery utilized for the manufacture of gambling equipment when such equipment is designed primarily for such purpose;
- (7) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in tribal-state compacts, including, but not limited to:
  - (a) Gaming chips with a house name or logo for use in a currently licensed or Class III gaming facility. However, chips will not be considered gambling equipment if they are discontinued and replaced by new chips with a different color, logo, or artwork;
  - (b) Cards with a house name or logo for use in a currently licensed or Class III gaming facility. However, cards defaced by a card room operator are not considered gambling equipment. For purposes of this section, "defaced" means permanently altered so the cards are easily identifiable as different from other cards in play. For example, cards can be defaced by drilling a hole through the deck or clipping the corner(s) or sides of a deck;
  - (c) Dice;
  - (d) Card shuffling devices;
  - (e) Graphical game layouts for table games;
  - (f) Ace finders or no-peek devices;
  - (g) Roulette wheels;
  - (h) Keno equipment; and
  - (i) Tables manufactured exclusively for gaming purposes.

## WSR 06-15-025

### PROPOSED RULES

## GAMBLING COMMISSION

[Filed July 7, 2006, 2:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-095.

Title of Rule and Other Identifying Information: Amending WAC 230-30-070 Control of prizes—Restrictions—Bonus prizes—Displaying—Procedures for awarding and 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception.

Hearing Location(s): Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000, on September 15, 2006, at 9:30 a.m.

Date of Intended Adoption: September 15, 2006.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov), fax (360) 486-3625 by September 1, 2006.

Assistance for Persons with Disabilities: Contact Shirley Corbett by September 1, 2006, TTY (360) 486-3637 or (360) 486-3447.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: We have received a petition for rule change from Joan Mell, attorney representing ZDI Gaming, Inc., a licensed manufacturer. The petitioner is requesting WAC 230-30-070 be amended to allow prizes from punchboard or pull-tab games be paid in the form of a gift certificate or on a gift card if the prize is \$20 or less. Most prizes are below \$20. The petitioner is also requesting that WAC 230-12-050 be amended so that participants may use a gift certificate or gift card as consideration to participate in a gambling activity.

Statutory Authority for Adoption: RCW 9.46.070.

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

Name of Proponent: Joan Mell, attorney at law, on behalf of ZDI Gaming, Inc., a licensed manufacturer, public.

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025, and/or the proposed rule change clarifies language of rules without changing the effect.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

July 7, 2006

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 425, filed 10/13/03, effective 1/1/04)

**WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception.** No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized gambling activity, or which enables a person to play in an authorized gambling activity.

**Gifts prohibited—Exceptions.**

(1) Gifts are items licensees give away to its customers and are not connected to gambling activities regulated by the commission. Licensees shall not offer gifts in conjunction with gambling activities, with the following exceptions:

(a) Promotions are allowed as authorized by WAC 230-12-045;

(b) Transportation services provided to and from gambling activities;

(c) Free or discounted food, drink or merchandise may be provided under the following conditions:

(i) The actual cost of any individual item may not exceed five hundred dollars;

(ii) The merchandise shall not be traded back to the licensee for cash or be used to further participate in an authorized gambling activity;

(d) For each individual gift with an actual cost over one hundred dollars, charitable and nonprofit organizations shall prepare and maintain a written record with the following information:

(i) How the recipients of the gifts were selected;

(ii) The number of gifts awarded; and

(iii) The total cost of each gift given.

**Credit and loans prohibited—Exceptions.**

(2) The consideration required to participate in the gambling activity shall be collected in full, by cash, check, gift certificate, gift card, or electronic point-of-sale bank transfer, prior to participation, with the following exceptions:

**Punch boards/pull-tabs.**

(a) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

**Charitable/nonprofit organization's billing system for members.**

(b) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(i) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent

upon, or in any way related to, the playing of such activity; and

(ii) The director has given prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

**Raffle tickets purchased with credit cards.**

(c) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles.

AMENDATORY SECTION (Amending Order 389, filed 10/18/00, effective 1/1/01)

**WAC 230-30-070 Control of prizes—Restrictions—Bonus prizes—Displaying—Procedures for awarding.** Punch board and pull-tab prizes shall be closely controlled to ensure players are not defrauded.

(1) All prizes from the operation of punch boards and pull-tabs shall be awarded in cash, gift certificate, or in merchandise. Any cash prize of twenty dollars or less may be awarded on a gift card.

No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(2) Additional chances on a punch board or pull-tab game may not be awarded as a prize. Provided, That prizes may involve the opportunity to advance and win a larger prize on the same punch board or pull-tab game as set forth in subsection (4) of this section.

(3) A bonus prize is a prize offered in a bonus pull-tab game, defined in WAC 230-30-040(1). A step-up prize is a prize offered on a punch board. The awarding of these prizes involves an immediate, additional opportunity to advance to a section of the game to determine the prize.

(4) On games where players advance, the bonus or step-up prizes may not be less than the highest prize available, which might otherwise have been won by the punch or pull-tab for which the opportunity was awarded. Each punch board or pull-tab game offering bonus or step-up prizes must clearly indicate on its flare the terms and conditions under which the bonus or step-up prize may be won, including the amount of the bonus or step-up prize.

(5) The licensee shall display prizes so that a customer can easily determine which prizes are available from any particular punch board or pull-tab series or device operated or located upon the premises. In addition, the following requirements apply.

(a) Merchandise prizes shall be displayed as follows:

(i) In the immediate vicinity of the punch board or pull-tab series and in plain view: Provided, That games that offer merchandise prizes that are "surprises" may be wrapped in some way so players are unable to identify what the prize is until opened;

(ii) If size or space constraints do not allow the prize to be displayed as provided in (a)(i) of this subsection, the merchandise prize may be displayed elsewhere on the premises provided that a specific reference to that actual prize is noted on the flare; or

(iii) If the merchandise prize cannot be displayed on the premises, an accurate description and/or photograph of the

prize must be displayed in plain view on or immediately adjacent to the flare.

(b) Cash prizes shall be clearly represented on the prize flare;

(c) Combination cash and merchandise prizes must meet the requirements of both (a) and (b) of this subsection;

(6) The following procedures apply to the removal of prizes from the game flare and the presentation of prizes to winning players:

(a) Upon determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from the flare and present the prize to the winner upon demand;

(b) Upon determination of a winner of any cash prize over twenty dollars, or of any merchandise prize with a retail value over twenty dollars, the licensee shall permanently and conspicuously delete all references to that prize from any flare, punch board, or pull-tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. On step-up punch boards and bonus pull-tab games, once all opportunities in a section of the flare have been won, all references to prizes no longer available to be won must be deleted on the flare. Operators may correct an inadvertently deleted prize by noting on the flare that such prize is still available. Such reference shall be permanently and conspicuously deleted when the prize is actually awarded. Failure to permanently and conspicuously delete a prize from the flare may result in the director initiating actions to revoke a license for violation of RCW 9.46.190 (defrauding a participant). The prize shall be paid or delivered to the winner only after all reference to such prize has been deleted from the flare.

(7) Payment of prizes. The licensee must pay or award to the customer or player playing the punch board or pull-tab series all such prizes that are required to be, but have not been, deleted from the flare when the punch board or pull-tab series is completely played out.

(8) Record of winners. When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punch board or pull-tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in the following manner:

(a) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(b) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab; and

(c) If the pull-tab or punch is constructed or printed in such a manner as to preclude recording the information required in (a) and (b) of this subsection in a legible manner, the licensee may record the required information on a sheet of paper not less than three inches by five inches and staple the winning tab or punch thereto.

(9) Defacing winning punches or tabs. The licensee shall, within twenty-four hours after a winning pull-tab or punch worth more than twenty dollars has been presented for payment, mark or perforate the winning symbols in such a

manner that the pull-tab or punch cannot be presented again for payment.

(10) Spindle, banded, or "jar" type pull-tabs played in a manner which awards merchandise prizes only. Pull-tab series which award only merchandise prizes valued at no more than twenty dollars, are hereby permitted to employ schemes whereby certain predesignated pull-tabs are free or the player is otherwise reimbursed the actual cost of said pull-tabs. Flares for spindle-type pull-tabs operated in this manner shall designate the total number of pull-tabs in the series and the total number of pull-tabs designated as free or reimbursable. Free or reimbursable pull-tabs in these types of pull-tab series shall not constitute a prize or prizes nor shall moneys collected and later reimbursed constitute revenue for the purposes of determining gross gambling receipts.

### WSR 06-15-031

#### PROPOSED RULES

### SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

[Filed July 10, 2006, 8:59 a.m.]

Continuance of WSR 06-11-129.

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

Title of Rule and Other Identifying Information: Revise SCAPCA Regulation I, Article X, Section 10.09 - Asbestos fees.

Hearing Location(s): Spokane County Public Health Building, 1101 West College, Room #140, Spokane, WA 99201, on July 13, 2006, at 9:30 a.m.

Date of Intended Adoption: July 13, 2006.

Assistance for Persons with Disabilities: Contact Barbara Nelson by 4:30 p.m., Tuesday, July 11, 2006, (509) 477-4727 ext. 106.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New hearing location and date as referenced above. SCAPCA board meeting was postponed from July 6, 2006, to July 13, 2006. Location changed from Spokane County Public Works Building to Spokane County Public Health Building, Room #140.

Name of Proponent: Spokane County Air Pollution Control Authority (SCAPCA), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Matt Holmquist, 1101 West College, Suite #403, Spokane, WA 99201, (509) 477-4727.

July 6, 2006

Brenda Smits

Air Quality Specialist



**WSR 06-15-032**  
**PROPOSED RULES**  
**SPOKANE COUNTY AIR**  
**POLLUTION CONTROL AUTHORITY**

[Filed July 10, 2006, 9:02 a.m.]

Continuance of WSR 06-11-113.

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

Title of Rule and Other Identifying Information: Spokane County air pollution control authority (SCAPCA) Regulation I; revise Regulation I, Article II, Section 2.12 - Restraining orders—Injunctions; revise Regulation I, Article II, Section 2.13 - Federal regulation reference date; and add Section 2.24 [2.14] - Washington Administrative Codes (WAC).

Hearing Location(s): Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on July 13, 2006, at 9:30 a.m.

Date of Intended Adoption: July 13, 2006.

Assistance for Persons with Disabilities: Contact Charles Studer.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: NOTE: The hearing date has been changed from July 6, 2006, at 9:30 a.m. to July 13, 2006, at 9:30 a.m.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Thursday, July 6, 2006  
 Charles E. Studer  
 Environmental Engineer

Assistance for Persons with Disabilities: Contact Dale R. Brown by September 5, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to update the rules to comply with the law. Additions and changes have been made to the existing rules to make sure they comply with the law and the way the department does business.

Reasons Supporting Proposal: Rule making is required to implement the requirements of ESSB 6103, which passed in the 59th legislature.

Statutory Authority for Adoption: RCW 46.16.010.

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

Name of Agency Personnel Responsible for Drafting: Scott Black, 1125 Washington Street S.E., Olympia, WA, (360) 902-3826; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, WA, (360) 902-4045.

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

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

July 7, 2006  
 Eric Andersen  
 for Julie Knittle, Administrator  
 Title and Registration Services

**WSR 06-15-040**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 10, 2006, 11:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-11-105.

Title of Rule and Other Identifying Information: Chapter 308-96A WAC, Vehicle licenses, specifically WAC 308-96A-005 Terminology—Definitions, 308-96A-101 Scale weight, 308-96A-201 Purchasing gross weight—Expiration dates, 308-96A-208 Gross weight—Changing from a non-farm use class to a farm use class, 308-96A-210 Gross weight—Transfer of gross weight license to new owner, and 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on September 6, 2006, at 2 p.m.

Date of Intended Adoption: October 3, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-0140, by September 5, 2006.

AMENDATORY SECTION (Amending WSR 04-14-077, filed 7/6/04, effective 8/6/04)

**WAC 308-96A-005 Terminology—Definitions.**

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" (~~means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale~~) is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license of that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Chattel lien" is a process by which a person may sell or take ownership of a vehicle when:

(a) They provide services or materials for a vehicle at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(7) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is more than thirty years old as authorized by RCW 46.16.305(1).

~~((7))~~ (8) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

~~((8))~~ (9) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

~~((9))~~ (10) "Department" means the department of licensing. (RCW 46.04.162.)

~~((10))~~ (11) "Empty scale weight" means the same as "scale weight" in this section.

(12) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

~~((11))~~ (13) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

~~((12))~~ (14) "Fixed load vehicle" is specified in RCW 46.16.079 and described in WAC 308-96A-099.

~~((13))~~ (15) "Gross weight," "declared gross weight," and "tonnage" mean ~~((s))~~ gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

~~((14))~~ (16) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as a maximum load weight of a single vehicle. The "gross combined weight rating" (GCWR), is the GVWR of any unit plus the GCWR of the towed unit. If the GVWR of any unit cannot be determined, the actual gross weight will be used. If a vehicle with GVWR of less than 26,001 pounds has been structurally modified to carry a heavier load, the actual gross weight capacity of the modified vehicle will be determined as allowed in RCW 46.44.041 and 46.44.042.

(17) "Hybrid motor vehicle" means a vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

~~((15))~~ (18) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

~~((16))~~ (19) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

~~((17))~~ (20) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

~~((18))~~ (21) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

~~((19))~~ (22) "Individual with disabilities parking placard expiration date" means the last day of the month as specified on the department placard.

~~((20))~~ (23) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

~~((21))~~ (24) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

~~((22))~~ (25) "Landlord's lien" for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

(26) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

~~((23))~~ (27) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

~~((24))~~ (28) "License tab fees" means the same as described in RCW 46.16.0621.

~~((25))~~ (29) "Licensed physician" for the purpose of individual with disabilities parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, osteopathic physicians, podiatric physicians, and advanced registered nurse practitioners. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

~~((26))~~ (30) "Motor home" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

~~((27))~~ (31) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

~~((28))~~ (32) "Natural person" means a human being.

(33) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

~~((29))~~ (34) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

~~((30))~~ (35) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

~~((34))~~ (36) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

~~((32))~~ (37) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1)).

~~((33))~~ (38) "Permanent" in reference to individual with disabilities parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Individual with disabilities parking privileges must be renewed every five years.

~~((34))~~ (39) "Permanent fleet" means a group of one hundred or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

(40) "Permit" in reference to individual with disabilities parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for individual with disabilities parking privileges. (RCW 46.16.381.)

~~((35))~~ (41) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

~~((36))~~ (42) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purpose including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

~~((37))~~ (43) "Placard" means a document issued to individuals who qualify for special individual with disabilities parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

~~((38))~~ (44) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (~~WAC 308-96A-316.~~)

~~((39))~~ (45) "Private use trailer" means one that is owned by a natural person, and used for the private noncommercial use of the owner.

(46) "Privilege" in reference to individual with disabilities parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

~~((40))~~ (47) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

~~((41))~~ (48) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by

the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

~~((42))~~ (49) "Rental car" means a car that is rented as defined in RCW 46.04.465.

~~((43))~~ (50) "Renewal notice" means the notice to renew a vehicle license (~~provided by the department~~). Renewal notices are sent to the registered owner approximately sixty days prior to the current expiration (year) date.

~~((44))~~ (51) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

~~((45))~~ (52) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 (~~and~~), 46.16.111, and chapter 46.17 RCW.)

~~((46))~~ (53) "Self-storage facilities lien" is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(54) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

~~((47))~~ (55) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

~~((48))~~ (56) "Subagent" means individual(s) (~~, business, organization, or political entity~~) recommended by an agent and appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

~~((49))~~ (57) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

~~((50))~~ "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

~~((51))~~ (58) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

~~((52))~~ (59) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

~~((53))~~ (60) "Use classes" means those vehicles described in WAC 308-96A-099.

~~((54))~~ (61) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

(62) "Vehicle/vessel seller's report of sale" means a document or electronic record transaction that when properly filed protects the seller of a vehicle/vessel from certain criminal and civil liabilities arising from use of the vehicle/vessel by another person after the vehicle/vessel has been sold or a change in ownership has occurred.

AMENDATORY SECTION (Amending WSR 02-11-096, filed 5/20/02, effective 6/20/02)

**WAC 308-96A-101 Scale weight required for licens- ing.** (1) ~~((What is scale weight?~~

Scale weight is the weight of a vehicle without a load.

~~(2) When does the department require the scale weight of my vehicle?))~~ **The department requires ~~((the))~~ vehicle scale weight ~~((of your vehicle when))~~ for:**

~~(a) ~~((The use class requires gross weight))~~ Vehicles licensed under RCW 46.16.070 ~~((and))~~, 46.16.090, and 46.16.0621;~~

~~(b) ~~((The vehicle is a trailer;))~~ Trailers;~~

~~(c) ~~((The use class is F/H (for hire) or STA (stage);~~~~

~~(d))~~ The vehicle is powered by propane, natural gas or butane;

~~((e) There is a discrepancy between the scale weight on department records or supporting documents and the actual weight of the vehicle; or~~

~~(f))~~ ~~(d)~~ The vehicle has been structurally modified changing the ~~((empty))~~ scale weight.

~~((3) What does the department accept for scale weight verification?))~~ **(2) Determining scale weight:**

The department will accept:

(a) The shipping/scale weight as shown on a manufacturer's statement/certificate of origin ~~((or))~~, factory invoice, previous title, registration, or supporting documentation issued by another jurisdiction; or

(b) A weight slip from a certified scale; or

(c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry; ~~((for example: NADA or Kelly Blue Book); or~~

~~(d) ~~((Unladen or scale weight as shown on supporting documentation issued by another jurisdiction; or))~~ Automated Value System (AVS) Value Detail Screen; or~~

~~(e) Dealer's declaration of factory shipping weight - Completed vehicles only; or~~

~~(f) Other sources approved by the department.~~

AMENDATORY SECTION (Amending WSR 02-10-013, filed 4/22/02, effective 5/23/02)

**WAC 308-96A-201 Purchasing gross weight—Expiration dates.** (1) **What ~~((would))~~ is the gross weight expiration date ~~((be))~~ if I purchase twelve thousand pounds or less?**

The gross weight license expiration date ~~((must be))~~ is the same as the registration expiration date. Gross weight fees ~~((must be))~~ are paid for the same number of months as the registration.

**(2) What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?**

You, the owner, have two options:

(a) If you choose to ~~((purchase))~~ buy twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to ~~((purchase))~~ buy one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires

March 9, monthly gross weight licenses will expire April 9, May 9, etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

**(3) When renewing the registration and purchasing monthly gross weight, what is the effective date of my gross weight license?**

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March 10. If the registration is purchased June 15, the effective date is June 10, etc. When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees ~~((shall be))~~ are charged for a full month.

**(4) If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?**

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

AMENDATORY SECTION (Amending WSR 02-10-013, filed 4/22/02, effective 5/23/02)

**WAC 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class.** (1) **When may I change my vehicle registration from a nonfarm use class to a farm use class?**

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

**(2) When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?**

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight. Changing use class from nonfarm to farm results in a forfeiture of gross weight fees paid. You may increase your declared gross weight to make up the difference between the nonfarm and the farm gross weight fees if the increased gross weight does not exceed the maximum legal limit of the vehicle.

**(3) What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class?** The expiration date of the gross weight license would remain the same as the current gross weight license.

**(4) What will be the start date of the gross weight license be when I change my vehicle registration from nonfarm use class to a farm use class?** The start date of the gross weight license would remain the same as the current gross weight license.

**(5) How many months gross weight must I purchase when I change my vehicle registration from nonfarm to farm?**

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (6) of this section. You will also be

charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

**(6) Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. At the time of application for change of use class from nonfarm to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the nonfarm gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date (~~(shall be forfeited)~~) forfeit. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**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 99-01-133, filed 12/21/98, effective 1/21/99)

**WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?**

Yes. A gross weight license of twelve thousand pounds or less (~~(must be)~~) is transferred to a new owner at the time of transfer of ownership of the vehicle. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

**(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?**

Any gross weight credit not transferred to the new owner or to a replacement vehicle (~~(shall be forfeited)~~) is forfeit and (~~(shall not be)~~) is not refunded.

**(3) What will be the start date of the gross weight license when transferred to the new owner?**

(a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or

(b) The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the

17th, then the effective date of the new gross weight license is the 24th of the current registration month.

**(4) What would the new gross weight expiration date be?**

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date (~~(will be)~~) is the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(5) How many months gross weight fees will I be charged when I apply for transfer of ownership?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

**(6) Will I receive credit for gross weight fees that have already been paid?**

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

AMENDATORY SECTION (Amending WSR 02-11-095, filed 5/20/02, effective 6/20/02)

**WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle. (1) May I transfer a gross weight license to a replacement vehicle?** Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle.

**(2) What qualifies as a replacement vehicle?** A replacement vehicle is a truck, tractor, or truck tractor that is:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement that is presently unlicensed or has had its gross weight license retained by its former owner.

**(3) What is an unlicensed vehicle?** For the purposes of this section, a vehicle is considered unlicensed if the current gross weight license expires prior to the registration, or if the current gross weight license is not adequate for the load being carried.

(4) **When may I transfer gross weight license to a replacement vehicle?** You may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle ~~((has been))~~ is:

- (a) Sold and the gross weight credit amount of fifteen dollars or more is retained;
- (b) Destroyed;
- (c) Reclassified so a gross weight license is no longer required;
- (d) Registered in another jurisdiction;
- (e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, self-service storage facility lien, abandoned vehicle sale;
- (f) Stolen; or
- (g) Removed from service by the owner.

Gross weight license may also be transferred to a replacement vehicle at the request of the owner.

(5) **What are the restrictions to transferring gross weight license?** The restrictions to transferring gross weight license are:

- (a) The expiration date of the transferred gross weight license may not:
  - (i) Extend beyond the registration expiration date of the replacement vehicle;
  - (ii) Be used to extend the registration expiration date of the replacement vehicle.
- (b) The gross weight license being transferred may not exceed the replacement vehicle's weight limitations as defined in chapter 46.44 RCW;
- (c) The gross weight license being transferred must be 14,000 pounds or more;
- (d) The amount of gross weight credit being transferred must be fifteen dollars or more;
- (e) A transfer of gross weight license for the purposes of increasing the declared gross weight of the replacement vehicle must comply with the requirements of WAC 308-96A-205;
- (f) You must surrender the current gross weight license in order to transfer gross weight license to a replacement vehicle.

(6) **What would the new gross weight expiration date be?**

(a) The expiration date of the transferred gross weight license ~~((will be))~~ is the same day of the month as the registration expiration date of the replacement vehicle. For example: If the registration expiration date of the replacement vehicle is July 15, the transferred gross weight license will expire on the fifteenth day of the month, depending on how many months gross weight license was transferred.

You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.

(b) If the registration of a replacement vehicle as described in subsection (2)(b) of this section has expired, new registration and gross weight expiration dates will be assigned.

(7) **Will I receive credit for gross weight fees that have already been paid?** You will receive credit for the current and unused portions of the gross weight license already

purchased. Any excess credit will ~~((be forfeited and will))~~ not be refunded or ever used as a credit.

## WSR 06-15-041

### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed July 10, 2006, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-074.

Title of Rule and Other Identifying Information: Chapter 308-96A WAC, Rules concerning disabled parking privileges, specifically WAC 308-96A-306, 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, and 308-96A-316 and new chapter 308-96B WAC, Individuals with disabilities vehicle license privileges.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on August 22, 2006, at 10:00 a.m.

Date of Intended Adoption: September 19, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-0140, by August 21, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by August 21, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to clean up language, add "Is legally blind and has limited mobility" to the list of reasons for disabled parking privileges. The rules for parking privileges for individuals with disabilities will be moved to a new chapter.

Reasons Supporting Proposal: "Is legally blind and has limited mobility" was added to the reasons for disabled parking privileges by the 59th legislative session. The new chapter will be created to make it easier for the public to find information.

Statutory Authority for Adoption: RCW 46.16.381.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Toni Wilson, 1125 Washington Street S.E., Olympia, WA, (360) 902-3811.

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

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

June 6, 2006

Julie Knittle, Administrator  
Title and Registration Services

## Chapter 308-96B WAC

INDIVIDUALS WITH DISABILITIES VEHICLE  
LICENSE PRIVILEGESNEW SECTION

**WAC 308-96B-010 Definitions—Individual with disabilities special parking privileges.** For the purposes of determining eligibility under RCW 46.16.381, for special individual with disabilities parking placards and license plates, the following definitions apply:

(1) "Application for individual" means the form provided by the department that must be completed by the individual and physician.

(2) "Application for organization" means the form provided by the department that must be completed by the organization.

(3) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(4) "Licensed physician" is a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(5) "Permanent" means a licensed physician has certified the qualifying disability condition is expected to last at least five years.

(6) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s), individual with disability license tab, and identification card.

(7) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities.

(8) "Privilege" means the right to utilize the benefits associated with the individuals with disabilities, parking placards, identification card, license plate(s) and tabs.

(9) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities.

(10) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

NEW SECTION

**WAC 308-96B-020 General provisions.** (1) **How do I qualify for an individual with disabilities parking privilege?** To qualify for a temporary or permanent individual with disabilities parking privilege, a licensed physician or advanced registered nurse practitioner (ARNP) must certify, on a department approved application form, that you have a disability that limits or impairs your ability to walk and that you meet the requirements listed in RCW 46.16.381(1). The physician or ARNP must sign a declaration under penalty of perjury that you have a disability that limits or impairs the

ability to walk and that you meet one of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Are severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Have such a severe disability that you cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Use portable oxygen;

(e) Are restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Are impaired by cardiovascular disease or cardiac condition to the extent that your functional limitations are classified as class III or IV under standards accepted by the American Heart Association;

(g) Have a disability resulting from an acute sensitivity to automobile emissions which limits or impairs your ability to walk. Your personal physician or ARNP must document that your disability is comparable in severity to the others listed in this subsection; or

(h) Is legally blind and has limited mobility.

The medical declaration is required on all original applications for permanent and temporary disability privileges and for permanent disability privileges that have been expired more than thirty days. A declaration is not required for renewal of existing Washington privileges for an individual with disabilities.

(2) **How do I apply for an individual with disabilities parking privilege?** You must complete and sign your portion of the application. Once the licensed physician or ARNP portion of the application is completed, you submit it to most vehicle licensing offices or the department as noted on the application.

(3) **Who may sign the application for an individual with disabilities who is unable to sign or is a minor?** An authorized representative of the individual with disabilities may sign the application. The application must be accompanied by a copy of one of the following:

(a) A power of attorney;

(b) A Washington state court order or certification from the clerk of court confirming the court's action; or

(c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(4) **When is the individual with disabilities parking privilege no longer valid?**

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the individual with disabilities;

(d) If the disability no longer exists;

(e) The special license plates have been canceled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the individual with disability is no longer shown on the department's record as being a registered owner of the vehicle.

**(5) What do I receive when my application is approved for an individual with disabilities parking privilege?** An individual with disabilities identification card and:

(a) If you have a temporary disability, you will receive one temporary placard;

(b) If you have a permanent disability, you receive up to two privileges. You may choose to receive:

(i) Up to two permanent placards; or

(ii) One permanent placard and one set of individual with disabilities license plates or individual with disabilities year tab. The year tab may only be displayed on qualifying plates. The individual with disabilities must be a registered owner of the vehicle to receive these plates or tab.

**(6) When can the individual with disabilities parking privileges be used?** When transporting the person to whom the plate or placard is issued.

**(7) Why is the individual with disabilities identification card issued?** The identification card is issued to identify the individual with disabilities and to ensure that only those who qualify use the parking privilege. The identification card must be available for law enforcement or parking enforcement officials.

If you have just applied for and not yet received an individual with disabilities identification card, show the receipt you received at the time of application.

**(8) How do I display the individual with disabilities parking placard?**

(a) The placard is hung from the rearview mirror post; or

(b) The placard may be placed on the dashboard, (in the absence of the rearview mirror post).

The entire placard must be visible through the vehicle windshield.

**(9) How long is the individuals with disabilities parking privilege valid?**

(a) Temporary privileges are valid for up to six months from the date of issuance by the department.

(b) Permanent privileges are issued for five years and expire on the last day of the month of issuance. The expiration date can be located on the identification card or as marked on the placard. For example: If your expiration date is May 2008, your privilege will expire on May 31, 2008.

Note: License plates carry the expiration date of your vehicle registration and must be renewed annually.

**(10) How do I renew or extend my individual with disabilities parking privilege?**

(a) You cannot renew a temporary privilege. If your condition continues beyond the expiration date, you can obtain a new temporary individual with disabilities parking placard and identification card by submitting a new application completed and certified by a licensed physician or ARNP.

(b) You can renew a permanent privilege. The department will mail you a renewal notice before your privilege expires. Submit the completed renewal notice or a new application to most vehicle licensing offices to renew. You will receive your new parking placard(s) and new identification card through the mail.

(c) If permanent privilege has been expired more than thirty days you must submit a new application completed and certified by a licensed physician or ARNP.

**(11) What if the individual with disabilities parking placard or identification card is lost, mutilated, destroyed, or stolen?** To replace your individual with disabilities parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new individual with disabilities parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

**(12) What should I do with my placard and identification card when they are no longer valid?** When your placard and identification card are no longer valid, they should be destroyed.

Note: If the vehicle has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

#### NEW SECTION

**WAC 308-96B-030 Permanent placard and individual with disabilities special license plates for organizations.**

**(1) When can a qualifying organization use disabled person license plates or parking placards?** Qualifying organizations may only use disabled parking license plates or parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

**(2) How does an organization qualify for individual with disabled parking license plates and permanent parking placards?** The organization must:

(a) Service participants/clients who meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent individual with disabilities parking placard or disabled parking license plate to the department by April 30th each year.

**(3) How does a qualifying organization apply for disabled parking license plates and placards?** The organization must submit a completed individual with disabilities parking privileges organization application with appropriate documentation as indicated on the application.

**(4) When can a qualifying organization use disabled parking license plates or placards?** Qualifying organizations can only use disabled parking license plates or placards when transporting persons who meet the criteria for an individual with disabilities.

**(5) What can a qualifying organization receive when approved for parking privileges?**

(a) Disabled parking license plates can be issued for vehicles registered to the organization, which regularly transport persons who have qualified or would qualify for this parking privilege; or

(b) Parking placard(s) can be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disabled parking privilege.

An organization may receive up to ninety-nine placards, or disabled parking license plates can be issued to vehicles licensed in the name of the organization if used primarily for



transporting persons who have or would qualify for the parking privileges. The department may approve exceptions.

(6) **Where does a qualifying organization obtain individual with disabilities parking placard(s) or disabled parking license plates?** A qualifying organization can obtain disabled parking placard(s) and disabled parking license plates at most Washington vehicle licensing offices.

(7) **Is a qualifying organization issued an identification card?** No.

(8) **When do the disabled parking license plates or placard(s) for organizations expire?** The parking placard(s) expires five years from the date of issuance, on the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2008, it expires May 31, 2008.

Note: License plates also carry the expiration of your vehicle registration and must be renewed annually.

(9) **When are the disabled parking license plates and/or placard(s) no longer valid?** The individual with disabled parking license plates are no longer valid when:

- (a) The plates/placard(s) expire;
- (b) The privilege expires;
- (c) The vehicle is no longer being used for the purpose of transporting individuals with disabilities;
- (d) The disabled parking license plates/placard(s) have been canceled by department administrative action;
- (e) The organization no longer qualifies;
- (f) The organization's business license is canceled or expires;
- (g) If the privilege was issued in error; or
- (h) If the organization fails to return the annual report by April 30th.

(10) **How does an organization replace placards or disabled parking license plates if they become lost, mutilated, destroyed, or stolen?** The organization must complete and sign a statement explaining what happened to the placards or plates and pay replacement fees. Replacement permanent parking placards or disabled parking license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

(11) **How does an organization renew its permanent disabled parking placard(s)?** The department will send a renewal notice to the organization before the privilege expires. The organization must submit the completed and signed renewal notice or a new application. Upon approval of the completed and signed renewal notice or application, the department will issue new placards.

(12) **Does an organization qualify for disabled parking license plate tabs?** No.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-311	General provisions.
WAC 308-96A-312	Temporary individual with disabilities parking placard and identification card.
WAC 308-96A-313	Individual with disabilities parking placard and identification card—For permanent disabilities.
WAC 308-96A-314	Individual with disabilities special license plates.
WAC 308-96A-316	Permanent placard and individual with disabilities special license plates for organizations.

### **WSR 06-15-076**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

[Filed July 14, 2006, 8:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-019.

Title of Rule and Other Identifying Information: Chapter 308-94 WAC, Snowmobiles, specifically WAC 308-94-030 Snowmobile registration application—Registration year.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on September 11, 2006, at 10:00 a.m.

Date of Intended Adoption: October 3, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olympia, WA 98507-2957, e-mail [dbrown@dol.wa.gov](mailto:dbrown@dol.wa.gov), fax (360) 902-0140, by September 8, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by September 8, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to clarify language and to make it easier to understand.

Reasons Supporting Proposal: During normal review of the rules we found that language needed to be added to the rule to make it clearer.

Statutory Authority for Adoption: RCW 46.01.110.

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

Name of Agency Personnel Responsible for Drafting: Dale R. Brown, 1125 Washington Street S.E., Olympia, WA, (360) 902-4020; Implementation and Enforcement: Katherine Vasquez, 1125 Washington Street S.E., Olympia, WA, (360) 902-3718.

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

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

July 13, 2006  
Sheila Hadden  
for Julie Knittle, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-11-070, filed 5/14/01, effective 6/14/01)

**WAC 308-94-030 Snowmobile registration application—Registration year.** (1) ~~((What must be included on an application to register a snowmobile? An application for an original or transfer registration of a snowmobile must include:))~~ **How do I register my snowmobile?** To register your snowmobile you must submit the following:

(a) An application for original or transfer registration. The application must include:

(i) The name and address of each registered owner(s); and

~~((b))~~ (ii) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

~~((c))~~ (iii) The purchase price and year of purchase or declared value and year of declaration; and

~~((d))~~ Proof of payment of sales or use tax, or satisfactory proof that sales or use tax is not due as established by the department of revenue; and

~~((e))~~ (b) A copy of any of the following:

(i) Previously issued registration certificate;

(ii) Certificate of ownership from ~~((a foreign jurisdiction))~~ another state or country;

(iii) Manufacturer's certificate of origin;

(iv) A bill of sale or purchase agreement;

(v) ~~((A purchase agreement; or~~

~~((vi))~~ Other department approved ~~((documentation))~~ ownership documents; and

~~((f))~~ Certificate of fact explaining how the snowmobile was acquired; and

~~((g))~~ (c) Applicable fees and taxes.

(2) **How are security interests recorded?** Please contact the Uniform Commercial Code section for specific instructions/application or visit them on the web. Security interests ~~((must be recorded))~~ are registered with the Uniform Commercial Code section of the department, and will not be recorded on the snowmobile registration.

(3) **What is the registration period for snowmobiles?** The registration period for snowmobiles is October 1 through September 30 of the following year. ~~((Regardless of the date acquired, there is no abatement of the snowmobile))~~ Registration fees are not prorated.

## WSR 06-15-079

### PROPOSED RULES

## CENTRAL WASHINGTON UNIVERSITY

[Filed July 14, 2006, 8:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-069.

Title of Rule and Other Identifying Information: Career counseling services for non-CWU students or nonalumni.

Hearing Location(s): Central Washington University, Barge Hall, Room 304, Ellensburg, on September 18, 2006, at 4:00 p.m.

Date of Intended Adoption: September 25, 2006.

Submit Written Comments to: Judy B. Miller, CWU President's Office, 400 East University Way, Ellensburg, WA 98926-7501, e-mail miller@cwu.edu, fax (509) 963-3206, by September 15, 2006.

Assistance for Persons with Disabilities: Contact Disability Support Services by September 11, 2006, TTY (509) 963-2143.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Drafted in response to community demand, this new rule will provide access to professional career counseling services for non-CWU students and nonalumni.

Reasons Supporting Proposal: The new rule will allow the university to provide an important community service at minimal cost.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

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

Name of Proponent: Jaqualyn Johnson, director, CWU career services, public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jaqualyn Johnson, 400 East University Way, Ellensburg, WA 98926-7499, (509) 963-1921.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule does not impose costs on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Probable benefits of the rule are greater than the probable costs (RCW 34.05.328 (1)(d)).

July 7, 2006

Jerilyn S. McIntyre

President

### NEW SECTION

**WAC 106-200-110 Career counseling services for non-CWU students or nonalumni.** (1) Career services are available to anyone who seeks professional career assistance. CWU alumni who have completed forty-five quarter credits or more at CWU and CWU students are afforded these services free of charge. CWU students are defined as those who are currently enrolled, part-time or full-time, or are currently taking one quarter (fall, winter, or spring) away from school.

(2) Fees for non-CWU students and nonalumni:

Career assessment instruments plus interpretation - Thirty dollars per assessment.

Career counseling - Twenty dollars per session up to one hour.

Payment is made before the counseling session at the cashier's office (student financial services) located in 104 Barge Hall, 509-963-2224. Payment can be in the form of cash, Visa, MasterCard or money order.

(3) Career service locations:

Career Services  
Barge Hall 202, 204M  
Ellensburg Campus  
400 East University Way  
Ellensburg, WA 98926  
509-963-1921  
509-963-2404

CWU-Lynnwood  
Snoqualmie Hall 106  
20000 68th Ave. W.  
Lynnwood, WA 98036  
425-640-1574 ext. 3878

CWU-Des Moines  
Building 29, Room 261  
2400 S. 240th Street  
Des Moines, WA 98198  
206-439-3800 ext. 3841

CWU-Yakima Center  
Deccio Higher Education Center  
1000 S. 12th Avenue, Room 107  
509-574-6894  
509-963-3700

**WSR 06-15-095**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 17, 2006, 10:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-09-078.

Title of Rule and Other Identifying Information: Chapter 308-93 WAC, Vessel registration and certificate of title, specifically WAC 308-93-010 Definitions, 308-93-030 Vessels subject to excise tax, registration and titling, 308-93-050 Vessel exempted from registration, excise tax and titling, 308-93-055 Foreign vessels operating in this state—Identification document required, 308-93-070 Application for certificate of ownership/registration, and 308-93-090 Leased or rented vessels.

Hearing Location(s): Department of Licensing, Conference Room 108, 1125 Washington Street S.E., Olympia, WA 98507, on August 24, 2006, at 10:00 a.m.

Date of Intended Adoption: September 6, 2006.

Submit Written Comments to: Dale R. Brown, P.O. Box 2957, Mailstop 48200, 1125 Washington Street S.E., Olym-

pia, WA 98507-2957, e-mail dbrown@dol.wa.gov, fax (360) 902-0140, by August 23, 2006.

Assistance for Persons with Disabilities: Contact Dale R. Brown by August 23, 2006, TTY (360) 664-8885.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making is required to make additions to the rule to specify the vessel registration certificate must be carried on board the vessel for which it is issued at all times. The rule also cleans up language and makes the rule easier to read by the public.

Reasons Supporting Proposal: This will allow law enforcement another tool for boating safety.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

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

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: 1125 Washington Street S.E., Olympia, WA.

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

A cost-benefit analysis is not required under RCW 34.05.328. The contents of the proposed rules are explicitly and specifically dictated by statute.

July 17, 2006

Sheila Hadden

for Julie Knittle, Administrator

Title and Registration Services

AMENDATORY SECTION (Amending WSR 01-21-072, filed 10/18/01, effective 11/18/01)

**WAC 308-93-010 Definitions.** The following definitions apply to the rules in this chapter:

(1) "Bare boat" means a vessel rented without a captain or crew.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.

(3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.

(4) "Charter vessel" means a vessel rented with a crew.

(5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(6) "Conveyance" means transfer of title of a vessel from one person to another.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.

(8) "Director" means the director of the department of licensing.

(9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel

for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.

(11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(12) "Exclusively" means solely and without exception.

(13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction. Also referred to as "out-of-country."

(14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means or wind.

(15) "Identification documents" means the vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the ~~((Coast Guard where a))~~ number system has not been approved by the Coast Guard or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)

(17) "Legal owner/secured party" means a person ~~((or))~~, business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

(20) "Out-of-country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as Jet Ski or Wet Bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(29) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(30) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(31) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(32) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(33) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(34) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(35) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(36) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

**AMENDATORY SECTION** (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

**WAC 308-93-030 Vessels subject to excise tax, registration and titling exemptions.** ~~(1) What vessels are subject to excise tax, registration and titling)?~~ All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter (s 88.02 and) 82.49 RCW (, all vessels sixteen feet or longer equipped with propulsory machinery or sails, are subject to excise tax, registration and titling, including the following) and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

**(2) What vessels are subject to registration?** Most vessels are subject to registration under chapter 88.02 RCW, including the following:

~~((1))~~ (a) Amphibious vessels (vehicles);

~~((2))~~ (b) Docking hulls;

~~((3))~~ (c) Houseboats;

~~((4))~~ (d) Inflatable vessels with motors;

~~((5))~~ (e) Sailboats (sixteen feet or longer);

(f) Personal watercraft (Jet Ski, ~~((wet bike))~~ Sea-Doo, AquaTrax, Wave Runner, etc.);

~~((6))~~ (g) Racing vessels;

(h) Documented pleasure vessels.

**(3) What do I do with the vessel registration identification document?** The vessel registration document must be:

(a) Carried on board the vessel whenever on the waters;

(b) Made available to any law enforcement officer on request.

(4) What vessels are exempt from registration? Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

- (a) Vessels under sixteen feet in overall length are:
  - (i) Powered by ten horsepower or less; and
  - (ii) Used on waters where there is no federal jurisdiction.
- (b) Sailboats under sixteen feet;
- (c) Ship's tender when properly identified as a tender to the parent vessel; and
  - (i) Is used only for direct transportation from ship to shore; and
  - (ii) Is less than ten horsepower.
- (d) Vessels powered by human power, such as canoes, kayaks, and rowboats.
- (e) Documented charter vessels, including, bare boat and time share charters.

(5) What vessels are subject to titling? All vessels subject to registration are issued a title, except the following:

- (a) Vessel documented by the United States Coast Guard;
- (b) Owner is unable to provide proof of ownership;
- (c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

**WAC 308-93-055 ((Foreign)) Vessels from out-of-state operating in this state—Identification document required.** (1) **What documentation must be carried aboard a ((foreign)) vessel from another state or out-of-country when being operated upon the waters of this state?** The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

- (a) The ((foreign)) vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.
- (b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.
- (c) A second ((vessel)) sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

**(2) What must I provide to obtain a vessel sixty-day temporary identification document?** ((You must provide the following:))

- (a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;
- (b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;
- (c) Date the vessel first came into the state;
- (d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

**(3) How many vessel sixty-day temporary identification documents may be obtained?** Not more than two ((vessel sixty-day temporary identification documents)) may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

**(4) How do I display the vessel sixty-day temporary identification document?** ((The vessel sixty-day temporary identification document must be:))

- (a) Kept aboard ((the vessel)) at all times when moored and during operation;
- (b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;
- (c) Protected from the weather.

**(5) If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document?** ((If the vessel owner is not available,)) The person applying for the vessel sixty-day temporary identification document must have a:

- (a) Notarized/certified power of attorney from a registered owner of the vessel;
- (b) Copy of the vessel owner's out-of-state driver's license or photo identification; and
- (c) Copy of the ((foreign vessel)) out-of-state or out-of-country registration certificate.

AMENDATORY SECTION (Amending WSR 01-08-021, filed 3/27/01, effective 4/27/01)

**WAC 308-93-070 Application for certificate of ownership/registration.** (1) **When am I required to register my vessel in Washington?** Current ((foreign)) out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

**(2) What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration?** Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

- (a) Expiration date of the certificate of registration;
- (b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;
- (c) The department-assigned customer account number for each owner of the vessel including secured parties if available;
- (d) The address ((at which)) that one of the owners regularly receives mail;
- (e) The mailing address of the first secured party;
- (f) The Washington registration number as assigned;
- (g) Make and model year;
- (h) Length of vessel;
- (i) Type of power (gasoline, diesel, etc.);
- (j) Primary use (commercial, pleasure, etc.);
- (k) Primary method of propulsion (inboard, sail, etc.);
- (l) Type of vessel (runabout, cabin, etc.);
- (m) Primary vessel construction (fiberglass, wood, etc.);

- (n) County of moorage;
- (o) Hull identification number, if one has been assigned;
- (p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

**(q) The signature of at least one of the owners.**

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

~~((q))~~ **(r)** United States Coast Guard document number, if applicable.

**(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership?** In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

**WAC 308-93-090 Leased or rented vessels.** (1) **What is the difference between leased and rented vessels?** For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) **When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document?** ~~((A leased or rented vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances:))~~ If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in ~~((a foreign jurisdiction))~~ another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.-030(11). ~~((Not))~~ No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel

is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in ~~((a foreign jurisdiction))~~ another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the ~~((vessel is leased))~~ lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) **Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented?** ~~((Rented vessels are titled and registered in))~~ The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) **What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?**

~~((When the vessel is less than twenty-six feet in length and leased or rented for less than seven days, the following documents must be carried on the vessel:))~~

~~((i))~~ **(i)** A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ **(b)** A copy of the current registration certificate.

~~((When the vessel is less than twenty-six feet in length and leased or rented for seven days or more, the following documents must be carried on the vessel:))~~

~~((i))~~ A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ The original current registration certificate.

~~((When the vessel is twenty-six feet or more and is leased or rented, the following documents are required to be carried on the vessel:))~~

~~((i))~~ A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ The original current registration certificate.)

(5) **Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington?** Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certif-

icate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-050                      Vessels exempted from registration, excise tax and titling.

#### **WSR 06-15-097**

##### **PROPOSED RULES**

#### **CENTRAL WASHINGTON UNIVERSITY**

[Filed July 17, 2006, 10:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-08-071.

Title of Rule and Other Identifying Information: Tobacco use regulations and violations, chapter 106-124 WAC.

Hearing Location(s): Central Washington University, Barge Hall, Room 304, on August 30, 2006, at 3:00 p.m.

Date of Intended Adoption: September 6, 2006.

Submit Written Comments to: Judy B. Miller, CWU President's Office, 400 East University Way, Ellensburg, WA 98926-7501, e-mail miller@cwu.edu, fax (509) 963-3206.

Assistance for Persons with Disabilities: Contact Disability Support Services, TTY (509) 963-2143.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend current rules regarding smoking outside campus buildings where smoking is prohibited to comply with state law, clarify designation of identified outdoor smoking areas, and adjust infraction amount.

Reasons Supporting Proposal: Comply with state law and inform the public of new requirements.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Statute Being Implemented: RCW 70.160.075.

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

Name of Proponent: Judy B. Miller, President's Office, public.

Name of Agency Personnel Responsible for Drafting: Steve Rittereiser, Public Safety/Police Services, 400 East University Way, Ellensburg, 98926-7527, (509) 963-2959; Implementation and Enforcement: Kevin Higgins, Public Safety/Police Services, 400 East University Way, Ellensburg, 98926-7527, (509) 963-2959

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rule does not impose costs on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Specifically dictated by RCW 34.05.328.5 (b)(v) [RCW 34.05.328 (5)(b)(v)].

July 14, 2006

Elizabeth M. Street

Executive Assistant to the

President for Policy and Planning

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

**WAC 106-124-910 Tobacco regulations.** (1) The act(s) of smoking or chewing tobacco shall not be permitted inside any Central Washington University administrative or academic building or in identified external areas that may affect those people inside the administrative and academic buildings.

(2) Smoking is prohibited within ~~((twenty feet of administrative and academic buildings, except in designated areas determined by the vice president for business and financial affairs or his or her designee))~~ a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(3) Smoking will be allowed in identified outdoor smoking areas ~~((on campus))~~ in compliance with chapter 70.160 RCW. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area. Smokers can request a designated area through the office of the vice-president for business and financial affairs. The local health officer may exempt designated smoking areas on campus from the twenty-five-foot minimum distance from entrances, exits, windows that open, and ventilation intakes of campus buildings where smoking is prohibited, upon application by the vice-president of business and financial affairs and a finding that the public health and safety will be adequately protected by a lesser distance.

AMENDATORY SECTION (Amending WSR 04-12-015, filed 5/24/04, effective 6/24/04)

**WAC 106-124-920 Tobacco use violations.** Violations of tobacco use regulations may result in a ~~((fifty))~~ one hundred-dollar infraction and will be handled in accordance with RCW 70.160.070.

#### **WSR 06-15-104**

##### **PROPOSED RULES**

#### **PUBLIC DISCLOSURE COMMISSION**

[Filed July 17, 2006, 12:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-010.

Title of Rule and Other Identifying Information: WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees and 390-05-522 Place of business—Definition, rules relating to the reporting requirements under chapter 348, Laws of 2006.

Hearing Location(s): Commission Hearing Room, 711 Capitol Way, Room 206, Olympia, WA 98504, on August 24, 2006, at 10 a.m.

Date of Intended Adoption: August 24, 2006.

Submit Written Comments to: Doug Ellis, Public Disclosure Commission (PDC), P.O. Box 40908, Olympia, WA 98504-0908, e-mail dellis@pdc.wa.gov, fax (360) 753-1112, by August 22, 2006.

Assistance for Persons with Disabilities: Contact Kami Madsen by phone (360) 586-0544.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In order to clarify and provide guidance to filers, WAC 390-05-522 defines "a place of business in the state of Washington" for purposes of the \$25 threshold (RCW 42.17.093 (1)(f)) to be corporations that are headquartered, or have a primary place of business, in Washington.

WAC 390-16-050 amends PDC Form C-5 to reflect the changes specified in the session law. These changes include:

1. The disclosure of the name, address and employer of each person or corporation residing outside the state of Washington who has contributed \$2,500 or more to the out-of-state committee during the current calendar year;
2. Changing the due date from the 20th of the month to the 10th of the month for activity in the previous month;
3. Removing the exemption for federal PACs filing with the Federal Election Commission and including reference to out-of-state federal PACs in the filing instructions; and
4. Applying the definition of "place of business in Washington state" pursuant to WAC 390-05-522.

Reasons Supporting Proposal: To comply with statutory changes under chapter 348, Laws of 2006.

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: Chapter 348, Laws of 2006.

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: WAC 390-05-522 and 390-16-050 are designed to provide clarification and guidance to candidates and out-of-state political committees on the filing requirements under chapter 348, Laws of 2006.

Name of Proponent: Public disclosure commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-2735; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504, (360) 664-8853.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The implementation of this new rule and rule amendments impacts candidates and political committees, not small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The PDC is not an agency listed in subsection

(5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to these rules pursuant to subsection (5)(a)(i) of section 201, and, to date, the Joint Administrative Rules Review Committee has not made section 201 application to these rule adoptions.

June 29, 2006

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 04-01-131, filed 12/18/03, effective 1/18/04)

**WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees.** The official form for the report required by RCW 42.17.093 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 is designated "C-5," revised (~~1/04~~) 8/06. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.



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Form <b>C5</b> 1/04	This space for office use  P M A R K  R E C E I V E D
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**OUT OF STATE COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES**

<b>1. Name and address of committee making the contribution</b> Name Street address City / State / Zip	<b>2. Check appropriate box</b> <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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**3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., A State Committee of the Oregon Democratic or Republican Party, Idaho committee of United Workers Union or XYZ Trade Assn.)**

<b>4. Officers or responsible leaders of committee:</b> Name and address	Title
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**5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00.**

Candidate's name	Office sought	Political Party	Date	Amount given

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

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

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

Recipient's name and address	Purpose	Date	Amount given

Check here  if continued on an attached sheet

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

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

Name and address	Date	Amount

Check here  if continued on an attached sheet

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

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

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

\_\_\_\_\_  
Signature of Committee Official

\_\_\_\_\_  
Name - Typed or Printed

\_\_\_\_\_  
Title

\_\_\_\_\_  
Daytime Telephone No. ( )

\_\_\_\_\_  
E-Mail Address

**INSTRUCTIONS**  
(Statutory reference: RCW 42.17.093)

**WHO MUST REPORT**

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

**WHEN TO REPORT**

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

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

**SEND REPORT TO**

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

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Form <h1 style="margin: 0;">C5</h1> 8/06	This space for office use P M O S T K  R E C E I V E D
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**OUT OF STATE COMMITTEE CONTRIBUTIONS  
TO WASHINGTON CANDIDATES OR COMMITTEES**

<b>1. Name and address of committee making the contribution</b> Name Street address City / State / Zip	<b>2. Check appropriate box</b> <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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**3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)**

**4. Officers or responsible leaders of committee:**

Name and address	Title
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**5. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.**

Candidate's name	Office sought	Political Party	Date	Amount given

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

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

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

Recipient's name and address	Purpose	Date	Amount given

Check here  if continued

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

**9. Contributions received from Washington residents.** List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and address	Date	Amount

Check here  if continued on an attached sheet

**10. Contributions received from persons residing outside of Washington.** List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,500 in the aggregate to this out-of-state committee during the current calendar year.

Contributor's name, Address, City, State, Zip	Employer's Name, City and State	Date	Amount

Check here  if continued on an attached sheet

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

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

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

Signature of Committee Official _____	Name – Typed or Printed _____
Title _____	Daytime Telephone No. (    ) _____
	E-Mail Address _____

## **INSTRUCTIONS**

**(Statutory reference: RCW 42.17.093)**

### **WHO MUST REPORT**

An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state.

A political committee is considered "out-of-state" if it maintains its office or headquarters in another state or the District of Columbia. If there is no office or headquarters, then the political committee is considered "out-of-state" if its treasurer resides in another state or the District of Columbia.

### **WHEN TO REPORT**

A C-5 report is due no later than the 10<sup>th</sup> day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C-5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10<sup>th</sup> day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made.

The C-5 report is considered filed as of the postmark date.

### **SEND REPORT TO**

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

#### **Questions?**

**Contract PDC at [www.pdc.wa.gov](http://www.pdc.wa.gov), toll free at 1-877-601-2828 or 1-360-753-1111**

NEW SECTION**WAC 390-05-522 Place of business—Definition. (1)**

"A place of business in the state of Washington" as that term is used in RCW 42.17.093 (1)(f) means the business is headquartered in or has a primary place of business in Washington state.

For example, if a national corporation headquartered outside of Washington state has retail outlets in Washington and that national corporation contributes two hundred fifty dollars to an out-of-state political committee that is subject to reporting under RCW 42.17.093, the out-of-state committee is not required to disclose the national corporation as a contributor under RCW 42.17.093 (1)(f).

**WSR 06-15-111**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(By the Code Reviser's Office)

[Filed July 18, 2006, 11:50 a.m.]

WAC 220-12-090 and 220-77-100, proposed by the department of fish and wildlife in WSR 06-02-079 appearing in issue 06-02 of the State Register, which was distributed on January 18, 2006, 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 06-15-116**

**PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed July 19, 2006, 8:01 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 06-05-111.

Title of Rule and Other Identifying Information: This proposal amends chapter 16-462 WAC, Grape planting stock, by (1) exempting registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory from the isolation distance from noncertified or nonregistered grapevines; (2) repealing the requirement that different varieties of grapevines in registered blocks must be separated by a minimum distance; (3) modifying the requirements for propagating registered stock by allowing an extra generation under controlled conditions; (4) recognizing the responsibility of Washington State University (WSU) for inspecting and indexing the Northwest Foundation Block at WSU-Prosser; (5) repealing the requirement that grapevines used for the production of certified planting stock must be pruned to allow fruiting; (6) requiring that certified grape planting stock must be free of regulated pests and diseases; and (7) adding vine mealy bug to the list of pests that certified grape

planting stock must be free of. In addition, this proposal amends the current language to increase its clarity and readability.

Hearing Location(s): Washington State Department of Agriculture, 21 North 1st Avenue, Conference Room 238, Yakima, WA 98902, on August 31, 2006, at 2:00 p.m.

Date of Intended Adoption: September 8, 2006.

Submit Written Comments to: Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by August 31, 2006.

Assistance for Persons with Disabilities: Contact Henri Gonzales by August 24, 2006, TTY (360) 902-1996 or (360) 902-2061.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed revisions will reflect the changing practices of the grapevine nurseries, especially towards greenhouse and laboratory production. Isolation distances from potentially infected grapevines that are important in the field are impractical and unnecessary in an enclosed facility, as is the requirement for fruiting. The proposed revisions eliminate the required space between varieties and allow an additional generation of registered vines under certain conditions. These revisions are necessary for nurseries to meet the increasing demand for specific clones and selections by allowing nurseries to propagate large amounts of certified vines from a relatively small number of registered vines. Under this proposal the department will be able to certify the Northwest Foundation Block at WSU.

Reasons Supporting Proposal: These proposed revisions will allow increased market competitiveness for Washington grown certified grapevines and help meet increasing demands for certified planting stock from the grape industry.

Statutory Authority for Adoption: Chapters 15.14 and 34.05 RCW.

Statute Being Implemented: Chapter 15.14 RCW.

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

Name of Proponent: Washington state department of agriculture with the support of the grapevine advisory committee, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tom Wessels, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1984.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose a more than minor cost on the regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

July 19, 2006

Mary A. Martin Toohey  
Assistant Director

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

**WAC 16-462-010 Grape planting stock program—**

**General.** (1) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in ~~((the))~~ this chapter and found to be in compliance with all standards and requirements established in this chapter.

(2) The issuance of a state of Washington plant tag, stamp, or other document under this chapter means only that the tagged, stamped or otherwise documented planting stock has been subjected to standards and procedures described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all ~~((express))~~ expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the grape planting stock certification program is voluntary.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-015 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

~~((1))~~ "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

~~((2))~~ "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified in compliance with the provisions of this chapter.

~~((3))~~ "Department" means the department of agriculture of the state of Washington.

~~((4))~~ "Director" means the director of the department of agriculture or the director's designee.

~~((5))~~ "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

~~((6))~~ "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

~~((7))~~ "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

"Mother vine" means a grapevine used as a source for propagation material.

~~((8))~~ "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

~~((9))~~ "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

~~((10))~~ "Registered vine" means any vine propagated from a foundation block approved by the director, identified to a single vine source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

~~((11))~~ "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-020 Requirements for participation in the grape planting stock program.** (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain records identifying the foundation source of registered vines and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantine pest.

(5) Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grapevines have been grown within the past ten years. This does not apply to registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory provided the facility does not contain noncertified grapevines.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-021 Requirements for registered blocks.** (1) All registered grapevines must be identified by the number assigned to the single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) ~~((and))~~, (4), and (5) of this section, registered plants

must be propagated directly from cuttings taken from a foundation block.

(3) Plants propagated from a foundation block by aseptic shoot tip propagation and grown entirely under laboratory or greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grapevines.

~~(5) ((Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.))~~ The department may permit participating nurseries to propagate registered grapevines from other registered grapevines for the purpose of establishing or increasing other registered blocks within the nursery under the following conditions:

(a) Mother vines were propagated directly from a foundation vine;

(b) Propagation is under environmentally controlled conditions to prevent the introduction of pests; and

(c) Mother vine is no more than two years old, or has been tested and found free of regulated viruses within the past two years.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections.** (1) Inspections and indexing of registered grapevines and certified planting stock will be performed by the department at times determined to be suitable for the detection of virus and virus-like disease symptoms. Washington State University will inspect and index the foundation block.

(2) The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) Grapevine Standard.

(3) The department will conduct at least two inspections of registered grapevines during each growing season.

~~(4) ((Except for varieties to be used solely as rootstock, registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.~~

~~(5))~~ The department will inspect certified planting stock at least three times per year, twice during the growing season and once during or after harvest.

~~((6))~~ (5) The department will refuse or withdraw registration or certification for any planting stock that is infested or infected with any ~~((quarantine))~~ regulated pest.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-030 Certified grape ((nursery)) planting stock—Application and fees.** (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

**WAC 16-462-035 Certified grape ((nursery)) planting stock—Tagging and identity.** (1) Certification tags issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings, cuttings and grafted plants.

(2) Any person selling Washington certified grape ~~((nursery))~~ planting stock is responsible for the identity of such ~~((nursery))~~ planting stock. Persons issued tags authorized by this chapter must account by variety for stock produced and sold. They must keep and allow the department to inspect and copy records necessary to verify this.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-050 Certified grape planting stock—Requirements.** Certified plants must be ~~((apparently))~~ free of grapevine fanleaf virus, grapevine leafroll-associated viruses, grapevine corky bark disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, and vine mealy bug. It must also be free of root knot nematode, crown gall and other visible diseases or serious pest injuries.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

**WAC 16-462-055 Certified grape planting stock—Grades and standards.** All field-grown certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.



**WSR 06-15-117**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 19, 2006, 8:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-173.

**Title of Rule and Other Identifying Information:** This proposal amends the apple pest certification fee rule (WAC 16-390-230) by increasing the apple pest certification fee from \$.0075 per hundredweight (cwt.) to \$.015 per cwt. This proposed increase is effective through December 31, 2008. The fee reverts back to \$.0075 per cwt. on January 1, 2009. During the 2006 legislative session, the Washington state legislature authorized the Washington state department of agriculture to increase fees in excess of the office of financial management fiscal growth factor in order to ensure that fees charged for services covered the full cost of operating department programs (see chapter 372, Laws of 2006 (ESSB 6386)).

**Hearing Location(s):** Washington State Department of Agriculture, 21 North 1st Avenue, Conference Room 238, Yakima, WA 98902, on August 31, 2006, at 11:00 a.m.

**Date of Intended Adoption:** September 8, 2006.

**Submit Written Comments to:** Henri Gonzales, P.O. Box 42560, Olympia, WA 98504-2560, e-mail hgonzales@agr.wa.gov, fax (360) 902-2094, by August 31, 2006.

**Assistance for Persons with Disabilities:** Contact Henri Gonzales by August 24, 2006, TTY (360) 902-1996 or (360) 902-2061.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple-maggot free areas or locations has greater market access for international shipments. The apple pest certification fee is used to fund annual surveys for apple maggot. Data collected from last summer's apple maggot survey provided evidence that the state's apple maggot population has expanded its range. Because of this, additional resources will be needed to conduct expanded future apple maggot surveys in order to comply with international standards. In addition, the program has experienced increased costs of inputs, particularly gasoline. Changes to the existing rule may be needed to help manage and prevent the possible movement of apple maggot from infested areas into uninfested areas, secure our continued access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest.

**Reasons Supporting Proposal:** Changes to the existing rule may be needed to help secure our continued access to international and interstate markets. Failure to adopt the proposed amendments may jeopardize foreign and domestic markets for Washington apples.

**Statutory Authority for Adoption:** Chapters 15.17, 17.24, 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 with the support of the apple maggot working group, governmental.

**Name of Agency Personnel Responsible for Drafting:** Mary Toohey, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Brad White, 1111 Washington Street S.E., Olympia, WA 98504-2560, (360) 902-2071.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.030 (1)(a) requires that an agency must prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they do not impose more than minor costs on the small business in regulated industry and, therefore, a formal SBEIS is not required.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency under RCW 34.05.328 (5)(a)(i).

July 19, 2006

Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

**WAC 16-390-230 What is the fee for an apple pest certification? Through December 31, 2008, the fee for apple pest certification, using the survey method, on all fresh apples produced in Washington state or marketed under Washington state grades and standards, is ((\$.0075)) \$.015 per cwt. or fraction thereof. Beginning January 1, 2009, the fee shall be \$.0075 per cwt. or fraction thereof.**

**WSR 06-15-118**  
**PROPOSED RULES**  
**HEALTH CARE AUTHORITY**

(Basic Health)

[Order 06-05—Filed July 19, 2006, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-155.

**Title of Rule and Other Identifying Information:** Basic Health eligibility, granting enrollment priority status to members of the Washington National Guard and Reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle and their spouses and dependents.

**Hearing Location(s):** Health Care Authority, 676 Woodland Square Loop S.E., Center Conference Room, Lacey, WA, on August 23, 2006, at 10:00 a.m.

**Date of Intended Adoption:** August 25, 2006.

Submit Written Comments to: Bob Longhorn, P.O. Box 42686, Olympia, WA 98504-2686, e-mail bob.longhorn@hca.wa.gov, fax (360) 923-2605, by August 22, 2006.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 9, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To revise the rules regarding Basic Health eligibility so they comply with section 9, chapter 343, Laws of 2006. The session law grants enrollment priority status to members of the Washington National Guard and Reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Noble Eagle, and their spouses and dependents.

Reasons Supporting Proposal: Rules must be revised to comply with the requirements of chapter 343, Laws of 2006 (2SHB 2754, which was passed by the 2006 legislature).

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.030.

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

Name of Proponent: Health care authority (HCA), governmental.

Name of Agency Personnel Responsible for Drafting: Bob Longhorn, Lacey, Washington, (360) 412-4327; Implementation and Enforcement: Rosanne Reynolds, Lacey, Washington, (360) 923-2948.

No small business economic impact statement has been prepared under chapter 19.85 RCW. HCA is not required by chapter 19.85 RCW to prepare a small business economic impact statement. There will be little, if any, cost to small business.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to the HCA rules unless requested by the Joint Administrative Rules [Review] Committee or applied voluntarily.

July 19, 2006

Cyndi Presnell

Assistant Rules Coordinator

AMENDATORY SECTION (Amending Order 04-03, filed 11/5/04, effective 1/1/05)

**WAC 182-25-030 Eligibility.** (1) To be eligible for enrollment in BHP, unless otherwise specified elsewhere in this chapter, an individual must be a Washington state resident who is not:

(a) Eligible for free Medicare coverage or eligible to buy Medicare coverage; or

(b) Institutionalized at the time of enrollment.

(2) Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who is no longer a Washington resident, who becomes eligible for free or purchased Medicare, or who is later determined to have failed to meet BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled,

provided he or she remains otherwise eligible and continues to make all premium payments when due.

(3) Eligibility for BHP Plus and maternity benefits through medical assistance is determined by DSHS, based on Medicaid eligibility criteria.

(4) For subsidized enrollment in BHP, an individual must meet the eligibility criteria in subsection (1) of this section and the definition of "subsidized enrollee" in WAC 182-25-010(38), and must pay, or have paid on his or her behalf, the monthly BHP premium.

(5) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level, must meet the eligibility criteria in subsection (1) of this section, and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

(6)(a) An individual otherwise eligible for enrollment in BHP as a subsidized enrollee may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP, or would result in an overexpenditure of BHP funds. An individual otherwise eligible for enrollment in either the subsidized or nonsubsidized program may also be denied enrollment if no MHCS is accepting new enrollment in that program or from the geographic area where the applicant lives.

(b) If the administrator closes or limits subsidized enrollment, to the extent funding is available, BHP will continue to accept and process applications for subsidized enrollment from:

(i) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;

(ii) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

(iii) Eligible individual home care providers;

(iv) Licensed foster care workers;

(v) Limited enrollment of new employer groups; ~~(and)~~

(vi) Members of the Washington National Guard and Reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents; and

(vii) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

(c) If the administrator has closed or limited subsidized enrollment, applicants for subsidized BHP who are not in any of the categories in (b) of this subsection may reserve space on a waiting list to be processed according to the date the waiting list request or application is received by BHP. When enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

**WSR 06-15-125**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 06-07—Filed July 19, 2006, 10:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-11-024.

Title of Rule and Other Identifying Information: Washington state electronic product recycling program, chapter 173-900 WAC. Department of ecology is proposing new rules to regulate electronic product recycling. These rules will implement ESSB 6428, passed by the 2006 legislature.

This rule making will occur in two phases. The first phase, proposed with this CR-102, will focus on the portions of the law related to registration of manufacturers, collectors, and transporters of electronic products; administrative fee structure; brand labeling; enforcement and penalties; and other related requirements.

This will be followed by a second phase that will address the remaining rules required by the law, such as more details on recycling plans; registration for processors of electronic products; requirements for manufacturers and retailers, collectors, transporters and plan implementers; and performance standards for processors, collectors, and transporters. It is the department's intention to develop these rules in a manner consistent with all agency regulatory rules such as, but not limited to, chapters 173-303 and 173-350 WAC, related to solid and hazardous waste and recycling.

Hearing Location(s): Department of Ecology, Vancouver Field Office Conference Room, 2108 Grand Boulevard, Vancouver, WA, on August 22, 2006, at 7:00 p.m.; at the Snohomish County PUD Electric Building Headquarters, Commissioners Meeting Room, 2320 California Street, Everett, WA, on August 24, 2006, at 7:00 p.m.; and at the Spokane Regional Health District Auditorium, 1101 West College Avenue Spokane, WA, on August 29, 2006, at 7:00 p.m.

Date of Intended Adoption: October 25, 2006.

Submit Written Comments to: Jay Shepard, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail wa-recycles-electronics@ecy.wa.gov, fax (360) 407-6102, by 5:00 p.m., September 7, 2006.

Assistance for Persons with Disabilities: Contact Michelle Payne, voice (360) 407-6109, TTY (360) 407-6006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making will propose a new chapter in the Washington Administrative

Code to implement the electronic product recycling program created by the legislature in 2006 (ESSB 6428). This rule making will focus on the portions of the law related to registration of manufacturers, collectors, and transporters of electronic products; administrative fee structure; brand labeling; enforcement and penalties; and other related requirements.

Reasons Supporting Proposal: The proposed rule is the first step in implementing the new electronic product recycling law, chapter 70.95N RCW.

Statutory Authority for Adoption: Chapter 183, Laws of 2006 (PV), chapter 70.95N RCW.

Statute Being Implemented: Chapter 183, Laws of 2006 (PV), chapter 70.95N RCW.

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

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Jay Shepard, Olympia, Washington, (360) 407-7040; Implementation and Enforcement: Cullen Stephenson, Olympia, Washington, (360) 407-6103.

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

**Small Business Economic Impact Statement**

*If you need this document in another format please call Tami Dahlgren at (360) 407-6880. If you are a person with a speech or hearing impairment call 711 or 1-800-833-6388 for TTY.*

**1. INTRODUCTION:**

**DESCRIPTION AND PURPOSE OF THE SBEIS:** This small business economic impact statement (SBEIS) evaluates the costs that the proposed rule might impose on businesses. In particular, ecology finds that the costs to businesses of the proposed rule create a disproportionate impact on the state's small businesses.<sup>1</sup>

<sup>1</sup> The specific purpose and required contents of the SBEIS is contained in RCW 19.85.040.

This SBEIS evaluates the proposed rule which was developed under ESSB 6428. ESSB 6428 was passed during the 2006 Washington state legislative session and became effective July 1, 2006. Due to the timeline, ecology divided the rule-making process into two phases. The SBEIS evaluates phase one of the rule making and will focus on the following topics:

- Manufacturer registration process: All manufacturers who plan to have their covered electronic products sold in or into Washington after January 1, 2007, must be registered with the department of ecology. Ecology must have rules in place in sufficient time to notify manufacturers of the requirements.
- Manufacturer fee structure and payment schedule: Manufacturers must pay their fees by January 1, 2007.
- Mandatory brand labeling: Manufactures [Manufacturers] must brand label covered electronic products by January 1, 2007.

- Collector and transporter registration: In order to provide adequate notice to collectors, transporters, the registration form has been developed for phase 1.

Phase 2 rule making will focus on developing rules to implement the remaining portions of SB 6428. This will include: Recycling plan submittal, review and content; program implementation; return share and equivalent share calculations; processor registration; standards for collectors; transporters and processors; and additional topics identified during the public involvement process. This SBEIS will be modified for the adoption of Phase two.

**2. DISCUSSION OF COMPLIANCE COSTS FOR BUSINESSES:**

**INTRODUCTION:** Chapter 173-900 WAC will establish a state-wide electronic product recycling program in Washington that holds manufacturers responsible for the final disposal costs of the covered electronic products they sell. Under phase 1 of this rule, manufacturers, collectors and transporters will be required to register and manufacturers will pay annual fees. Manufacturers must register in order to be allowed to sell product directly or through retailers in Washington.

**Manufacturer Registration:** Manufacturers are required to fill out the registration form which includes listing name and contact information, billing information and whether the manufacturer expects to participate in a standard or independent plan. Then the manufacturer must identify all the brands which the company owns. For each brand, a graphic and word description of brand labels used must be submitted to ecology. Manufacturers must also list brand names that are no longer offered for sale but which the company still owns. Additionally, they must list the brands that the company manufacturers [manufactures], but does not own. Manufacturers must pay their administrative fee when they submit their registration form. The fee will be based on the tier they are assigned to according to the following Table IIa.

Table IIa

Tiers	Manufacturer's percentage of total unit market share
Tier 1	1% or greater
Tier 2	.1% to < 1%
Tier 3	.03% to < .1%
Tier 4	.01% to < .03%
Tier 5	Below .01%

Fees will be distributed to each tier in order to spread costs based on the unit sales, given the number of manufacturers and the amount of revenue that needs to be generated to cover ecology's administrative costs (See Table IIIb). Manufacturers may request to be reassigned to a different tier if they believe they have been incorrectly assigned. The reassignment process is different for manufactures [manufacturers] assigned to Tier 1 and 2 than the process for manufacturers assigned to Tier 3 and 4. The details and impacts of the registration form, administrative fee and tier reassignment requirements are discussed in Section 3: Costs.

**Collector, Transporter Registration:** The collector and transporter registration is combined onto the same form. The form does not request any information beyond what the statute requires. The form requires the company unified business identifier (UBI), tax identification number (TIN) and contact information for all registrants. The transporter information required includes standard requests such as several general yes or no transporter questions, operating status of the business, service area, licensing information and commodities transported. The collector information requested includes several general yes or no collector questions, facility location questions, status of business, commodities collected, service area and Washington state business license number.

**3. COSTS:**

**DISTRIBUTION OF COMPLIANCE COSTS:** Small businesses are defined for the purpose of the SBEIS to have less than fifty employees. A requirement of the SBEIS is that it must compare the costs of compliance for small businesses with the cost of compliance for the 10% of businesses that are the largest businesses required to comply with the proposed rules. This impact statement will focus on the cost per employee, while examining national as well as statewide trends. **Fees:** Table IIIa displays figures for computer manufacturing and audio and video equipment manufacturing for Washington state, at a national level and averages combining the figures.

Table IIIa

Washington Small Business/Large Business Ratio Computer and Television Manufacturers		
	Small Businesses (less than fifty employees)	Large Businesses (greater than fifty employees)
<b>Total</b>	269	9
<b>Percentage</b>	96.7%	3.3%
<b>Average Employee per establishment</b>	34.5	249.5
National Small Business/Large Business Ratio Computer and Television Manufacturers		
	Small Businesses (less than fifty employees)	Large Businesses (greater than fifty employees)
<b>Total</b>	485	571
<b>Percentage</b>	81.5%	18.5%
<b>Average Employee per establishment</b>	9.65	318.35
Washington and National Average		
	Small Businesses (less than fifty employees)	Large Businesses (greater than fifty employees)
<b>Percentage</b>	89.1%	10.9%
<b>Average Employee per establishment</b>	22.1	283.9

Averaging both statewide and national estimates, ecology found that approximately 90% of computer and television manufacturing establishments are small businesses. There is an estimated average of twenty-two employees per small business establishment. It is expected that small businesses will be assigned to Tiers 2 through 5 on the fee schedule. The fees in the tier schedule are set up to be flexible to

vary depending on how many manufacturers are in a given category each year and the amount of unit market share each tier encompasses. Given that there is no set fee associated with each tier, ecology will use the best information available to estimate how small businesses will be impacted by this fee schedule. Table IIIb is an example of how the fee structure may be interpreted for the initial and second year of the program. It should be noted the initial year fees represent significantly higher initial year costs due to start-up expenses ecology will incur. As companies move into and out of fee tiers by declaring the number of units they have sold into Wash-

ington, the individual fees will change. Two Scenarios are displayed in Table IIIb.

Table IIIb

Example of how fee structure may be interpreted for 1<sup>st</sup> and 2<sup>nd</sup> year of program with a range of units from 1.1 million to 2.2 million.<sup>2</sup>

<sup>2</sup> The 1.1 million units estimate comes from data for CEA member companies and the 2.2 million estimate is generated based on data from the Cascadia study.

Scenario 1: 1.1 million units in Washington									
First Year									
Tier	# Companies	% of Costs	# Units	Fee per Unit	Minimum Fee per Unit	Maximum Fee per Unit	Total Collection	Individual Fee	Rounded
1	25	67.5%	742,500	\$0.42	\$0.07	\$1.14	\$311,850	\$12,474	\$12,500
2	25	20.0%	220,000	\$0.42	\$0.34	\$3.36	\$92,400	\$3,696	\$3,700
3	25	10.0%	110,000	\$0.42	\$1.68	\$5.61	\$46,200	\$1,848	\$1,850
4	50	5.0%	55,000	\$0.42	\$1.44	\$4.32	\$23,100	\$462	\$475
5	50	0.5%	5,500	\$0.42	\$0.41	\$45.00	\$2,310	\$46	\$45
Total			1,100,000				\$475,860		
Second Year									
Tier	# Companies	% of Costs	# Units	Fee per Unit	Minimum Fee per Unit	Maximum Fee per Unit	Total Collection	Individual Fee	Rounded
1	25	67.5%	742,500	\$0.20	\$0.03	\$0.55	\$148,500	\$5,940	\$6,000
2	25	20.0%	220,000	\$0.20	\$0.16	\$1.64	\$44,000	\$1,760	\$1,800
3	25	10.0%	110,000	\$0.20	\$0.82	\$2.73	\$22,000	\$880	\$900
4	50	5.0%	55,000	\$0.20	\$0.67	\$2.00	\$11,000	\$220	\$220
5	50	0.5%	5,500	\$0.20	\$0.20	\$22.00	\$1,100	\$22	\$22
Total	175		1,100,000				\$226,600		
Source: Jay Shepard, Dept. of Ecology									
Scenario 2: 2.2 million units in Washington									
Initial Year									
Tier	# Companies	% of Costs	# Units	Fee per Unit	Minimum Fee per Unit	Maximum Fee per Unit	Total Collection	Individual Fee	Rounded
1	18	67.5%	1,415,600	\$0.21	\$0.09	\$0.75	\$297,276	\$16,515	\$16,500
2	25	20.0%	440,000	\$0.21	\$0.17	\$1.68	\$92,400	\$3,696	\$3,700
3	32	10.0%	289,400	\$0.21	\$0.86	\$2.88	\$60,774	\$1,899	\$1,900
4	50	5.0%	110,000	\$0.21	\$0.68	\$2.05	\$23,100	\$462	\$450
5	50	0.5%	11,000	\$0.21	\$0.20	\$45.00	\$2,310	\$46	\$45
Total	175		2,200,000				\$475,860		
Second Year									
Tier	# Companies	% of Costs	# Units	Fee per Unit	Minimum Fee per Unit	Maximum Fee per Unit	Total Collection	Individual Fee	Rounded
1	18	67.5%	1,415,600	\$0.10	\$0.02	\$0.36	\$141,560	\$7,864	\$7,900
2	25	20.0%	440,000	\$0.10	\$0.08	\$0.82	\$44,000	\$1,760	\$1,800
3	32	10.0%	289,400	\$0.10	\$0.41	\$1.36	\$28,940	\$904	\$900
4	50	5.0%	110,000	\$0.10	\$0.68	\$2.05	\$11,000	\$220	\$450
5	50	0.5%	11,000	\$0.10	\$0.20	\$45.00	\$1,100	\$22	\$45
Total	175		2,200,000				\$226,600		
Source: Jay Shepard, Dept. of Ecology									

Note: This assumes the inclusion of units from Major Retailers that own brand names.

This tier structure is based on a conservative estimate that one hundred seventy-five manufacturers will register with ecology. It is anticipated that twenty-five manufacturers will be assigned to the Tier 1 category thus representing the top 10% of manufacturers. It is assumed the remaining Tiers 2-4 will be assigned to small businesses.

Table IIIc shows the cost per employee for small and large businesses. The cost per employee is 12% higher for small than for large businesses. This table uses Scenario 1 in Table IIIb.

Table IIIc: Fees and cost per employee

Cost per employee	Large Business	Small Business
Average # employees	284	22
Total fee collected Tier 1	\$311,850	
Total fee collected Tier 2-5		\$164,010
# Establishments	25	150
# Employees	7100	3300
<b>Cost per employee</b>	<b>\$43.92</b>	<b>\$49.70</b>

Additional manufacturer's costs include registration time and requests for tier reassignment. It is anticipated that registration time and tier reassignment burdens will fall more heavily on larger businesses.

**Manufacturer Registration Application:**

- Large businesses will experience greater costs due to independent plans. The registration form requests manufacturers to decide whether they will be participating in the standard plan or an independent plan. Under the law, an independent plan must hold 5% or more of the return share. Manufactures [Manufacturers] can do this either alone or combined with other manufacturers and it is anticipated that most small businesses will opt to participate in the standard plan and that the very large businesses will experience costs as they analyze the benefits and costs of creating their own independent plan. Forming an independent plan is a complex process as they require collection points in every county and community with a population greater than 10,000, among other qualifications. It is expected that large businesses will spend significantly more time and effort on this decision.
- The registration form also requires manufacturers to list all brand names that their company manufactures, brands that are no longer offered for sale for which the company has legal ownership and brands that the company manufacturers [manufactures] but does not have legal ownership for. For each brand, the registering company must identify the year the brand was first sold in Washington state and provide a picture and description of the brand logo. Most small businesses will have fewer brands that they manufacturer [manufacture] and thus will not have to spend as much time identifying brands, years sold in Washington and company log pictures and descriptions to submit to ecology. Large businesses will experience greater costs due to the complexity of brand names over time.

**Tier Reassignment:** After ecology assigns a manufacturer to a tier, they have the option to request reassignment. If assigned to Tier 1 or 2, the manufacturer must provide statistically valid data of the manufacturer's share of covered electronic products sold in or into Washington that is validated by a certified public accountant (CPA). The demonstration must include new data that improves the information ecology used to determine market share distribution for all manufactures. Most businesses assigned to Tier 1 or 2 are expected to be large. For any small business that happened to be assigned to Tier 2, the costs would be disproportionately larger than they are for the large companies. A company is unlikely to request reassignment if the savings is less than the cost of doing so. At this time ecology expects a maximum savings of \$1,850 in the first year. If any company having fifty or fewer employees were to expend this much to show that it should be moved into Tier 3, then the minimum cost per employee would be \$37. If an average large company expended this much then the cost per employee would be \$7.

If a manufacture assigned to Tier 3 or 4 requests to be reassigned, the manufacturer must submit documentation to ecology demonstrating how many units of covered electronic products the manufacture [manufacturer] sold in or into Washington state during the previous calendar year. It is assumed that most small businesses will be subject to this reassignment criterion. No certified public accountant is required.

The requirements for tier reassignment are much more stringent for large manufacturers than small manufacturers. In addition, the change in the fee as a company moves from one tier to the next places a cap on the likely expenditures. Thus, the requirement will generally not be disproportionate for most smaller companies but may be disproportionate for a few. There is a small probability of lost sales. Ecology expects that manufacturers will register rather than foregoing sales because the cost per unit is generally small by comparison to the price (\$5.61 is the estimated maximum). However, at the very low end of the manufacturing spectrum, in theory, a company that manufactured less than four computers will experience higher per unit costs and may opt out. Ecology does not believe that there are any TV or Monitor manufactures [manufacturers] that create units in this range. A computer manufacturer in this range is also highly unlikely and would be likely to incorporate a reused part. Thus the scenario is unlikely.

**Collector and Transporter Registration:** The collector and transporter registration form requires basic information that should be readily available for the businesses to provide. Filling out this form is expected to cause only minor costs. Minor costs are exempt from analysis.

**SECONDARY IMPACTS:** It is probable that some or all of the increased costs associated with the proposed rule revisions will be passed on to consumers in the form of higher electronic product costs. Given that the fee was computed by ecology assuming \$0.42 average per unit charge the initial year and a \$0.20 average per unit charge in the subsequent year, it is not expected that prices will be impacted beyond those values. Table IIIId shows the percentage of increases in prices given that average prices of the electronic products associated with this rule. The maximum fee impact was cal-

culated using the initial year value which will be the highest fees charged due to first year start-up costs.

Table IIIId

	Personal Computers (Includes notebooks, desktops including monitor)	Televisions
Average price 2005	\$820.00	\$670.00
Fee impact	\$0.42	\$0.42
Percentage fee impact	0.05%	0.06%

**CONCLUSION:** Businesses engaged in the manufacturing of electronic products will incur increased costs as a result of the rule implementation. These costs will vary depending upon the amount of manufacturers that are identified to register for this program, the unit market share that manufacturers possesses [possess], the time it takes to gather information for the registration form and the resources required for tier reassignment requests. Ecology has analyzed the effects of this rule and finds that the impacts on sales should be minimal but that the rule may likely have quantifiable disproportionate impacts to small businesses and qualitative disproportionate impacts to large businesses.

**4. BUSINESS INVOLVEMENT AND INDUSTRY:**

**ACTIONS TAKEN TO REDUCE THE IMPACT ON SMALL BUSINESS:** The rule is likely to have disproportionate impacts on smaller firms. Ecology must therefore reduce the impact to small businesses if it is legal and feasible to do so.

(a) Reducing, modifying, or eliminating substantive regulatory requirements; ecology must base the fee on sales. It is not legal to eliminate, reduce or modify this component.

(b) Simplifying, reducing, or eliminating record-keeping and reporting requirements;

- The forms for the application process have been simplified. The forms minimize the requirements of duplicate information.
- The companies only have to submit additional information if they are requesting placement in a different tier.
- The tier reassignment process for most small manufacturers is much less stringent than for large businesses. Manufacturers who request to be reassigned from Tier 3 or 4 do not have to provide statistically valid market share data validated by a certified public accountant.
- Ecology has attempted to minimize time and expense for all businesses by striving to allow manufacturers, collectors and transporters to register via the internet and e-mail.

(c) Reducing the frequency of inspections; there are no inspections associated with the fee.

(d) Delaying compliance timetables; this would not help the companies. They need to be listed as manufacturers in order to market their product.

(e) Reducing or modifying fine schedules for noncompliance; fine schedules are in the RCW. No modification is possible.

(f) Any other mitigation techniques. The tiered fee structure that allows companies that manufacture fewer units to contribute less for the administrative costs of this rule.

**LIST OF INDUSTRIES REQUIRED TO COMPLY:** The most likely industries to which Phase 1 of this rule will apply will be those involved in the manufacturing of covered electronic products. Other firms that participate in the form of collectors, transporters and processors will be sending us information but will be more heavily affected in phase two of this rule making. Table 4.1 contains a list of industries required to comply with the rule. The North American industry classification system (NAICS) is the industry classification system used by the statistical agencies of the United States.

**Table 4.1. Industries Likely to be Required to Comply with the Rule**

NAICS Code	Description
334111	Computer Manufacturing
334310	Audio and Video Equipment Manufacturing
562111	Recyclable material collection services Recyclable material hauling, local

**HOW WAS SMALL BUSINESS INVOLVED IN THE DEVELOPMENT OF THIS RULE?** In 2004, ESHB 2488 directed ecology, in consultation with the solid waste advisory committee created under RCW 70.95.040, to conduct, research and develop recommendations for the implementation and financing of an electronic product collection, recycling, and reuse program. During that time, ecology and the solid waste advisory committee consulted with stakeholders. These stakeholders included small and large business among the representatives of covered electronic product manufacturers, covered electronic product retailers, waste haulers, electronics recyclers, charities. Other stakeholders included cities, counties, environmental organizations, public interest organizations, and other interested parties that have a role or interest in the collection, reuse, and recycling of covered electronic products.

As a result, ESSB 6428 was passed during the 2006 Washington state legislative session to become effective July 1, 2006. Since the passage of the law, ecology has encouraged the participation of all entities in considering the impacts and outcomes of the proposed rules throughout the rule-making process. Small businesses were represented on the advisory panel that helped to develop this rule. This public process was open to both small and large businesses. Small businesses presented information to the committee. Further input will be encouraged during the public comment period for the proposed rule.

Ecology requests comments on this SBEIS and any new information that may be of value in decision making.

**APPENDIX A: REFERENCES:**

1. *CEA Study Finds Most Unwanted Electronics Go To Secondary Users*, December 2005, <[http://www.findarticles.com/p/articles/mi\\_m0KWH/is\\_12\\_43/ai\\_n15978785/print](http://www.findarticles.com/p/articles/mi_m0KWH/is_12_43/ai_n15978785/print)> (June 2006), Recycling Today.
2. *E-Waste Recycling Fees: Will They Cover Costs Over Time? An assessment of the Fees Needed to Sustain Recy-*

cling of Covered Electronic Products under ESHB 2488 Draft Report, September 2005, Cascadia Consulting Group.

3. U.S. Census Bureau, NAICS Directory, 2002, www.census.gov (July 2006).

4. Workforce Explorer Washington, < http://www.workforceexplorer.com> (July 2006) Washington State Employment Security.

APPENDIX B: 2002 U.S. Census data

<i>Computer Manufacturing NAICS code 334111</i>				<i>Audio and Video Equipment Manufacturing NAICS code 334310</i>			
<b>Small Business</b>				<b>Small Business</b>			
<i># Employees</i>	<i>Average</i>	<i>Establishments</i>	<i>Employees</i>	<i># Employees</i>	<i>Average</i>	<i>Establishments</i>	<i>Employees</i>
<i>1 to 4</i>	2.5	207	517.5	<i>1 to 4</i>	2.5	249	622.5
<i>5 to 9</i>	7	72	504	<i>5 to 9</i>	7	70	490
<i>10 to 19</i>	14.5	58	841	<i>10 to 19</i>	14.5	87	1261.5
<i>20 to 49</i>	34.5	51	1759.5	<i>20 to 49</i>	34.5	68	2346
<i>Total</i>		388	3622	<i>Total</i>		474	4720
<i>Average employees per SB establishment:</i>	9.3			<i>Average employees per SB establishment:</i>	10.0		
<b>Large Business</b>				<b>Large Business</b>			
<i># Employees</i>	<i>Average</i>	<i>Establishments</i>	<i>Employees</i>	<i># Employees</i>	<i>Average</i>	<i>Establishments</i>	<i>Employees</i>
<i>50 to 99</i>	74.5	42	3129	<i>50 to 99</i>	74.5	39	2905.5
<i>100 to 249</i>	174.5	20	3490	<i>100 to 249</i>	174.5	38	6631
<i>250 to 499</i>	374.5	16	5992	<i>250 to 499</i>	374.5	9	3370.5
<i>500 to 999</i>	749.5	10	7495	<i>500 to 999</i>	749.5	10	7495
<i>1000 to 2499</i>	1749.5	4	6998	<i>1000 to 2499</i>	1749.5	1	1749.5
<i>2500 or more</i>	2500	5	12500	<i>2500 or more</i>	2500	-	-
<i>Total</i>		97	39604	<i>Total</i>		97	22151.5
<i>Average employees per LB establishment:</i>	408.3			<i>Average employees per LB establishment:</i>	228.4		
<b>Calculations</b>				<b>Calculations</b>			
<i>% SB employees</i>	<i>% LB employees</i>	<i>% SB establishments</i>	<i>% LB establishments</i>	<i>% SB employees</i>	<i>% LB employees</i>	<i>% SB establishments</i>	<i>% LB establishments</i>
8.4%	91.6%	80.0%	20.0%	17.6%	82.4%	83.0%	17.0%

A copy of the statement may be obtained by contacting Jay Shepard, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7040, fax (360) 407-6102, e-mail wa-recycles-electronics@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Jay Shepard, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7040, fax (360) 407-6102, e-mail wa-recycles-electronics@ecy.wa.gov.

July 19, 2006  
 Polly Zehm  
 Deputy Director

**Chapter 173-900 WAC**

**ELECTRONIC PRODUCTS RECYCLING PROGRAM**

**PART I  
 GENERAL REQUIREMENTS**

NEW SECTION

**WAC 173-900-010 Purpose.** (1) The Washington state legislature has required that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products be established throughout Washington state. The legislature determined that such a system must encourage the design of electronic products that are less toxic and more recyclable and that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

(2) This chapter implements the Electronic Product Recycling Act, chapter 70.95N RCW. This chapter:

- Defines the administrative and enforcement responsibilities delegated to the department of ecology; and



- Describes the processes and procedures that ecology will use to carry out those responsibilities.

#### NEW SECTION

**WAC 173-900-020 Applicability.** This chapter applies to:

- (1) Any manufacturer, as defined in this chapter.
- (2) Any person who collects or transports covered electronic products in Washington state for recycling.
- (3) Any retailer that sells electronic products and covered electronic products in or into Washington state.

#### NEW SECTION

**WAC 173-900-030 Definitions. "Authority"** means the Washington materials management and financing authority.

**"Authorized party"** means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

**"Board"** means the board of directors of the Washington materials management and financing authority.

**"Brand"** means a name used to identify an electronic product in the consumer marketplace which attributes the electronic product to the owner of the name as the manufacturer.

**"Brand label"** typically includes but is not limited to name, logos, trademarks, and other visual elements including fonts, color schemes, shapes, symbols, and icons, which, when set in a special typeface or arranged in a particular way, differentiate electronic products by their manufacturers and brand owners.

**"Certified"** means certified by signature on a form or other "hard copy," or by electronic signature or certification by a means implemented and approved by ecology, to be sent by mail or faxed or otherwise submitted to ecology.

**"Collector"** means an entity that is licensed to do business in Washington state and that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by ecology.

**"Computer"** means a machine designed for manipulating data according to a list of instructions known as a program.

**"Contract for services"** means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of Washington state within service areas as described in the approved standard plan.

**"Covered electronic product"** includes any one of the following four types of products that has been used in Washington state by any covered entity, regardless of original point of purchase:

- (a) A cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally;
- (b) A desktop computer;

- (c) A laptop or a portable computer; or
- (d) A cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally.

**"Covered electronic product"** does not include:

- (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft;

- (b) Monitoring and control instruments or systems;

- (c) Medical devices;

- (d) Products including materials intended for use as ingredients in those products as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts;

- (e) Equipment used in the delivery of patient care in a health care setting;

- (f) A computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; automatic teller machines, vending machines or similar business transaction machines; or

- (g) Hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332(d)(1).

**"Covered entity"** means any household, charity, school district, small business, or small government located in Washington state.

**"Curbside service"** means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

**"Desktop"** is a computer.

**"Ecology"** means the department of ecology.

**"Electronic product"** is a covered electronic product that has not yet been used by a covered entity.

**"Equivalent share"** means the weight in pounds of covered electronic products identified for an individual manufacturer as described in this chapter.

**"Household"** means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

**"Independent plan"** means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

**"Laptop"** is a computer.

**"Manufacturer"** means the person who:

- (a) Has legal ownership of the brand, brand-name or cobrand of electronic products sold in or into Washington state;

- (b) Imports, or sells at retail, electronic products and meets (a) of this subsection; or

- (c) Imports and sells at retail an electronic product branded by a manufacturer that has no physical presence in the United States of America.

**"Monitor"** is a video display device without a tuner that can display pictures and sound and is used with a computer.

**"New entrant"** means:

(a) A manufacturer of televisions that have been sold in Washington state for less than ten years; or

(b) A manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in Washington state for less than five years;

(c) However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

**"Offering for sale"** means the electronic product is available for retail purchase, either directly or by a third party, regardless of sales method.

**"Orphan product"** means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

**"Person"** means any individual, business, manufacturer, transporter, collector, processor, retailer, charity, non-profit organization, or government agency.

**"Plan's equivalent share"** means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

**"Plan's return share"** means the sum of the return shares of each manufacturer participating in that plan.

**"Portable computer"** is a computer.

**"Premium service"** means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. **"Premium service"** does not include curbside service.

**"Processor"** means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and ecology. A processor may also salvage parts to be used in new products.

**"Product type"** means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

**"Program"** means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

**"Program year"** means each full calendar year after the program has been initiated.

**"Recycling"** means transforming or remanufacturing unwanted electronic products, components, and by-products into usable or marketable materials for use other than landfill disposal or incineration. **"Recycling"** does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and by-products with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

**"Retailer"** means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, cat-

alogs, or the internet, but does not include a sale that is either reused products or a wholesale transaction with a distributor or a retailer.

**"Return share"** means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by ecology.

**"Reuse"** means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

**"Sell"** or **"sold"** means a retail purchase of an electronic product.

**"Small business"** means a business employing less than fifty people.

**"Small government"** means a city in Washington state with a population less than fifty thousand, a county in Washington state with a population less than one hundred twenty-five thousand, and special purpose districts in Washington state.

**"Standard plan"** means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

**"Television"** is an enclosed video display device with a tuner able to receive and output frequency waves or digital signals to display pictures and sounds.

**"Transporter"** means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

**"Unwanted electronic product"** means a covered electronic product that has been discarded or is intended to be discarded by its owner.

**"White box manufacturer"** means a person who manufactured electronic products without a brand label offered for sale in Washington state.

**"Video display devices"** include units capable of presenting images electronically on a screen, with a viewable area greater than four inches when measured diagonally, viewed by the user and may include cathode ray tubes, flat panel computer monitors, plasma display, liquid crystal displays, rear and front enclosed projection devices, and other similar displays that exist or may be developed. Televisions and monitors are video display devices.

#### NEW SECTION

**WAC 173-900-040 Required brand labeling.** (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in Washington state unless the electronic product is labeled with the manufacturer's brand.

(2) The label must be permanently affixed and readily visible.

(3) In-state retailers in possession of unlabeled, or white box, electronic products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION

**WAC 173-900-050 Selling covered electronic products in Washington.** (1) In order for a manufacturer to offer for sale or sell a covered electronic product in or into Washington state, the brand name must be on the "Manufacturer Registration List for the Electronic Product Recycling Program" and the manufacturer must be in "pending" or "registered" status.

(2) In order for a retailer to offer for sale or sell a covered electronic product in or into Washington state, on the date the product was ordered, the brand name must be on the "Manufacturer Registration List for the Electronic Product Recycling Program" and the manufacturer must be in "pending" or "registered" status.

## PART II MANUFACTURER REQUIREMENTS

NEW SECTION

**WAC 173-900-200 Manufacturer registration. Registration:**

(1) Starting January 1, 2007, no manufacturer's covered electronic products can be offered for sale or sold in Washington state unless the manufacturer is registered with ecology.

(a) Successful registration under this chapter means that ecology has determined there are no deficiencies in the manufacturer's submitted registration form and the manufacturer has paid their administrative fee.

(b) To confirm registration status of a manufacturer a person must check the "Manufacturer Registration List for the Electronic Product Recycling Program" posted on ecology's web site.

(2) Registration under this chapter is only for purposes of administering the electronic product recycling program, and does not constitute endorsement by ecology of a particular registrant.

**Manufacturer annual registration form:**

(3) All manufacturers selling covered electronic products in or into Washington state on July 1, 2006, or before must register by January 1, 2007. All manufacturers must submit an annual registration form to ecology.

(a) **Existing manufacturers** on the effective date of this chapter, who plan to continue to sell or offer for sale covered electronic products, through any sales method to covered entities in Washington state, must register with ecology no later than January 1, 2007.

(b) **New manufacturer registration:** Manufacturers who begin operating after the effective date of this chapter may submit their initial registration form to ecology at any time prior to the sale of their covered electronic products in or into Washington state.

(c) **Annual renewals:** Manufacturers must submit their annual renewal registration form to ecology no later than January 1 of each calendar year.

(d) **Updates:** A manufacturer must submit any changes to the information provided in the registration form to ecology within fourteen days of such change.

(4) The manufacturer must use the form provided by ecology which must include all of the following:

(a) The name, contact, and billing information of the manufacturer;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in Washington state in the past, including "years sold," all brand names currently being sold in Washington state, including the year the manufacturer started using the brand name, all brand names the manufacturer manufactures but does not have legal ownership of the brand, and all brand names for which the manufacturer has legal responsibility;

(i) When a word or phrase is used as the label the manufacturer must include that word or phrase and a general description of the ways in which it may appear on the manufacturer's electronic products;

(ii) When a logo or image is used, the manufacturer must include a graphic representation of the logo or image and a general description of the different ways in which it may appear on the manufacturer's electronic products;

(c) The method or methods of sale used in Washington state; and

(d) Recycling plan participation information.

(5) The registration form must be certified by the individual responsible for implementing the manufacturer's requirements under this chapter. The certification means the manufacturer has provided accurate and complete information on the form and understands their responsibilities under the electronic product recycling program.

(6) The manufacturer must either submit the:

(a) Form via e-mail or internet service; or

(b) Original of the registration form to one of the following addresses:

For U.S. Postal Service:

Department of Ecology

Electronic Product Recycling

Solid Waste and Financial Assistance Program

P.O. Box 47600

Olympia, WA 98504-7600

Or

For Courier:

Department of Ecology

Electronic Product Recycling

Solid Waste and Financial Assistance Program

300 Desmond Drive

Lacey, WA 98503

**Administrative fee:**

(7) All manufacturers must pay an annual administrative fee to ecology (see WAC 173-900-210 Administrative fee calculation).

(8) Ecology will send a written billing statement by mail or electronic mail to manufacturers. The billing statement will include the amount of the administrative fee owed by the manufacturer.

(9) The manufacturer must send ecology the appropriate administrative fee so that ecology receives it no later than January 1 of each calendar year.

(10) The manufacturer must send payment to the following address:

Department of Ecology  
 Cashiering Section  
 P.O. Box 5128  
 Lacey, WA 98509-5128

**Registration review and status:**

(11) Upon receipt of a registration form and the administrative fee, ecology will post the manufacturer's name on a list called "Manufacturer Registration List for the Electronic Product Recycling Program" on ecology's web site. This list will contain the names of manufacturers, their brand names and their registration status. Each manufacturer on the list will be assigned to one of the following registration status categories:

(a) **Pending** means ecology has received the appropriate manufacturer's administrative fee and is reviewing the manufacturer's registration form. The manufacturer's covered electronic products are allowed to be sold or offered for sale in Washington state while in "pending" status.

(i) If no deficiencies are found on the form, ecology will change the manufacturer's status from "pending" to "registered."

(ii) If deficiencies are found on the form, ecology will send notice, via certified mail, to the manufacturer identifying the deficiencies and requesting a revised form. The manufacturer will have thirty days from receipt of the deficiency notice to submit to ecology a revised registration form correcting the deficiencies. If the deficiencies are corrected, ecology will change the manufacturer's status from "pending" to "registered."

(iii) If the deficiencies are not corrected within thirty days, ecology will change the manufacturer's status from "pending" to "in violation."

(b) **Registered** means no deficiencies exist on the form, and the manufacturer has paid the administrative fee. The manufacturer's covered electronic products are allowed to be sold or offered for sale in or into Washington state.

(c) **In violation** means the manufacturer is in violation of this chapter. The manufacturer's covered electronic products are not allowed to be offered for sale or sold in Washington state and the manufacturer, retailer, and seller are subject to the violation and penalties sections of this chapter.

(12) In order to offer for sale or sell a covered electronic product in or into Washington state the brand name must be on the "Manufacturer Registration List for the Electronic Product Recycling Program" and it must be associated with a manufacturer in "registered" or "pending" status.

**Registration violation:**

(13) It is a manufacturer violation if a manufacturer offers for sale or sells covered electronic products in or into Washington state and is not registered as required above, or commits any other violations under this chapter:

(a) Ecology will assign the manufacturer to the "in violation" category on the "Manufacturer Registration List for the Electronic Product Recycling Program";

(b) The manufacturer's covered electronic products cannot be sold or offered for sale in Washington state; and

(c) The manufacturer is subject to penalties under WAC 173-900-600.

**Corrective actions:**

(14) If a manufacturer is in "in violation" status, ecology will not return them to "pending" status while the manufacturer corrects the violations.

(15) If ecology changes a manufacturer to "in violation" as a result of a violation, then in order to once again be listed as "registered" on the "Manufacturer Registration List for the Electronic Product Recycling Program," the manufacturer must:

(a) Submit their registration form and ecology must determine there are no deficiencies in their registration form;

(b) Pay their appropriate administrative fee;

(c) Correct any other violations; and

(d) Pay any penalties due to ecology (WAC 173-900-600).

NEW SECTION

**WAC 173-900-210 Administrative fee calculation.**

(1) The administrative fee covers ecology's administrative costs related to implementing the electronic product recycling program authorized under chapter 70.95N RCW. It does not include the fees for ecology's review of the standard plan or independent plans.

(2) A tiered fee system is established to distribute administrative fees on a sliding scale that is representative of annual sales of covered electronic products in the state.

(3) Ecology will base the tiers on the combined unit sales of covered electronic products sold under manufacturer brands as a percentage of the total sales of electronic products sold in or into Washington state as follows:

Tiers	Manufacturer's percentage of total unit market share
Tier 1	1% or greater
Tier 2	0.1% to < 1%
Tier 3	0.03% to < 0.1%
Tier 4	0.01% to < 0.03%
Tier 5	Below 0.01%

(4) Ecology will use generally available national market research data in order to assign companies to the tiers. Ecology will extrapolate these data to Washington using available data specific to Washington state. Ecology will calculate manufacturer unit sales to assign each manufacturer to an administrative fee tier.

(5) Costly research and detailed market studies to determine absolute sales for each manufacturer within the state will not be pursued.

(6) Fees will be distributed to each tier in order to spread costs based on the unit sales given the number of manufacturers and the amount of revenue that needs to be generated to cover ecology's administrative costs.

(7) **New entrant registration and tier assignment:** Manufacturers that are new entrants into the covered electronic product market in Washington state will be assigned to Tier 3.

(a) New entrant manufacturers may request to be assigned to a different tier. The manufacturer must submit

the request within thirty calendar days of receipt of the billing statement.

(b) To request a tier reassignment to Tier 4 or 5, new entrant manufacturers must submit documentation to ecology stating the maximum number of units of covered electronic products the manufacturer expects to sell in or into Washington state during the first calendar year.

(c) Ecology will determine if a tier reassignment is justified based on the documentation provided and national market data. Ecology may request additional information.

**Administrative fee tier calculations for program year 2007:**

(8) For administrative fees due January 1, 2007, ecology will base fees on the amount appropriated in the budget for the electronic product recycling program by the legislature. Year one includes start-up costs and funds the first eighteen months of operations. This amount is four hundred seventy-five thousand dollars.

(9) Ecology will publish the tier schedule on ecology's web site by November 15, 2006, for fees due January 1, 2006. Ecology will send out written billing statements to manufacturers. The tiers will be based on data available to ecology and received from manufacturers prior to October 27, 2006. When providing data to ecology, manufacturers must meet the requirements of subsection (12) of this section prior to October 27, 2006.

**Administrative fee tier calculations for program year 2008 and future years:**

(10) For administrative fees due January 1, 2008, and thereafter, ecology will base the fee on the amount appropriated in the budget for the electronic product recycling program which for program year 2008 is two hundred twenty-one thousand five hundred dollars.

This program cost amount will be adjusted annually by the fiscal growth factor (FGF) as calculated under chapter 43.135 RCW ( $Fee_{FGF}$ ) unless ecology is provided with an exemption from the legislature.

(11) For administrative fees for 2008, and future years, ecology will publish a preliminary tier schedule on ecology's web site by September 1 of each calendar year.

This preliminary schedule will include the tiers and a list of each manufacturer assigned to each tier.

**(12) Requests for tier reassignment:**

(a) Manufacturers assigned to Tier 1 or Tier 2:

(i) Manufacturers assigned to Tier 1 or Tier 2 may request to be assigned to a different tier.

(ii) The manufacturer must submit the request between September 1 and October 1 of each calendar year for administrative fees due January 1 of the next calendar year.

(iii) The request must include statistically valid data of the manufacturer's share of covered electronic products sold in or into Washington state and must be validated by a certified public accountant.

(A) This demonstration must include new data that improves the data used by ecology to determine market share distribution for all manufacturers.

(B) Ecology may request additional information.

(b) Manufacturers requesting tier reassignment from Tier 3 or 4 to Tier 4 or 5:

(i) To request to be placed in Tier 4 or 5 a manufacturer must submit documentation to ecology demonstrating how many units of covered electronic products the manufacturer sold in or into Washington state during the previous calendar year.

(ii) Based on this documentation ecology will decide what tier to assign the manufacturer.

(iii) The manufacturer must submit the request to ecology between September 1 and October 1 of each calendar year for administrative fees due January 1 of the next calendar year.

(iv) Ecology may request additional information.

**(13) Final tier schedule and billing:**

(a) Ecology will publish the final tier schedule on ecology's web site by November 1 of each calendar year.

(b) Starting in 2007, ecology will send out written billing statements to manufacturers.

**(14) Proprietary information related to tier reassignment:** Under RCW 42.56.270 financial and proprietary information submitted to ecology or the authority to implement chapter 70.95N RCW and this chapter is exempt from public disclosure.

(a) When submitting financial and/or proprietary information to ecology, a manufacturer must separate that information from other information and clearly identify the proprietary and/or financial information by placing it in a separate envelope.

(b) On the front of the envelope the manufacturer must mark "financial" and/or "proprietary" and must include a written explanation as to why the information is either financial or proprietary and a written request that it not be disclosed.

(c) Ecology will determine if the information submitted meets the criteria for exemption from disclosure under Washington state law.

**PART III**

**TRANSPORTERS AND COLLECTORS**

NEW SECTION

**WAC 173-900-300 Transporter and/or collector registration. Registration:**

(1) No transporter and/or collector may collect or transport covered electronic products in Washington state unless the transporter and/or collector is registered with ecology. To confirm registration status of a transporter and/or collector, a person must check the "Transporter/Collector Registration List for the Electronic Product Recycling Program" displayed on ecology's web site.

(2) Registration under this chapter is only for purposes of administering the electronic product recycling program, and does not constitute endorsement by ecology of a particular registrant.

**Transporter and/or collector annual registration form:**

(3) Each transporter and/or collector must submit an annual registration form to ecology. As of September 1, 2008, all transporters and collectors must be registered with

ecology in order to transport or collect covered electronic products.

(a) **Existing transporters and/or collectors:** Transporters and/or collectors who transport or collect covered electronic products from covered entities in Washington state on the effective date of this chapter, who plan to continue doing so, must register with ecology no later than September 1, 2008.

(b) **New transporter and/or collector registration:** Transporters and/or collectors who begin to transport or collect covered electronic products from covered entities in Washington state after the effective date of this chapter may submit their registration form to ecology at any time prior to beginning to transport or collect covered electronic products.

(c) **Annual renewals:** Transporter and/or collector must submit their annual renewal registration form to ecology between September 1 and July 1 of each calendar year.

(d) **Updates:** A transporter and/or collector must submit any changes to the information provided in the registration form to ecology within fourteen days of such change.

(4) Each transporter and/or collector must use the registration form provided by ecology and must include all of the following:

- (a) Contact and location information;
- (b) Business license information;
- (c) Permit information;
- (d) Description of services provided; and
- (e) Geographic areas where services are provided.

(5) The registration form must be certified by the individual responsible for implementing the requirements under this chapter for the transporter and/or collector. The certification means the company has provided accurate and complete information on the form and is in compliance with all applicable state laws and regulations.

(6) The transporter and/or collector must either submit the:

(a) Form via e-mail or internet service, as long as it includes the electronic signature of the individual responsible for implementing the transporter's or collector's requirements under this chapter; or

(b) Original of the registration form to one of the following addresses:

For U.S. Postal Service:  
 Department of Ecology  
 Electronic Product Recycling  
 Solid Waste and Financial Assistance Program  
 P.O. Box 47600  
 Olympia, WA 98504-7600  
 Or  
 For Courier:  
 Department of Ecology  
 Electronic Product Recycling  
 Solid Waste and Financial Assistance Program  
 300 Desmond Drive  
 Lacey, WA 98503

**Registration review and status:**

(7) After receiving a registration form, ecology will post the transporter's and/or collector's name on a list called "Transporter/Collector Registration List for the Electronic

Product Recycling Program" on ecology's web site. This list will contain the names of transporters and collectors and their registration status. Each transporter/collector on the list will be assigned to a registration status category:

(a) **Pending** means ecology is reviewing the transporter's and/or collector's registration form. The transporter and/or collector is allowed to transport or collect covered electronic products in Washington state while in "pending" status.

(i) If no deficiencies are found on the form, ecology will change the transporter's/collector's status from "pending" to "registered."

(ii) If deficiencies are found on the form, ecology will send notice, via certified mail, to the transporter and/or collector identifying the deficiencies and request a revised form. The transporter and/or collector will have thirty days from receipt of the deficiency notice to submit to ecology a revised registration form correcting the deficiencies.

(iii) If the deficiencies are not corrected within thirty days, ecology will change the transporter and/or collector's status from "pending" to "in violation."

(b) **Registered** means no deficiencies exist on the form. The transporter and/or collector is allowed to transport or collect covered electronic products in Washington state while in "registered" status.

(c) **In violation** means the transporter and/or collector is in violation of this chapter (see WAC 173-900-630 and 173-900-620). The transporter and/or collector must not transport or collect covered electronic products in Washington state while in the "in violation" category.

**Registration violation:**

(8) If a transporter/collector does not submit their registration form as required above:

(a) Ecology will assign the transporter and/or collector to the "in violation" category on the "Transporter/Collector Registration List for the Electronic Product Recycling Program";

(b) A transporter must not transport covered electronic products in Washington state;

(c) A collector must not collect covered electronic products in Washington state;

(d) The transporter is subject to penalties under WAC 173-900-630; and

(e) The collector is subject to penalties under WAC 173-900-620.

**Corrective action:**

(9) In order to change from the "in violation" category to the "registered" category on the "Transporter/Collector Registration List for the Electronic Product Recycling Program" the transporter and/or collector must:

(a) Submit their registration form and ecology must determine that there are no deficiencies on the form; and

(b) Pay any penalties to ecology.

**PART IV**

**WARNING, VIOLATIONS, AND PENALTIES**

NEW SECTION

**WAC 173-900-600 Manufacturer—Warning, violations, and penalties.** As of January 1, 2007, all manufactur-

ers of covered electronic products must register with ecology in order to offer for sale or sell, or have a retailer offer for sale or sell, their products in or into Washington state.

(1) Ecology will place a manufacturer in "in violation" status if a violation is committed by the manufacturer.

**Types of violations:**

(2) **Registration violation:** After January 1, 2007, it is a manufacturer violation if a manufacturer offers for sale or sells covered electronic products in or into Washington state and is not registered under this chapter.

(a) In the case of a retailer offering for sale or selling a covered electronic product, it is also a manufacturer violation if, on the date the products are ordered from the manufacturer or their agent, the manufacturer was not in "registered" or "pending" status.

(b) Each unit offered for sale or sold is a separate violation.

(3) **Unlabeled electronic products:** After January 1, 2007, it is a violation if a manufacturer, or a retailer, offers for sale or sells an electronic product in or into Washington state that is not labeled with the manufacturer's brand name.

Each of the manufacturer's unlabeled units offered for sale or sold is a separate violation for the manufacturer.

**(4) Warnings and penalties:**

(a) Notice of violation: Ecology will issue a written warning, via certified mail, for the first violation of either subsection (2) or (3) of this section. The written warning will include a copy of the requirements to let the manufacturer know what is needed for them to be in compliance.

(b) The manufacturer must come into compliance immediately. If the compliance requirements in the written warning are not corrected within thirty days of receipt of the warning, ecology will assess a penalty of up to:

(i) One thousand dollars for the first violation; and

(ii) Up to two thousand dollars for the second and each subsequent violation.

(iii) Ecology will issue a penalty no more often than every thirty days for the same violation.

(5) Ecology will deposit all penalties levied under this section into the electronic products recycling account created under RCW 70.95N.130.

NEW SECTION

**WAC 173-900-610 Retailer—Warning, violations, and penalties.**

**Types of violations:**

(1) **Registration violation:** After January 1, 2007, it is a retailer violation if a retailer "offers for sale" or "sells" covered electronic products if, at the time the products are ordered from the manufacturer or their agent, the manufacturer was not in "registered" or "pending" status.

(a) When the violation consists of the sale or offering for sale of a covered electronic product, manufactured by an unregistered manufacturer, each unit offered for sale or sold is a separate violation for the retailer.

(b) Each unit offered for sale or sold is a separate violation.

(c) If the retailer can prove that the products were ordered from the manufacturer or their agent prior to January

1, 2007, the offering for sale, or selling, of those products is not a violation even if the manufacturer fails to register.

(2) **Unlabeled products:** After January 1, 2007, a retailer must not "offer for sale" or "sell" an electronic product in or into Washington state that is not labeled with the manufacturer's brand name.

(a) Each unlabeled unit offered for sale or sold is a separate violation for the retailer.

(b) If the retailer can demonstrate to ecology that the retailer was in possession of the unlabeled electronic products prior to January 1, 2007, the "offering for sale" or "sale" of these electronic products is not a violation.

**(3) Warning and penalties:**

(a) Notice of violation: Ecology will issue a written warning, via certified mail, to the retailer for the first violation for either subsection (1) or (2) of this section. The written warning will include a copy of the requirements to let the retailer know what is needed for them to be in compliance.

(b) The retailer must come into compliance immediately. If the compliance requirements in the written warning are not corrected within thirty days of receipt of the warning, ecology will assess a penalty of up to:

(i) One thousand dollars for the first violation; and

(ii) Up to two thousand dollars for the second and each subsequent violation.

(iii) Ecology will issue a penalty no more often than every thirty days for each violation.

(4) Ecology will deposit all penalties levied under this section into the electronic products recycling account created under RCW 70.95N.130.

NEW SECTION

**WAC 173-900-620 Collector—Warning, violations, and penalties.** (1) Ecology will place a collector in "in violation" status on the "Transporter/Collector Registration List for the Electronic Product Recycling Program" on ecology's web site if a violation is committed by the collector. For a collector, "in violation" status means the collector must not collect covered electronic products in Washington state.

(2) **Collection of covered electronic products for the standard or an independent plan without being registered with ecology:** After September 1, 2008, it is a violation for collectors to collect covered electronic products in Washington state if the collector is not registered with ecology.

**(3) Collector warning and penalties:**

(a) Notice of violation: Ecology will issue a written warning, via certified mail, to the collector for the first violation of this section. The written warning will include a copy of the requirements to let the collector know what is needed for them to be in compliance.

(b) The collector must come into compliance immediately. If the compliance requirements in the written warning are not corrected within thirty days of receipt of the warning, ecology will assess a penalty of up to:

(i) One thousand dollars for the first violation; and

(ii) Up to two thousand dollars for the second and each subsequent violation.

(iii) Ecology will issue a penalty no more often than every thirty days for each violation.

(4) Ecology will deposit all penalties levied under this section into the electronic products recycling account created under RCW 70.95N.130.

#### NEW SECTION

**WAC 173-900-630 Transporter—Warning, violations, and penalties.** (1) Ecology will place a transporter in "in violation" status on the "Transporter/Collector Registration List for the Electronic Product Recycling Program" on ecology's web site if a violation is committed by the transporter.

For a transporter, "in violation" status means the transporter must not transport covered electronic products in Washington state.

(2) **Transportation of covered electronic products for the standard or an independent plan without being registered with ecology:** After September 1, 2008, it is a violation for transporters to transport covered electronic products in Washington state if the transporter is not registered with ecology.

**(3) Transporter warning and penalties:**

(a) Notice of violation: Ecology will issue a written warning, via certified mail, to the transporter for the first violation of this section. The written warning will include a copy of the requirements to let the transporter know what is needed for them to be in compliance.

(b) The transporter must come into compliance immediately. If the compliance requirements in the written warning are not corrected within thirty days of receipt of the warning, ecology will assess a penalty of up to:

(i) One thousand dollars for the first violation; and

(ii) Up to two thousand dollars for the second and each subsequent violation.

(iii) Ecology will issue a penalty no more often than every thirty days for each violation.

(4) Ecology will deposit all penalties levied under this section into the electronic products recycling account created under RCW 70.95N.130.

Date of Intended Adoption: August 30, 2006.

Submit Written Comments to: Margaret Gilbert, Department of Health, P.O. Box 47873, Olympia, WA 98504-7873, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4930, by August 22, 2006.

Assistance for Persons with Disabilities: Contact Margaret Gilbert by August 18, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules will establish clear definitions for sexual misconduct by health care providers. The proposed rules are anticipated to help health care providers avoid sexual misconduct and to educate consumers about what they should expect from health care providers.

Reasons Supporting Proposal: Currently, most professions have no definition for sexual misconduct, and those professions that have adopted rules have inconsistent definitions. The proposed rules will establish a clear and consistent definition of sexual misconduct and establish expectations for health care provider conduct. Executive Order 06-03, Investigation of health professional sexual misconduct, requires a comprehensive definition of sexual misconduct.

Statutory Authority for Adoption: RCW 18.130.050 (1) and (12).

Statute Being Implemented: RCW 18.130.180 and 18.130.160.

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

Name of Proponent: Department of health (DOH), governmental.

Name of Agency Personnel Responsible for Drafting: Margaret Gilbert, Department of Health, P.O. Box 47873, Olympia, WA 98504-7873, (360) 236-4913; Implementation and Enforcement: Laurie Jenkins, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, (360) 236-4600.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DOH has reviewed the proposed and determined no SBEIS is required because the proposed rules do not impose more than minor costs on businesses within the industry.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Margaret Gilbert, Department of Health, P.O. Box 47873, Olympia, WA 98504-7873, phone (360) 236-4913, fax (360) 236-4903, e-mail [Margaret.Gilbert@doh.wa.gov](mailto:Margaret.Gilbert@doh.wa.gov).

July 17, 2006

Mary C. Selecky  
Secretary

#### **WSR 06-15-127**

#### **PROPOSED RULES**

#### **DEPARTMENT OF HEALTH**

[Filed July 19, 2006, 10:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 05-22-125.

Title of Rule and Other Identifying Information: New chapter 246-16 WAC, Standards of professional conduct, including WAC 246-16-010 Purpose of chapter, 246-16-020 Definitions, and 246-16-100 Sexual misconduct. The proposed rules establish clear and consistent definitions of sexual misconduct by health care practitioners regulated by the secretary. They also serve as model rules for professions regulated by other disciplining authorities.

Hearing Location(s): Department of Health, Point Plaza East, Room 152, 310 Israel Road S.E., Tumwater, WA, on August 23, 2006, at 2:00 p.m.

#### **Chapter 246-16 WAC**

#### **STANDARDS OF PROFESSIONAL CONDUCT**

#### NEW SECTION

**WAC 246-16-010 Purpose of chapter.** The rules in this chapter define certain acts of unprofessional conduct for health care providers under the jurisdiction of the secretary of the department of health as provided in RCW 18.130.040



(2)(a) including persons licensed or certified by the secretary under chapter 18.73 RCW or RCW 18.71.205. The rules also provide for sanctions. The secretary may adopt rules applicable to specific professions under RCW 18.130.040(2). These rules also serve as model rules for the disciplining authorities listed in RCW 18.130.040 (2)(b).

#### NEW SECTION

**WAC 246-16-020 Definitions.** (1) "Health care information" means any information, whether oral or recorded in any form or medium that identifies or can readily be associated with the identity of, and relates to the health care of, a patient or client.

(2) "Health care provider" means an individual applying for a credential or credentialed in a profession listed in RCW 18.130.040 (2)(a).

(3) "Key party" means immediate family members and others who would be reasonably expected to play a significant role in the health care decisions of the patient or client and includes, but is not limited to, the spouse, domestic partner, sibling, parent, child, guardian and person authorized to make health care decisions of the patient or client.

(4) "Legitimate health care purpose" means activities for examination, diagnosis, treatment, and personal care of patients or clients, including palliative care, as consistent with community standards of practice for the profession. The activity must be within the scope of practice of the health care provider.

(5) "Patient" or "client" means an individual who receives health care from a health care provider.

### **SEXUAL MISCONDUCT**

#### NEW SECTION

**WAC 246-16-100 Sexual misconduct.** (1) A health care provider shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes but is not limited to:

- (a) Sexual intercourse;
- (b) Touching the breasts, genitals, anus or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis and treatment and within the health care practitioner's scope of practice;
- (c) Rubbing against a patient or client or key party for sexual gratification;
- (d) Kissing;
- (e) Hugging, touching, fondling or caressing of a romantic or sexual nature;
- (f) Examination of or touching genitals without using gloves;
- (g) Not allowing a patient or client privacy to dress or undress except as may be necessary in emergencies or custodial situations;
- (h) Not providing the patient or client a gown or draping except as may be necessary in emergencies;

(i) Dressing or undressing in the presence of the patient, client or key party;

(j) Removing patient or client's clothing or gown or draping without consent, emergent medical necessity or being in a custodial setting;

(k) Encouraging masturbation or other sex act in the presence of the health care provider;

(l) Masturbation or other sex act by the health care provider in the presence of the patient, client or key party;

(m) Suggesting or discussing the possibility of a dating, sexual or romantic relationship after the professional relationship ends;

(n) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;

(o) Soliciting a date with a patient, client or key party;

(p) Discussing the sexual history, preferences or fantasies of the health care provider;

(q) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;

(r) Making statements regarding the patient, client or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;

(s) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a patient, client or key party;

(t) Photographing or filming the body or any body part or pose of a patient, client, or key party, other than for legitimate health care purposes; and

(u) Showing a patient, client or key party sexually explicit photographs, other than for legitimate health care purposes.

(2) A health care provider shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient, client or key party for the purpose of engaging in sexual misconduct;

(c) Use health care information or access to health care information to meet or attempt to meet the health care provider's sexual needs.

(3) A health care provider shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section with a former patient, client or key party within two years after the provider-patient/client relationship ends.

(4) After the two-year period of time described in subsection (3) of this section, a health care provider shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient, client or key party will seek or require additional services from the health care provider; or

(b) There is an imbalance of power, influence, opportunity and/or special knowledge of the professional relationship.

(5) When evaluating whether a health care provider is prohibited from engaging, or attempting to engage, in sexual misconduct, the secretary will consider factors, including but not limited to:

- (a) Documentation of a formal termination and the circumstances of termination of the provider-patient relationship;
  - (b) Transfer of care to another health care provider;
  - (c) Duration of the provider-patient relationship;
  - (d) Amount of time that has passed since the last health care services to the patient or client;
  - (e) Communication between the health care provider and the patient or client between the last health care services rendered and commencement of the personal relationship;
  - (f) Extent to which the patient's or client's personal or private information was shared with the health care provider;
  - (g) Nature of the patient or client's health condition during and since the professional relationship;
  - (h) The patient or client's emotional dependence and vulnerability; and
  - (i) Normal revisit cycle for the profession and service.
- (6) Patient, client or key party initiation or consent does not excuse or negate the health care provider's responsibility.
- (7) These rules do not prohibit:
- (a) Providing health care services in case of emergency where the services cannot or will not be provided by another health care provider;
  - (b) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to that profession; or
  - (c) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the health care provider where there is no evidence of, or potential for, exploiting the patient or client.

**WSR 06-15-128**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed July 19, 2006, 10:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 04-06-044.

Title of Rule and Other Identifying Information: Water use efficiency, Group A public water supplies, chapter 246-290 WAC. This rule establishes water use efficiency requirements for public water systems that are also municipal water suppliers as defined in RCW 90.03.015.

Hearing Location(s): Ramada Inn at Spokane Airport, 8809 Airport Road, Spokane, WA 99212, on August 29, 2006, at 5:00 p.m.; and at the King Oscar Convention Center, 8820 South Hosmer Street, Tacoma, WA 98444, on August 31, 2006, at 5:00 p.m.

Date of Intended Adoption: September 15, 2006.

Submit Written Comments to: Theresa Phillips, P.O. Box 47822, Olympia, WA 98504-7822, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2253, by August 31, 2006.

Assistance for Persons with Disabilities: Contact Theresa Phillips by August 15, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule is to ensure efficient use of water by adding planning requirements for data collection, demand forecasting, evaluation of leakage and water use efficiency measures, a distribution leakage standard, requirements for goal-setting, and performance reporting. The proposal will help preserve the state's water resources for future growth, and enhance public health protection through improved system reliability. The proposal involves amendments to WAC 246-290-010 Definitions, 246-290-100 Water system plan, 246-290-105 Small water system management program, 246-290-132 Interties, 246-290-221 Water demand design criteria, 246-290-420 Reliability and emergency response, 246-290-480 Recordkeeping and reporting, and 246-290-990 Water system evaluation and project review and approval fees; and creates new sections WAC 246-290-496 Metering requirements, 246-290-800 Purpose, 246-290-810 Water use efficiency program, 246-290-820 Distribution system leakage standard, 246-290-830 Goal setting, and 246-290-840 Performance reports.

Reasons Supporting Proposal: This proposed rule carries out the intent of RCW 70.119A.180 by setting standards for the efficient use of water by municipal water suppliers. These changes will increase a water system's ability to save water for future growth, ensures good stewardship of the state's limited water resources, and enhances efficient water system operation and maintenance.

Statutory Authority for Adoption: RCW 70.119A.180.

Statute Being Implemented: RCW 70.119A.180.

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

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Theresa Phillips, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147.

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

Small Business Economic Impact Statement

**Is a Small Business Economic Impact Statement (SBEIS) Required for this Proposed Rule?** The Regulatory Fairness Act, chapter 19.85 RCW, requires agencies to determine whether proposed rules will have a disproportionate impact on small businesses and provide mitigation when appropriate. This SBEIS has been prepared because this proposed rule imposes more than minor costs on small businesses. The department of health (DOH) made this determination by identifying the affected industries and using minor impact tables developed by DOH. The affected industries are those with standard industrial classification code 4941 for water supply industries. According to DOH's minor impact tables the minor impact threshold for this classification is \$66.10. This figure is based on a one-time cost of 1% of average revenue. The cost of this proposed rule exceeds \$66.10.

**Which Industries are Affected by this Proposed Rule?** The affected businesses are entities that own water systems that meet the definition of municipal water supplier

in RCW 90.03.015. This includes community water systems serving more than fifteen residential connections and some noncommunity water systems. DOH estimates that 2,124 community water systems and 770 noncommunity water systems will be affected by this proposed rule. The total number of businesses affected will be smaller because many entities own several water systems. For the purpose of this analysis, cost estimates are based on the cost to each water system. For more details about the water systems affected by this proposed rule, see Section 2 of DOH's *Preliminary Significant Analysis and Small Business Economic Impact Statement for Rule Concerning Chapter 246-290 WAC Water Use Efficiency*.

**What are the Costs of Complying with this Proposed Rule?** DOH estimated the costs associated with this proposed rule and described them in detail in Section 6 of DOH's *Preliminary Significant Analysis and Small Business Economic Impact Statement for Rule Concerning Chapter 246-290 WAC Water Use Efficiency*. Since the cost of the proposed rule exceeds the minor cost threshold, DOH must determine whether the proposed rule will have a disproportionate impact on small businesses that must comply with the proposed rule and provide mitigation when appropriate. An analysis of the overall costs is in Section 5 of DOH's *Preliminary Significant Analysis and Small Business Economic Impact Statement for Rule Concerning Chapter 246-290 WAC Water Use Efficiency*. The next section of this analysis includes examples of the costs the department identified to evaluate the impact to small businesses.

**Does this Proposed Rule Impose a Disproportionate Impact on Small Businesses?** The Regulatory Fairness Act requires agencies to:

"...determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules..."

Defining the set of water systems that represent the largest 10% is difficult. The proposed rule is expected to affect approximately 3,000 water systems. The number of municipal water suppliers that operate these water systems is smaller because some own more than one water system. This analysis focuses on the water system as opposed to the municipal water supplier because implementation and compliance will be carried out on a system-by-system basis. The table below illustrates that the 300 water systems serving the largest number of total connections reach well into the "small" category of water systems. If the number of people served is used, which would be roughly proportional to volume of water sold, the set of large water systems are only a few very large water systems.

DOH concluded that the best way to illustrate how the proposed rule affects water systems of different sizes is to look at each of the four size categories used in Section 2 of DOH's *Preliminary Significant Analysis and Small Business Economic Impact Statement for Rule Concerning Chapter 246-290 WAC Water Use Efficiency*.

Community Water Systems Affected by the Proposed Water Use Efficiency Rule:

Size Category	Residential Connections	Number of Water Systems	Percent of Water Systems	Number of Residents Served	Percent of Residents Served
<b>Very Small</b>	< 100	1,369	64%	131,050	2%
<b>Small</b>	100 - 999	549	26%	421,702	8%
<b>Medium</b>	1,000 - 9,999	169	8%	1,539,152	29%
<b>Large</b>	> 9,999	37	2%	3,212,226	61%
<b>Total</b>		<b>2,124</b>	<b>100%</b>	<b>5,304,130</b>	<b>100%</b>

The new costs that are not due to provisions taken directly from statute fall into two general categories: Procedures and actions. Procedures include activities such as developing plans, holding meetings, collecting information, and submitting that information to DOH. Actions include water use efficiency program implementation, finding and repairing leaks, installing, reading, and maintaining meters. Except for the costs associated with service meters, DOH was either unable to determine the costs or the costs associated with this rule are already required by existing statute or rule.

Procedural Costs: Section 5, of DOH's *Preliminary Significant Analysis and Small Business Economic Impact Statement for Rule Concerning Chapter 246-290 WAC Water Use*

*Efficiency* provides estimates for the procedural activities associated with the proposed rule. Those costs are summarized below. The costs used for this analysis are associated with water system plan development. Many small water systems are only required to develop a small water system management program. The water system plan costs were used because they are slightly higher. The cost of developing a water loss control action plan is also included. This will not be required for all water systems, but it is included here to reflect the higher cost that some water systems will accrue.

Average Annual Cost of Procedural Activities - Proposed Water Use Efficiency Rule:

	Very Small < 100 Connections	Small 100 – 999 Connections	Medium 1,000 – 9,999 Connections	Large > 9,999 Connections
<b>Procedural Cost for Water Systems Developing a Water System Plan</b>	\$1,364	\$3,555	\$7,484	\$8,121

	<b>Very Small &lt; 100 Connections</b>	<b>Small 100 – 999 Connections</b>	<b>Medium 1,000 – 9,999 Connections</b>	<b>Large &gt; 9,999 Connections</b>
<b>Water Loss Control Action Plan Development Costs</b>	\$348	\$649	\$877	\$1,247
<b>Total</b>	<b>\$1,712</b>	<b>\$4,204</b>	<b>\$8,361</b>	<b>\$9,368</b>

The Regulatory Fairness Act, chapter 19.85 RCW, directs agencies to determine if costs are disproportionate "...using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales."

DOH staff conducted an extensive search of available data and was unable to find data related to number of employees, hours of labor, or sales for all affected business. U.S. Department of Labor and Industry statistics show that the smallest for-profit entities in the water supply industry have an average of one employee and the largest an average of twenty employees. DOH staff feel that this is representative

of most entities in the water supply industry. This would not hold true for large cities such as Seattle and Spokane. Those are likely to have hundreds of employees.

To illustrate the cost of procedural activities associated with the proposed rule, the table below presents these cost using two approaches. The first shows the cost per connection using the average number of connections served by water systems in each size category. The second assumes an average number of employees for water systems in each size category. Using either approach, this proposed rule appears to have a disproportionate impact on small businesses.

Cost Comparison for Proposed Water Use Efficiency Rule:

	<b>Very Small &lt; 100 Connections</b>	<b>Small 100 - 999 Connections</b>	<b>Medium 1,000 - 9,999 Connections</b>	<b>Large &gt; 9,999 Connections</b>
<b>Procedural Costs</b>	\$1,712	\$4,204	\$8,361	\$9,368
<b>Average Number of Connections</b>	40	324	3,218	27,014
<b>Cost per Connection</b>	<b>\$43</b>	<b>\$13</b>	<b>\$3</b>	<b>&lt; \$1</b>
<b>Average Number of Employees</b>	1	2	20	150
<b>Cost per Employees</b>	<b>\$1,712</b>	<b>\$2,102</b>	<b>\$418</b>	<b>\$94</b>

**Service Meter Costs:** The cost of meter installation and maintenance was assessed only for water systems that are not already fully metered. Based on surveys conducted by DOH and experienced field staff, it is assumed that virtually all large water systems are fully metered and that approximately 40% of the smallest water systems are not. While the costs associated with service meters are the same for water systems of different sizes, the impact of that cost could be considered disproportionate, because more small water systems will need to install meters and the revenue base of smaller water systems is considerably smaller than large water systems.

**If the Proposed Rule Imposes a Disproportionate Impact on Small Businesses, What Efforts were Taken to Reduce that Impact?** The proposed rule contains a number of features that were incorporated to minimize the cost and complexity of proposed rule implementation.

1. Planning requirements are integrated to the maximum extent possible with current planning requirements.
2. Data collection and reporting requirements are limited to only those elements that were deemed essential to meet the purposes of the law.
3. Goal-setting processes are structured to allow the municipal water supplier to combine them with their water system plan update process.
4. Municipal water suppliers are allowed to use existing processes to meet the public forum requirements.

5. Municipal water suppliers are allowed to measure production at any point prior to their distribution system. This will allow them to use existing source meters.

6. Performance reports include leakage data to avoid a separate reporting mechanism for the distribution system leakage standard.

7. Municipal water suppliers were given a generous amount of time (ten years) to install meters.

8. Municipal water suppliers may raise technical and economic issues related to the distribution system leakage standard in their water loss control action plans.

A number of features were also incorporated specifically to minimize the burden to small municipal water suppliers.

1. Water systems that prepare small water system management programs have simplified requirements for source descriptions.
2. Water systems with fewer than 1,000 connections have simplified requirements for cost-effectiveness evaluations.
3. The number of water use efficiency measures that must be evaluated or implemented varies with water system size.
4. Water systems with fewer than 1,000 connections are not required to describe seasonal variations in consumption patterns.
5. The performance reporting requirement is delayed by one year for water systems with fewer than 1,000 connections.

6. Water systems with fewer than 1,000 connections are not required to assess the water savings from all measures they determine to be cost-effective but do not implement.

7. Water systems with fewer than 1,000 connections are not required to evaluate opportunities for reclaimed water.

**How are Small Businesses Involved in the Development of this Proposed Rule?** DOH staff worked closely with constituents and the public to minimize the burden of this proposed rule. The primary mechanism for input was a subcommittee of the Washington water supply advisory committee to assist DOH with development of this regulation. The water use efficiency subcommittee consisted of thirty-four members, which included a cross-section of utilities, local governments, environmental-interest groups, business groups, state agencies, and utility customers. Tribal representatives also observed the process. Small water systems were given three seats on the water use efficiency subcommittee. One seat was given to a representative from business interests. Each meeting afforded time for public comments. In addition to committee members, small water system owners typically attended the meetings as members of the general public and provided comments. Repeatedly, the small water system representatives voiced the opinion that, while DOH should minimize costs to small water systems, those efforts should not dilute the basic requirements in the authorizing statute.

In July 2004, DOH distributed an informal water use efficiency regulation. This was sent to all Group A public water systems and stakeholder groups. All comments were reviewed and considered in revision of the proposed rule. DOH developed a written response to all comments received during this informal review.

DOH made additional efforts to obtain input from the Washington PUD Association. PUD's typically manage many small water systems and provided insight into the challenges facing small water systems.

DOH staff met with a committee member representing small water systems that also represented a business that owned and operated several small water systems regulated by the utilities and transportation commission. Those meetings focused on the unique challenges faced by the utilities and transportation commission-regulated entities.

DOH staff made several presentations during development of the regulation targeted toward small water systems. In particular, there were special sessions for small water systems during the 2004 drinking water seminars and presentations made at the 2003 and 2004 Evergreen Rural Water of Washington and Water and Wastewater Operators of Washington conferences.

**Conclusion:** This proposed rule will have significant costs for all municipal water suppliers, including those that are small businesses. Those costs are expected to have a disproportionate impact on municipal water suppliers that own small water systems. DOH staff consulted with business interests and small water system owners throughout the rule development process and incorporated several provisions to minimize the cost of the proposed rule for small businesses while still ensuring it meets the intent of the Washington state legislature.

A copy of the statement may be obtained by contacting Theresa Phillips, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3147, fax (360) 236-2253, e-mail [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Theresa Phillips, P.O. Box 47822, Olympia, WA 98504-7822, phone (360) 236-3147, fax (360) 236-2253, e-mail [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov).

July 18, 2006

B. White  
for M. C. Selecky  
Secretary

**AMENDATORY SECTION** (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

**WAC 246-290-010 Definitions.** Abbreviations and acronyms:

**ADD** - average day demand;  
**AG** - air gap;  
**ANSI** - American National Standards Institute;  
**APWA** - American Public Works Association;  
**ASCE** - American Society of Civil Engineers;  
**AVB** - atmospheric vacuum breaker;  
**AWWA** - American Water Works Association;  
**BAT** - best available technology;  
**BAT** - backflow assembly tester (for WAC 246-29-490);  
**C** - residual disinfectant concentration in mg/L;  
**CCS** - cross-connection control specialist;  
**CFR** - code of federal regulations;  
**CPE** - comprehensive performance evaluation;  
**CT** - the mathematical product in mg/L - minutes of "C" and "T";  
**CTA** - comprehensive technical assistance;  
**CWSSA** - critical water supply service area;  
**DBPs** - disinfection by-products;  
**DCDA** - double check detector assembly;  
**DCVA** - double check valve assembly;  
**EPA** - Environmental Protection Agency;  
**ERU** - equivalent residential unit;  
**gph** - gallons per hour;  
**gpm** - gallons per minute;  
**GAC** - granular activated carbon;  
**GAC10** - granular activated carbon with ten-minute empty bed contact time based on average daily flow and one hundred eighty-day reactivation frequency;  
**GW** - ground water under the direct influence of surface water;  
**HAA5** - haloacetic acids (five);  
**HPC** - heterotrophic plate count;  
**IAPMO** - International Association of Plumbing and Mechanical Officials;  
**kPa** - kilo pascal (SI units of pressure);  
**MCL** - maximum contaminant level;  
**MDD** - maximum day demand;  
**mg/L** - milligrams per liter (1 mg/L = 1 ppm);  
**mL** - milliliter;  
**mm** - millimeter;  
**MRDL** - maximum residual disinfectant level;

**MRDLG** - maximum residual disinfectant level goal;

**MTTP** - maximum total trihalomethane potential;

**NSF** - National Sanitation Foundation;

**NTNC** - nontransient **noncommunity**;

**NTU** - nephelometric turbidity unit;

**PAA** - project approval application;

**pCi/L** - picocuries per liter;

**PHD** - peak hourly demand;

**ppm** - parts per million (1 ppm = 1 mg/L);

**psi** - pounds per square inch;

**PVBA** - pressure vacuum breaker assembly;

**RPBA** - reduced pressure backflow assembly;

**RPDA** - reduced pressure detector assembly;

**SAL** - state advisory level;

**SCA** - sanitary control area;

**SDWA** - Safe Drinking Water Act;

**SEPA** - State Environmental Policy Act;

**SOC** - synthetic organic chemical;

**SMA** - satellite management agency;

**SPI** - special purpose investigation;

**SRF** - state revolving fund;

**SUVA** - specific ultraviolet absorption;

**SVBA** - spill resistant vacuum breaker assembly;

**SWTR** - surface water treatment rule;

**T** - disinfectant contact time in minutes;

**TTHM** - total trihalomethane;

**TNC** - transient **noncommunity**;

**TNTC** - too numerous to count;

**TOC** - total organic carbon;

**UBC** - Uniform Building Code;

**ug/L** - micrograms per liter;

**UL** - Underwriters Laboratories, Inc.;

**umhos/cm** - micromhos per centimeter;

**UPC** - Uniform Plumbing Code;

**UTC** - utilities and transportation commission;

**VOC** - volatile organic chemical;

**WAC** - Washington Administrative Code;

**WFI** - water facilities inventory and report form; and

**WHPA** - wellhead protection area.

"**Acute**" means posing an immediate risk to human health.

"**Alternate filtration technology**" means a filtration process for substantial removal of particulates (generally > 2 log *Giardia lamblia* cysts and ≥ 2-log removal of *Cryptosporidium* oocysts) by other than conventional, direct, diatomaceous earth, or slow sand filtration processes.

"**Analogous treatment system**" means an existing water treatment system that has unit processes and source water quality characteristics that are similar to a proposed treatment system.

"**Approved air gap**" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an air gap approved by the department, the separation must be at least:

Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and:

Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

"**Approved atmospheric vacuum breaker**" means an AVB of make, model, and size that is approved by the department. AVBs that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or that are listed or approved by other nationally recognized testing agencies (such as IAPMO, ANSI, or UL) acceptable to the local administrative authority are considered approved by the department.

"**Approved backflow preventer**" means an approved air gap, an approved backflow prevention assembly, or an approved AVB. The terms "approved backflow preventer," "approved air gap," or "approved backflow prevention assembly" refer only to those approved backflow preventers relied upon by the purveyor for the protection of the public water system. The requirements of WAC 246-290-490 do not apply to backflow preventers installed for other purposes.

"**Approved backflow prevention assembly**" means an RPBA, RPDA, DCVA, DCDA, PVBA, or SVBA of make, model, and size that is approved by the department. Assemblies that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or other entity acceptable to the department are considered approved by the department.

"**As-built drawing**" means the drawing created by an engineer from the collection of the original design plans, including changes made to the design or to the system, that reflects the actual constructed condition of the water system.

"**Authorized agent**" means any person who:

Makes decisions regarding the operation and management of a public water system whether or not he or she is engaged in the physical operation of the system;

Makes decisions whether to improve, expand, purchase, or sell the system; or

Has discretion over the finances of the system.

"**Authorized consumption**" means the volume of metered and unmetered water used by consumers, the purveyor, and others authorized to do so by the purveyor, including, but not limited to, fire fighting and training, flushing of mains and sewers, street cleaning, and watering of parks and landscapes. These volumes may be billed or unbilled.

"**Average day demand (ADD)**" means the total quantity of water use from all sources of supply as measured or estimated over a calendar year divided by three hundred sixty-five. ADD is typically expressed as gallons per day per ERU (gpd/ERU).

"**Backflow**" means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"**Backflow assembly tester**" means a person holding a valid BAT certificate issued in accordance with chapter 246-292 WAC.

**"Backpressure"** means a pressure (caused by a pump, elevated tank or piping, boiler, or other means) on the consumer's side of the service connection that is greater than the pressure provided by the public water system and which may cause backflow.

**"Backsiphonage"** means backflow due to a reduction in system pressure in the purveyor's distribution system and/or consumer's water system.

**"Best available technology (BAT)"** means the best technology, treatment techniques, or other means that EPA finds, after examination for efficacy under field conditions, are available, taking cost into consideration.

**"Blended sample"** means a sample collected from two or more individual sources at a point downstream of the confluence of the individual sources and prior to the first connection.

**"C"** means the residual disinfectant concentration in mg/L at a point before or at the first consumer.

**"Category red operating permit"** means an operating permit identified ((as such)) under chapter 246-294 WAC. Placement in this category results in permit issuance with conditions and a determination that the system is inadequate.

**"Chemical contaminant treatment facility"** means a treatment facility specifically used for the purpose of removing chemical contaminants.

**"Clarification"** means a treatment process that uses gravity (sedimentation) or dissolved air (flotation) to remove flocculated particles.

**"Closed system"** means any water system or portion of a water system in which water is transferred to a higher pressure zone closed to the atmosphere, such as when no gravity storage is present.

**"Coagulant"** means a chemical used in water treatment to destabilize particulates and accelerate the rate at which they aggregate into larger particles.

**"Coagulation"** means a process using coagulant chemicals and rapid mixing to destabilize colloidal and suspended particles and agglomerate them into flocs.

**"Combination fire protection system"** means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection; and

Is constructed of approved potable water piping and materials that serve both the fire sprinkler system and the consumer's potable water system.

**"Completely treated water"** means water from a surface or GWI source that receives filtration or disinfection treatment that fully complies with the treatment technique requirements of Part 6 of this chapter as determined by the department.

**"Composite sample"** means a sample in which more than one source is sampled individually by the water system and then composited by a certified laboratory by mixing equal parts of water from each source (up to five different sources) and then analyzed as a single sample.

**"Comprehensive monitoring plan"** means a schedule that describes both the frequency and appropriate locations for sampling of drinking water contaminants as required by state and federal rules.

**"Comprehensive performance evaluation (CPE)"** means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements. The comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

**"Comprehensive technical assistance (CTA)"** means technical assistance intended to identify specific steps that may help a water treatment plant overcome operational or design limitations identified during a comprehensive performance evaluation.

**"Confirmation"** means to demonstrate the accuracy of results of a sample by analyzing another sample from the same location within a reasonable period of time, generally not to exceed two weeks. Confirmation is when analysis results fall within plus or minus thirty percent of the original sample results.

**"Confluent growth"** means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

~~("Conservation program" means policies and activities implemented to encourage or cause efficient use of water on a long-term basis. Conservation programs shall include identification of the conservation objectives of the purveyor, evaluation of conservation measures considered, and identification of specific conservation measures identified for implementation.)~~

**"Construction completion report"** means a form provided by the department and completed for each specific construction project to document:

- Project construction in accordance with this chapter and general standards of engineering practice;
- Physical capacity changes; and
- Satisfactory test results.

The completed form must be stamped with an engineer's seal, and signed and dated by a professional engineer.

**"Consumer"** means any person receiving water from a public water system from either the meter, or the point where the service line connects with the distribution system if no meter is present. For purposes of cross-connection control, "consumer" means the owner or operator of a water system connected to a public water system through a service connection.

**"Consumer's water system,"** as used in WAC 246-290-490, means any potable and/or industrial water system that begins at the point of delivery from the public water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.

**"Contaminant"** means a substance present in drinking water that may adversely affect the health of the consumer or the aesthetic qualities of the water.

**"Contingency plan"** means that portion of the wellhead protection program section of the water system plan or small water system management program that addresses the replacement of the major well(s) or wellfield in the event of loss due to ground water contamination.

**"Continuous monitoring"** means determining water quality with automatic recording analyzers that operate without interruption twenty-four hours per day.

**"Conventional filtration treatment"** means a series of processes including coagulation, flocculation, clarification, and filtration that together result in substantial particulate removal in compliance with Part 6 of this chapter.

**"Cost-effective"** means the present value of benefits exceed the present value of costs.

**"Critical water supply service area (CWSSA)"** means a geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of service in ~~((such))~~ a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.

**"Cross-connection"** means any actual or potential physical connection between a public water system or the consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow.

**"Cross-connection control program"** means the administrative and technical procedures the purveyor implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

**"Cross-connection control specialist"** means a person holding a valid CCS certificate issued in accordance with chapter 246-292 WAC.

**"Cross-connection control summary report"** means the annual report that describes the status of the purveyor's cross-connection control program.

**"CT"** or **"CTcalc"** means the product of "residual disinfectant concentration" (C) and the corresponding "disinfectant contact time" (T) i.e., "C" x "T."

**"CT<sub>99.9</sub>"** means the CT value required for 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts.

**"CTreq"** means the CT value a system shall provide to achieve a specific percent inactivation of *Giardia lamblia* cysts or other pathogenic organisms of health concern as directed by the department.

**"Curtailement"** means short-term, infrequent actions by a purveyor and its consumers to reduce their water use during or in anticipation of a water shortage.

**"Dead storage"** means the volume of stored water not available to all consumers at the minimum design pressure in accordance with WAC 246-290-230 (5) and (6).

**"Demand forecast"** means an estimate of future water system water supply needs assuming historically normal weather conditions and calculated using numerous parameters, including population, historic water use, local land use plans, water rates and their impacts on consumption, employment, projected ~~((conservation))~~ water use efficiency savings from implementation of a ~~((conservation))~~ water use efficiency program, and other appropriate factors.

**"Department"** means the Washington state department of health or health officer as identified in a joint plan of operation in accordance with WAC 246-290-030(1).

**"Design and construction standards"** means department design guidance and other peer reviewed documents generally accepted by the engineering profession as containing fundamental criteria for design and construction of water facility projects. Design and construction standards are comprised of performance and sizing criteria and reference general construction materials and methods.

**"Diatomaceous earth filtration"** means a filtration process for substantial removal of particulates (> 2 log *Giardia lamblia* cysts) in which:

A precoat cake of graded diatomaceous earth filter media is deposited on a support membrane (septum); and

Water is passed through the cake on the septum while additional filter media, known as body feed, is continuously added to the feed water to maintain the permeability of the filter cake.

**"Direct filtration"** means a series of processes including coagulation, flocculation, and filtration (but excluding sedimentation) that together result in substantial particulate removal in compliance with Part 6 of this chapter.

**"Direct service connection"** means a service hookup to a property that is contiguous to a water distribution main and where additional distribution mains or extensions are not needed to provide service.

**"Disinfectant contact time (T in CT)"** means: When measuring the first or only C, the time in minutes it takes water to move from the point of disinfectant application to a point where the C is measured; and

For subsequent measurements of C, the time in minutes it takes water to move from one C measurement point to the C measurement point for which the particular T is being calculated.

**"Disinfection"** means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

**"Disinfection profile"** means a summary of *Giardia lamblia* inactivation through a surface water treatment plant.

**"Distribution coliform sample"** means a sample of water collected from a representative location in the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

**"Distribution-related projects"** means distribution projects such as storage tanks, booster pump facilities, transmission mains, pipe linings, and tank coating. It does not mean source of supply (including interties) or water quality treatment projects.

**"Distribution reservoir"** means a water storage structure that is integrated with a water system's distribution network to provide for variable system demands including, but not limited to, daily equalizing storage, standby storage, or fire reserves, or to provide for disinfectant contact time.

**"Distribution system"** means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.



**"Domestic or other nondistribution system plumbing problem,"** means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

**"Drinking water state revolving fund (DWSRF)"** means the revolving loan program financed by the state and federal governments and managed by the state for the purpose of assisting water systems to meet their capital needs associated with complying with the federal Safe Drinking Water Act.

**"Duplicate (verification) sample"** means a second sample collected at the same time and location as the first sample and used for verification.

**"Elected governing board"** means the elected officials with ultimate legal responsibility for operational, technical, managerial, and financial decisions for a public water system.

**"Emergency"** means an unforeseen event that causes damage or disrupts normal operations and requires immediate action to protect public health and safety.

**"Emergency source"** means any source that is approved by the department for emergency purposes only, is not used for routine or seasonal water demands, is physically disconnected, and is identified in the purveyor's emergency response plan.

**"Engineering design review report"** means a form provided by the department and completed for a specific distribution-related project to document:

- Engineering review of a project report and/or construction documents under the submittal exception process in accordance with WAC 246-290-125(3); and
- Design in accordance with this chapter and general standards of engineering practice.

The completed form must be stamped with engineer's seal, and signed and dated by a professional engineer.

**"Equalizing storage"** means the volume of storage needed to supplement supply to consumers when the peak hourly demand exceeds the total source pumping capacity.

**"Equivalent residential unit (ERU)"** means a system-specific unit of measure used to express the amount of water consumed by a typical full-time single family residence.

**"Expanding public water system"** means a public water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities that will enable the system to increase in size its existing service area and/or its number of approved service connections. Exceptions:

A system that connects new approved individual retail or direct service connections onto an existing distribution system within an existing service area; or

A distribution system extension in an existing service area identified in a current and approved water system plan or project report.

**"Filter profile"** means a graphical representation of individual filter performance in a direct or conventional surface water filtration plant, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

**"Exported water"** means volumes of water produced or purchased by a public water system that enters the transmission mains or distribution system and then is delivered to a different public water system.

**"Filtration"** means a process for removal of particulate matter from water by passage through porous media.

**"Financial viability"** means the capability of a water system to obtain sufficient funds to construct, operate, maintain, and manage a public water system, on a continuing basis, in full compliance with federal, state, and local requirements.

**"Fire flow"** means the maximum rate and duration of water flow needed to suppress a fire under WAC 246-293-640 or as required under local fire protection authority standards.

**"Fire suppression storage"** means the volume of stored water available during fire suppression activities to satisfy minimum pressure requirements per WAC 246-290-230.

**"First consumer"** means the first service connection associated with any source (i.e., the point where water is first withdrawn for human consumption, excluding connections where water is delivered to another water system covered by these regulations).

**"Flocculation"** means a process enhancing agglomeration and collection of colloidal and suspended particles into larger, more easily settleable or filterable particles by gentle stirring.

**"Flow-through fire protection system"** means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection;

Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and

Terminates at a connection to a toilet or other plumbing fixture to prevent the water from becoming stagnant.

**"Forecasted demand characteristics"** means the factors that may affect a public water system's projected water needs.

**"Governing body"** means the individual or group of individuals with ultimate legal responsibility for operational, technical, managerial, and financial decisions for a public water system.

**"Grab sample"** means a water quality sample collected at a specific instant in time and analyzed as an individual sample.

**"Ground water under the direct influence of surface water (GWI)"** means any water beneath the surface of the ground that the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or, *Cryptosporidium*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions where natural conditions cannot prevent the introduction of surface water pathogens into the source at the system's point of withdrawal.

**"Guideline"** means a department document assisting the purveyor in meeting a rule requirement.

**"Health officer"** means the health officer of the city, county, city-county health department or district, or an authorized representative.

**"Heterotrophic Plate Count (HPC)"** means a procedure to measure a class of bacteria that use organic nutrients for growth. The density of these bacteria in drinking water is measured as colony forming units per milliliter and is referred to as the HPC.

**"High health cross-connection hazard"** means a cross-connection which could impair the quality of potable water and create an actual public health hazard through poisoning or spread of disease by sewage, industrial liquids or waste.

**"Human consumption"** means the use of water for drinking, bathing or showering, hand washing, food preparation, cooking, or oral hygiene.

**"Hydraulic analysis"** means the study of a water system's distribution main and storage network to determine present or future adequacy for provision of service to consumers within the established design parameters for the system under peak flow conditions, including fire flow. The analysis is used to establish any need for improvements to existing systems or to substantiate adequacy of design for distribution system components such as piping, elevated storage, booster stations or similar facilities used to pump and convey water to consumers.

**"Inactivation"** means a process which renders pathogenic microorganisms incapable of producing disease.

**"Inactivation ratio"** means the ratio obtained by dividing C<sub>Tcalc</sub> by C<sub>Treq</sub>.

**"Incompletely treated water"** means water from a surface or GWI source that receives filtration and/or disinfection treatment that does not fully comply with the treatment technique requirements of Part 6 of this chapter as determined by the department.

**"In-line filtration"** means a series of processes, including coagulation and filtration (but excluding flocculation and sedimentation) that together result in particulate removal.

**"In-premises protection"** means a method of protecting the health of consumers served by the consumer's potable water system, located within the property lines of the consumer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

**"Intertie"** means an interconnection between public water systems permitting the exchange or delivery of water between those systems.

**"Legionella"** means a genus of bacteria containing species which cause a type of pneumonia called Legionnaires' Disease.

**"Limited alternative to filtration"** means a process that ensures greater removal and/or inactivation efficiencies of pathogenic organisms than would be achieved by the combination of filtration and chlorine disinfection.

**"Local administrative authority"** means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under chapter 19.27 RCW.

**"Low health cross-connection hazard"** means a cross-connection that could cause an impairment of the quality of

potable water to a degree that does not create a hazard to the public health, but does adversely and unreasonably affect the aesthetic qualities of ((such)) potable waters for domestic use.

**"Major project"** means all construction projects subject to SEPA in accordance with WAC 246-03-030 (3)(a) and include all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet and larger than eight inches in diameter located in new rights of way and major extensions to existing water distribution systems involving use of pipes greater than eight inches in diameter, that are designed to increase the existing service area by more than one square mile.

**"Mandatory curtailment"** means curtailment required by a public water system of specified water uses and consumer classes for a specified period of time.

**"Marginal costs"** means the change in costs incurred by producing the next increment of supply.

**"Maximum contaminant level (MCL)"** means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 3.

**"Maximum contaminant level violation"** means a confirmed measurement above the MCL and for a duration of time, where applicable, as outlined under WAC 246-290-310.

**"Maximum day demand (MDD)"** means the highest actual or estimated quantity of water that is, or is expected to be, used over a twenty-four hour period, excluding unusual events or emergencies. MDD is typically expressed as gallons per day per ERU (gpd/ERU).

**"Monitoring waiver"** means an action taken by the department under WAC 246-290-300 (4)(g) or (7)(f) to allow a water system to reduce specific monitoring requirements based on a determination of low source vulnerability to contamination.

**"Municipal water supplier"** means an entity that supplies water for municipal water supply purposes.

**"Municipal water supply purposes"** means a beneficial use of water:

(a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year;

(b) For governmental or governmental proprietary purposes by a city, town, public utility, district, county, sewer district, or water district; or

(c) Indirectly for the purposes in (a) or (b) of this definition through the delivery of treated or raw water to a public water system for such use.

(i) If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this definition, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes; and

(ii) If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this definition, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

**"Nested storage"** means one component of storage is contained within the component of another.

**"Nonacute"** means posing a possible or less than immediate risk to human health.

**"Nonresident"** means a person having access to drinking water from a public water system, but who lives elsewhere. Examples include travelers, transients, employees, students, etc.

**"Normal operating conditions"** means those conditions associated with the designed, day-to-day provision of potable drinking water that meets regulatory water quality standards and the routine service expectations of the system's consumers at all times, including meeting fire flow demands. Operation under conditions such as power outages, floods, or unscheduled transmission or distribution disruptions, even if considered in the system design, are considered abnormal.

**"Operational storage"** means the volume of distribution storage associated with source or booster pump normal cycling times under normal operating conditions and is additive to the equalizing and standby storage components, and to fire flow storage if this storage component exists for any given tank.

**"Peak hourly demand (PHD)"** means the maximum rate of water use, excluding fire flow, that can be expected to occur within a defined service area over a continuous sixty minute time period. PHD is typically expressed in gallons per minute (gpm).

**"Peak hourly flow"** means, for the purpose of CT calculations, the greatest volume of water passing through the system during any one hour in a day.

**"Performance criteria"** means the level at which a system shall operate in order to maintain system reliability compliance, in accordance with WAC 246-290-420, and to meet consumers' reasonable expectations.

**"Permanent residence"** means any dwelling that is, or could reasonably be expected to be, occupied on a continuous basis.

**"Permanent source"** means a public water system supply source that is used regularly each year, and based on expected operational requirements of the system, will be used more than three consecutive months in any twelve-month period. For seasonal water systems that are in operation for less than three consecutive months per year, their sources shall also be considered to be permanent.

**"Point of disinfectant application"** means the point where the disinfectant is added, and where water downstream of that point is not subject to contamination by untreated surface water.

**"Population served"** means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not ((such))

persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

**"Potable"** means water suitable for drinking by the public.

**"Potential GWI"** means a source identified by the department as possibly under the influence of surface water, and includes, but is not limited to, all wells with a screened interval fifty feet or less from the ground surface at the well-head and located within two hundred feet of a surface water, and all Ranney wells, infiltration galleries, and springs.

**"Premises isolation"** means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the purveyor to isolate the consumer's water system from the purveyor's distribution system.

**"Pressure filter"** means an enclosed vessel containing properly sized and graded granular media through which water is forced under greater than atmospheric pressure.

**"Primary disinfection"** means a treatment process for achieving inactivation of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of public health concern to comply with the treatment technique requirements of Part 6 of this chapter.

**"Primary standards"** means standards based on chronic, nonacute, or acute human health effects.

**"Primary turbidity standard"** means an accurately prepared formazin solution or commercially prepared polymer solution of known turbidity (prepared in accordance with "standard methods") that is used to calibrate bench model and continuous turbidimeters (instruments used to measure turbidity).

**"Project approval application (PAA)"** means a department form documenting ownership of water system, design engineer for the project, and type of project.

**"Protected ground water source"** means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

**"Public forum"** means a meeting open to the general public that allows for their participation.

**"Public water system"** is defined and referenced under WAC 246-290-020.

**"Purchased source"** means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's consumers.

**"Purveyor"** means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of ((such)) these entities.

**"Reclaimed water"** means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that

treatment, it is suitable for beneficial use or a controlled use that would not otherwise occur, and it is no longer considered wastewater.

**"Record drawings"** means the drawings bearing the seal and signature of a professional engineer that reflect the modifications made to construction documents, documenting actual constructed conditions of the water system facilities.

**"Recreational tract"** means an area that is clearly defined for each occupant, but has no permanent structures with internal plumbing, and the area has been declared ((as such)) in the covenants or on the recorded plat in order to be eligible for reduced design considerations.

**"Regional public water supplier"** means a water system that provides drinking water to one, or more, other public water systems.

**"Regularly"** means four hours or more per day for four days or more per week.

**"Removal credit"** means the level (expressed as a percent or log) of *Giardia* and virus removal the department grants a system's filtration process.

**"Repeat sample"** means a sample collected to confirm the results of a previous analysis.

**"Resident"** means an individual living in a dwelling unit served by a public water system.

**"Residual disinfectant concentration"** means the analytical level of a disinfectant, measured in milligrams per liter, that remains in water following the application (dosing) of the disinfectant after some period of contact time.

**"Same farm"** means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a **Group A** public water system.

**"Sanitary survey"** means a review, inspection, and assessment of a public water system by the department or department designee including, but not limited to: Source, facilities, equipment, administration and operation, maintenance procedures, monitoring, recordkeeping, planning documents and schedules, and management practices. The purpose of the survey is to evaluate the adequacy of the water system for producing and distributing safe and adequate drinking water.

**"Satellite management agency (SMA)"** means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between ((such)) the systems.

**"Seasonal source"** means a public water system source used on a regular basis, that is not a permanent or emergency source.

**"Secondary standards"** means standards based on factors other than health effects.

**"Service connection"** means a connection to a public water system designed to provide potable water to a single family residence, or other residential or nonresidential population. When the connection provides water to a residential population without clearly defined single family residences, the following formulas shall be used in determining the number of services to be included as residential connections on the WFI form:

Divide the average population served each day by two and one-half; or

Using actual water use data, calculate the total ERUs represented by the service connection in accordance with department design guidance.

In no case shall the calculated number of services be less than one.

**"Significant noncomplier"** means a system that is violating or has violated department rules, and the violations may create, or have created an imminent or a significant risk to human health. ((Such)) The violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

**"Simple disinfection"** means any form of disinfection that requires minimal operational control in order to maintain the disinfection at proper functional levels, and that does not pose safety concerns that would require special care, equipment, or expertise. Examples include hypochlorination, UV-light, contactor chlorination, or any other form of disinfection practice that is safe to use and easy to routinely operate and maintain.

**"Slow sand filtration"** means a process involving passage of source water through a bed of sand at low velocity (generally less than 0.10 gpm/ft<sup>2</sup>) that results in substantial particulate removal (> 2 log *Giardia lamblia* cysts) by physical and biological mechanisms.

**"Societal perspective"** means a point of view that includes a broad spectrum of public benefits, including, but not limited to, enhanced system reliability; savings that result from delaying, deferring, or minimizing capital costs; and environmental benefits such as increased water in streams, improvements in aquifer recharge and other environmental factors.

**"Source meter"** means a meter that measures total output of a water source over specific time periods.

**"Source water"** means untreated water that is not subject to recontamination by surface runoff and:

For unfiltered systems, enters the system immediately before the first point of disinfectant application; and

For filtered systems, enters immediately before the first treatment unit of a water treatment facility.

**"Special purpose investigation (SPI)"** means on-site inspection of a public water system by the department or designee to address a potential public health concern, regulatory violation, or consumer complaint.

**"Special purpose sample"** means a sample collected for reasons other than the monitoring compliance specified in this chapter.

**"Spring"** means a source of water where an aquifer comes in contact with the ground surface.

**"Standard methods"** means the 18th edition of the book, titled *Standard Methods for the Examination of Water and Waste Water*, jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

**"Standby storage"** means the volume of stored water available for use during a loss of source capacity, power, or similar short-term emergency.

**"State advisory level (SAL)"** means a level established by the department and state board of health for a contaminant without an existing MCL. The SAL represents a level that when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

**"State board of health"** and **"board"** means the board created by RCW 43.20.030.

**"Subpart H System"** see definition for **"surface water system."**

**"Surface water"** means a body of water open to the atmosphere and subject to surface runoff.

**"Surface water system"** means a public water system that uses in whole, or in part, source water from a surface supply, or ground water under the direct influence of surface water (GWI) supply. This includes systems that operate surface water treatment facilities, and systems that purchase "completely treated water" (as defined in this subsection). A "surface water system" is also referred to as a "Subpart H System" in some federal regulatory language adopted by reference and the two terms are considered equivalent for the purposes of this chapter.

**"Susceptibility assessment"** means the completed Susceptibility Assessment Survey Form developed by the department to evaluate the hydrologic setting of the water source and assess its contribution to the source's overall susceptibility to contamination from surface activities.

**"Synthetic organic chemical (SOC)"** means a manufactured carbon-based chemical.

**"System capacity"** means the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations.

**"System physical capacity"** means the maximum number of service connections or equivalent residential units (ERUs) that the system can serve when considering the limitation of each system component such as source, treatment, storage, transmission, or distribution, individually and in combination with each other.

**"Time-of-travel"** means the time required for ground water to move through the water bearing zone from a specific point to a well.

**"Too numerous to count (TNTC)"** means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

**"Tracer study"** means a field study conducted to determine the disinfectant contact time, T, provided by a water system component, such as a clearwell or storage reservoir, used for *Giardia lamblia* cyst and virus inactivation. The study involves introducing a tracer chemical at the inlet of the contact basin and measuring the resulting outlet tracer concentration as a function of time.

**"Transmission line"** means pipes used to convey water from source, storage, or treatment facilities to points of distribution or distribution mains, and from source facilities to treatment or storage facilities. This also can include transmission mains connecting one section of distribution system to

another section of distribution system as long as this transmission main is clearly defined ((as such)) on the plans and no service connections are allowed along the transmission main.

**"Treatment technique requirement"** means a department-established requirement for a public water system to provide treatment, such as filtration or disinfection, as defined by specific design, operating, and monitoring requirements. A "treatment technique requirement" is established in lieu of a primary MCL when monitoring for the contaminant is not economically or technologically feasible.

**"Trihalomethane (THM)"** means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. THMs may occur when chlorine, a halogen, is added to water containing organic material and are generally found in water samples as disinfection by-products.

**"Turbidity event"** means a single day or series of consecutive days, not to exceed fourteen, when one or more turbidity measurement each day exceeds 5 NTU.

**"T10"** means the time it takes ten percent of the water passing through a system contact tank intended for use in the inactivation of *Giardia lamblia* cysts, viruses, and other microorganisms of public health concern, as determined from a tracer study conducted at peak hourly flow or from published engineering reports or guidance documents for similarly configured tanks.

**"Unapproved auxiliary water supply"** means a water supply (other than the purveyor's water supply) on or available to the consumer's premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the purveyor.

**"Uncovered distribution reservoir"** means a distribution reservoir that is open, without a suitable water-tight roof or cover, where the potable water supply is exposed to external contaminants, including but not limited to people, birds, animals, and insects and will undergo no further treatment except for residual disinfection.

**"Uniform Plumbing Code"** means the code adopted under RCW 19.27.031(4) and amended under chapter 51-46 WAC. This code establishes statewide minimum plumbing standards applicable within the property lines of the consumer's premises.

**"Used water"** means water which has left the control of the purveyor.

**"Verification"** means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

**"Virus"** means a virus of fecal origin which is infectious to humans and transmitted through water.

**"Volatile organic chemical (VOC)"** means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

**"Voluntary curtailment"** means a curtailment of water use requested, but not required of consumers.

**"Waterborne disease outbreak"** means the significant occurrence of acute infectious illness, epidemiologically associated with drinking water from a public water system, as

determined by the appropriate local health agency or the department.

**"Water demand efficiency"** means minimizing water use by the water system and its consumers through purveyor sponsored activities including, but not limited to, distributing water saving devices, providing rebates or incentives to promote water efficient technologies or by providing water audits to homes, businesses, or landscapes.

**"Water facilities inventory (WFI) form"** means the department form summarizing each public water system's characteristics.

**"Water right"** means a permit, claim, or other authorization, on record with or accepted by the department of ecology, authorizing the beneficial use of water in accordance with all applicable state laws.

**"Water right assessment"** means an evaluation of the legal ability of a water system to use water for existing or proposed usages in conformance with state water right laws. ~~((Such an))~~ The assessment may be done by a water system, a purveyor, the department of ecology, or any combination thereof.

**"Watershed"** means the region or area that:

Ultimately drains into a surface water source diverted for drinking water supply; and

Affects the physical, chemical, microbiological, and radiological quality of the source.

**"Water shortage"** means a situation during which the water supplies of a system cannot meet normal water demands for the system, including peak periods.

**"Water shortage response plan"** means a plan outlining policies and activities to be implemented to reduce water use on a short-term basis during or in anticipation of a water shortage.

**"Water supply characteristics"** means the factors related to a public water system's source of water supply that may affect its availability and suitability to provide for both short-term and long-term needs. Factors include, but are not limited to, source location, name of any body of water and water resource inventory area from which water is diverted or withdrawn, production capacity, the source's natural variability, the supplier's water rights for the source, and other legal demands on the source such as water rights for other uses, conditions established to protect species listed under the Endangered Species Act in 50 CFR 17.11; instream flow restrictions established under Title 173 WAC, and any conditions established by watershed plans approved under chapter 90.82 RCW and RCW 90.54.040(1) or salmon recovery plans under chapter 77.85 RCW.

**"Water supply efficiency"** means increasing a water system's transmission, storage and delivery potential through activities including, but not limited to, system-wide water audits, documenting authorized uses, conducting leak surveys and repairs on meters, lines, storage facilities, and valves.

**"Water use efficiency"** means increasing water supply efficiency and water demand efficiency to minimize water withdrawals and water use.

**"Water use efficiency program"** means policies and activities focusing on increasing water supply efficiency and

water demand efficiency to minimize water withdrawals and water use.

**"Well field"** means a group of wells one purveyor owns or controls that:

Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis and comparable static water level and top of the open interval elevations; and

Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

**"Wellhead protection area (WHPA)"** means the portion of a well's, wellfield's or spring's zone of contribution defined as such using WHPA criteria established by the department.

**"Zone of contribution"** means the area surrounding a pumping well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

**AMENDATORY SECTION** (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

**WAC 246-290-100 Water system plan.** (1) The purpose of this section is to establish a uniform process for purveyors to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with relevant local, state, and federal plans and regulations;

(b) Demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans, watershed plans, and water resource management plans;

(c) Establish eligibility for funding under the drinking water state revolving fund (SRF).

(2) Purveyors of the following categories of community public water systems shall submit a water system plan for review and approval by the department:

(a) Systems having one thousand or more services;

(b) Systems required to develop water system plans under the Public Water System Coordination Act of 1977 (chapter 70.116 RCW);

(c) Any system experiencing problems related to planning, operation, and/or management as determined by the department;

(d) All new systems;

(e) Any expanding system; and

(f) Any system proposing to use the document submittal exception process in WAC 246-290-125.

(3) The purveyor shall work with the department and other parties to establish the level of detail for a water system plan. In general, the scope and detail of the plan will be related to size, complexity, water supply characteristics, forecasted demand characteristics, past performance, and use of the water system. Project reports may be combined with a water system plan.

(4) In order to demonstrate system capacity, the water system plan shall address the following elements, as a minimum, for a period of at least twenty years into the future:

(a) Description of the water system, including:

- (i) Ownership and management, including the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system;
- (ii) System history and background;
- (iii) Related plans, such as coordinated water system plans, abbreviated coordinated water system plans, local land use plans, ground water management plans, and basin plans;
- (iv) Service area map, characteristics, agreements, and policies; and
- (v) Satellite management, if applicable.
- (b) Basic planning data, including:
  - (i) Current population, service connections, water use, and equivalent residential units; and
  - (ii) Sufficient water production and consumption data to identify trends including the following elements:
    - (A) Monthly and annual production totals for each source, including water purchased from another public water system;
    - (B) Annual usage totals for each customer class as determined by the purveyor including exported water; and
    - (C) For systems serving one thousand or more total connections, a description of the seasonal variations in consumption patterns of each customer class defined by the purveyor.
    - (iii) Projected land use, future population, and water demand for a consecutive six-year and ~~(final)~~ twenty-year planning period within the system's service area.
    - (c) Water demand forecasts, developed under WAC 246-290-221, for a consecutive six-year and twenty-year planning period. These shall show future use with and without savings expected from the system's water use efficiency program and must consider the following:
      - (i) Population forecasts from the appropriate planning agency, or Washington office of financial management;
      - (ii) Water use trends based on actual water use records; and
      - (iii) Applicable land use plans, watershed plans, water resource management plans, and development regulations.
      - (d) For systems serving one thousand or more total connections, a demand forecast projecting demand if all measures deemed cost-effective per WAC 246-290-810 were implemented.
      - (e) System analysis, including:
        - (i) System design standards;
        - (ii) Water quality analysis;
        - (iii) System inventory description and analysis; and
        - (iv) Summary of system deficiencies.
      - ~~((f)) (f) Water resource analysis, including:~~
      - (i) ~~((Development and implementation of a cost-effective conservation program, which includes evaluation of conservation-oriented water rate structures;~~
      - ~~(ii) Water demand forecasts;~~
      - ~~(iii) Water use data collection;~~
      - ~~(iv)) A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;~~
      - (ii) Source of supply analysis, which includes:
        - (A) An evaluation of water supply alternatives if additional water rights will be pursued within twenty years; and
        - ~~((+)) (B) A narrative description of the system's water supply characteristics and the potential effect from current~~

and future use on the water quantity and quality of any body of water from which its water is diverted or withdrawn;

- ~~((+)) (iv) Water right self assessment;~~
- ~~((+)) (v) Water supply reliability analysis; ~~(and~~~~
- ~~(+)) (vi) Interties; and~~
- (vii) For systems serving one thousand or more total connections, an evaluation of opportunities for the use of reclaimed water, where they exist, as defined in RCW 90.46.010(4).
- ~~((e)) (g) Source water protection in accordance with WAC 246-290-135.~~
- ~~((f)) (h) Operation and maintenance program in accordance with WAC 246-290-415 and 246-290-654(5), as applicable.~~
- ~~((g)) (i) Improvement program, including a six-year capital improvement schedule.~~
- ~~((h)) (j) Financial program, including demonstration of financial viability by providing:~~
  - (i) A summary of past income and expenses;
  - (ii) A one-year balanced operational budget for systems serving one thousand or more connections or a six-year balanced operational budget for systems serving less than one thousand connections;
  - (iii) A plan for collecting the revenue necessary to maintain cash flow stability and to fund the capital improvement program and emergency improvements; and
  - (iv) ~~((A rate structure))~~ An evaluation that has considered:
    - (A) The affordability of water rates; and
    - (B) The feasibility of adopting and implementing a rate structure that encourages water ~~((conservation))~~ demand efficiency.
- ~~((+)) (k) Other documents, such as:~~
  - (i) Documentation of SEPA compliance;
  - (ii) Agreements; and
  - (iii) Comments from the county and adjacent utilities.
- (5) Purveyors intending to implement the project report and construction document submittal exceptions authorized under WAC 246-290-125 must include:
  - (a) Standard construction specifications for distribution mains; and/or
  - (b) Design and construction standards for distribution-related projects, including:
    - (i) Description of project report and construction document internal review procedures, including engineering design review and construction completion reporting requirements;
    - (ii) Construction-related policies and requirements for external parties, including consumers and developers;
    - (iii) Performance and sizing criteria; and
    - (iv) General reference to construction materials and methods.
  - (6) The department, at its discretion, may require reports from purveyors identifying the progress in developing their water system plans.
  - (7) Purveyors shall transmit water system plans to adjacent utilities and local governments having jurisdiction, to

assess consistency with ongoing and adopted planning efforts.

(8) For community systems, the purveyor shall hold an informational meeting for system consumers prior to departmental approval of a water system plan or a water system plan update. The purveyor shall notify consumers in a way that is appropriate to the size of the system.

(9) Department approval of a water system plan shall be in effect for six years from the date of written approval unless:

(a) Major projects subject to SEPA as defined in WAC 246-03-030 (3)(a) are proposed that are not addressed in the plan;

(b) Changes occur in the basic planning data significantly affecting system improvements identified; or

(c) The department requests an updated plan or plan amendment.

(10) The purveyor shall update the plan and submit it for approval at least every six years. If the system no longer meets the conditions of subsection (2) of this section, the purveyor shall as directed by the department, submit either a plan amendment the scope of which will be determined by the department, or a small water system management program under WAC 246-290-105.

AMENDATORY SECTION (Amending WSR 03-08-037, filed 3/27/03, effective 4/27/03)

**WAC 246-290-105 Small water system management program.** (1) The purpose of a small water system management program is to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations; and

(b) Establish eligibility for funding under the drinking water state revolving fund (SRF).

(2) All noncommunity and all community systems not required to complete a water system plan as described under WAC 246-290-100(2) shall develop and implement a small water system management program.

(3) The purveyor shall submit this program for review and approval to the department when:

(a) A new NTNC public water system is created; or

(b) An existing system has operational, technical, managerial, or financial problems, as determined by the department.

(4) Content and detail shall be consistent with the size, complexity, past performance, and use of the public water system. General content topics shall include, but not be limited to, the following elements:

(a) System management;

(b) Annual operating permit;

(c) Water facilities inventory form;

(d) Service area and facility map;

(e) ~~(Documentation of water rights, through a)~~ Water right self assessment;

(f) ~~(Record of source water pumped;)~~ Description of the system's source(s) including the name and location of any body of water from which its water is diverted or withdrawn;

~~(g) (Water usage;~~

~~(h) Water conservation program;))~~ A water use efficiency program. Municipal water suppliers must meet the requirements in WAC 246-290-810;

(h) Water production and consumption data including each of the following:

(i) Monthly and annual production for each source, including water purchased from another public water system;

(ii) Annual consumption totals for residential and non-residential connections;

(iii) Total annual volume of exported water;

(i) Average daily demand;

(j) Current population served;

(k) The forecast of average daily demand based on the system's approved number of connections that considers:

(i) Water use trends based on actual water use records; and

(ii) Applicable land use plans, watershed plans, water resource management plans, and development regulations;

(l) An evaluation that has considered the feasibility of adopting and implementing a rate structure that encourages water demand efficiency;

(m) Source protection;

~~((+))~~ (n) Component inventory and assessment;

~~((+))~~ (o) List of planned system improvements;

~~((+))~~ (p) Water quality monitoring program;

~~((+))~~ (q) Operation and maintenance program;

~~((+))~~ (r) Cross-connection control program;

~~((+))~~ (s) Emergency response plan; and

~~((+))~~ (t) Budget.

(5) The department may require changes be made to a small water system management program if necessary to effectively accomplish the program's purpose.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

**WAC 246-290-132 Interties.** (1) No interties shall be used and/or constructed as a public water supply without department approval.

(2) Interties shall not be eligible for submittal exceptions pursuant to WAC 246-290-125.

(3) Prior to department approval, purveyors proposing nonemergency interties shall ensure that the intertie is addressed:

(a) In an approved coordinated water system plan, water system plan, water system plan update, water system plan amendment, or small water system management program including:

(i) Location of the proposed intertie;

(ii) Date it is proposed to be utilized;

(iii) The purpose, physical capacity, service area, and proposed usage of the intertie;

(iv) Copy of the intertie agreement between purveyors;

(v) Description of how the intertie:

(A) Improves overall system reliability;

(B) Enhances the manageability of the system;

(C) Provides opportunities for conjunctive use; or

(D) Delays or avoids the need to develop new water sources;



(vi) Identification of any potential public health or safety concerns;

(vii) Discussion of any water quality and treatment issues;

(viii) Demonstration of the source capacity and hydraulic capacity of the supplying and receiving systems at the designed flow rate through the intertie;

(ix) Water right assessment;

(x) Identification of alternative sources that will be utilized when the intertie agreement expires if the water is not being provided in perpetuity; and

(xi) Identification and comparison of alternatives if any.

(b) In construction documents in accordance with WAC 246-290-120 including:

(i) Demonstration of the installation of a source meter to measure water exchanged; and

(ii) Water right assessment, if not previously provided to the department. Where RCW 90.03.383 requires a water right or water right change to be issued by the department of ecology, construction work on the intertie shall not begin, notwithstanding any prior approval of the intertie by the department in a water system plan, until the department of ecology issues the required water right document.

(4) Emergency use interties are interconnections between public water systems permitting the temporary exchange or delivery of water between those systems only in cases of emergency that result in permanent supplies being unavailable for use. Prior to department approval, purveyors proposing emergency use interties shall ensure that the emergency intertie is addressed:

(a) In an approved coordinated water system plan, water system plan, water system plan update, water system plan amendment, or small water system management plan including:

(i) Description of the intended use of the emergency intertie;

(ii) Location of the proposed intertie;

(iii) Date the intertie is intended to be operational;

(iv) Copy of the intertie agreement between purveyors detailing the conditions and limitations of ~~((such))~~ the intertie; and

(v) Hydraulic analysis conducted to identify the impacts upon each water system.

(b) In a project report in accordance with WAC 246-290-110 or in a construction document in accordance with WAC 246-290-120.

(5) Purveyors proposing interties shall apply to the department of ecology for water right changes as provided in RCW 90.03.383. Except as provided in RCW 90.03.383(7) and 90.03.390, no interties may be constructed without department of ecology action on the proposed change.

(6) The purveyor may be required to have emergency interties approved as nonemergency interties where ~~((such))~~ the interties are used frequently or on a long-term basis. If the department makes ~~((such))~~ a determination, the intertie will require approval in accordance with subsection (3) of this section.

(7) Intertie agreements between purveyors shall include:

(a) Identification of specific time periods in which water will be provided;

(b) Identification of the volume of water available for use, including any seasonal or other restrictions; and

(c) Identification of how water ~~((conservation))~~ use efficiency programs, data collection, water demand forecasting, and other operational matters will be coordinated.

AMENDATORY SECTION (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

**WAC 246-290-221 Water demand design criteria.** (1) Except as provided in this section, expanding systems shall use water demand design for average day demand (ADD), and peak periods of demand such as maximum day demand (MDD), and peak hourly demand (PHD) that are based upon actual metered water use records. The data collected shall be sufficient to account for seasonal or other cyclic changes in water demand, and shall correlate to the maximum number of full-time or part-time equivalent residential units in service at any time.

(2) For seasonally used, transitory noncommunity, or recreational developments the design for ADD, MDD, and PHD shall be based upon metered water uses whenever such data is available. The data must account for the daily population using the water over the time that records are collected, and must reflect the uses associated with maximum occupancy for the development. The design demands for these developments apply only to part-time uses, and may not be applied to structures or dwellings that can be permanently occupied.

(3) In the absence of metered use or other comparable information, the following sources of design information may be used:

(a) Comparable metered water use data from analogous water systems. Analogous systems are those with similar characteristics, such as demographics, housing sizes, income levels, lot sizes, climate, water pricing structure, ~~((conservation))~~ water use efficiency practices, use restrictions, and soils and landscaping; or

(b) Design criteria or guidelines in the most recent edition of the department manual for design of Group A public water systems.

(4) The design for water systems based upon metered water use records shall have an MDD no lower than three hundred fifty gallons per day per equivalent residential unit (ERU), except for the design of any expansion to an existing water system that has a minimum of two years of meter records that clearly demonstrate that a lower design value for MDD may be used without significant risk of pressure loss. The meter records must correlate the demand data to the actual level of occupancy for the periods covered by the records.

(5) The minimum water demand and duration required for fire flow and/or fire suppression storage shall be determined by the local fire control authority, or chapter 246-293 WAC for systems within the boundaries of a designated critical water supply service area (CWSSA). Public water systems that are not required to comply with minimum fire flow standards shall coordinate with the local fire control authorities to ensure that any hydrants on the system, if they can possibly be used in the course of fire suppression activities, do

not create adverse pressure problems within the water system as a result of fire control actions.

**AMENDATORY SECTION** (Amending WSR 99-07-021, filed 3/9/99, effective 4/9/99)

**WAC 246-290-420 Reliability and emergency response.** (1) All public water systems shall provide an adequate quantity and quality of water in a reliable manner at all times consistent with the requirements of this chapter.

(2) During normal operating conditions, for both average and peak demand periods, water pressure at the consumer's service meter, or property line if a meter is not used, shall be maintained at the approved design pressure, but in no case be less than 20 psi (140 kPa). Water quality shall be maintained as required in Part 4 and Part 6 of this chapter.

(3) When fire flow is required, 20 psi (140 kPa) at the operating hydrant and at least positive pressure shall be maintained throughout the system under fire flow conditions.

(4) The purveyor shall address abnormal operating conditions, such as those associated with fires, floods, unscheduled power outages, facility failures, and system maintenance, by using measures consistent with applicable regulations and industry standards to ensure the system is constructed, maintained, and operated to protect against the risk of contamination by cross-connections as a result of loss of system pressure.

(5) For operations during abnormal conditions, the purveyor shall establish the level of reliability, in accordance with consumer expectations, to ensure prevention of loss of pressure or prompt restoration of pressure when a loss of pressure has occurred. Consumer expectations may be established by a simple majority of the affected consumers within the system's service area, or within specific, definable pressure zones when different levels of service may be encountered. A simple majority of consumers can be associated with either a vote of the consumers for privately owned and operated systems, or of the system's governing body, such as council, board, or commission, for publicly governed systems. Consumer expectations shall not be used by a purveyor to justify a failure to address routine or repeated loss of pressure within the system, or within specific, definable pressure zones, because of the purveyor's failure to properly construct, maintain, or operate the system. The level of reliability established under this subsection, and measures for achieving such reliability, shall be identified in the operations and maintenance program and incorporated into the water system design, and shall be approved by the department. The level of reliability shall not affect the purveyor's obligations under subsections (1) through (4) of this section.

(6) The purveyor shall implement all appropriate measures necessary to meet the identified level of reliability for normal and abnormal operating conditions. Procedures for system operation during normal and abnormal operating conditions shall be documented in an operations and maintenance and emergency response program in accordance with WAC 246-290-415 and shall be implemented in a timely and reasonable manner.

(7) If a purveyor is unable to satisfactorily address departmental concerns or consumer complaints regarding the

level of reliability associated with normal or abnormal operating conditions, the purveyor may be required to prepare a project report pursuant to WAC 246-290-110 that addresses an evaluation of the problem, impacts on affected consumers, and recommended corrective action. Unless the department determines that public health protection requires otherwise, improvements related to abnormal operating conditions described under subsection (5) of this section will be required commensurate with the established level of reliability for abnormal operating conditions.

(8) Restrictions on designed, or historically documented, normal water uses shall not be allowed except under the following conditions:

(a) Whenever there is clear evidence that, unless limitations are imposed, water use at normal levels will lead to a relatively rapid depletion of water source reserves, such as in drought situations or when significant facility failures occur;

(b) Whenever a water system observes that demands for water exceed the available supply, as a result of such events as miscalculated planning, inattentive operation, or unforeseen problems with sources and that limitations would be necessary to insure basic levels of service while additional sources were being sought or developed, or the situation was being otherwise remedied; or

(c) Whenever the water system institutes restrictions as part of a water ~~((conservation))~~ use efficiency program which has been accepted by the system consumers through appropriate public decision-making processes within existing governance mechanisms, or has been mandated under state regulatory authority.

(9) A purveyor shall provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information. The purveyor shall also maintain twenty-four-hour phone availability and shall respond to consumer concerns and service complaints in a timely manner.

**AMENDATORY SECTION** (Amending WSR 04-04-056, filed 1/30/04, effective 3/1/04)

**WAC 246-290-480 Recordkeeping and reporting.** (1) Records. The purveyor shall keep the following records of operation and water quality analyses:

(a) Bacteriological and turbidity analysis results shall be kept for five years. Chemical analysis results shall be kept for as long as the system is in operation. Records of ~~((daily))~~ source meter readings shall be kept for ten years. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. Systems shall keep these records available for inspection by the department and shall send the records to the department if requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place, and time of sampling, and the name of the person collecting the sample;

(ii) Identification of the sample type (routine distribution system sample, repeat sample, source or finished water sample, or other special purpose sample);

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical method used; and

(vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water standards. For each violation, records of actions taken to correct the violation, and copies of public notifications shall be kept for no less than three years after the last corrective action taken.

(c) Copies of any written reports, summaries, or communications relating to sanitary surveys or SPIs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the sanitary survey or SPI involved.

(d) Copies of project reports, construction documents and related drawings, inspection reports and approvals shall be kept for the life of the facility.

(e) Where applicable, ~~((daily))~~ records of the following shall be kept for a minimum of three years:

(i) Chlorine residual;

(ii) Fluoride level;

(iii) Water treatment plant performance including, but not limited to:

(A) Type of chemicals used and quantity;

(B) Amount of water treated; and

(C) Results of analyses.

(iv) Turbidity;

(v) Source meter readings; and

(vi) Other information as specified by the department.

(f) The purveyor shall retain copies of public notices made in accordance with Part 7, Subpart A of this chapter and certifications made to the department under 40 CFR 141.33(e) for a period of at least three years after issuance.

(g) Purveyors using conventional, direct, or in-line filtration that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within their treatment plant shall, beginning no later than June 8, 2004, collect and retain on file the following information for review and evaluation by the department:

(i) A copy of the recycle notification and information submitted to the department in accordance with WAC 246-290-660 (4)(a)(i).

(ii) A list of all recycle flows and the frequency with which they are returned.

(iii) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

(iv) Typical filter run length and a written summary of how filter run length is determined.

(v) The type of treatment provided for the recycle flow.

(vi) Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

(h) Purveyors required to conduct disinfection profiling and benchmarking in accordance with 40 CFR 141.530 through 141.544 shall retain the results on file indefinitely.

(2) Reporting.

(a) Unless otherwise specified in this chapter, the purveyor shall report to the department within forty-eight hours the failure to comply with any national primary drinking water regulation (including failure to comply with any monitoring requirements) as set forth in this chapter. For violations assigned to Tier 1 in WAC 246-290-71001, the department must be notified as soon as possible, but no later than twenty-four hours after the violation is known.

(b) The purveyor shall submit to the department reports required by this chapter, including tests, measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) The purveyor shall submit to the department copies of any written summaries or communications relating to the status of monitoring waivers during each monitoring cycle or as directed by the department.

(d) Source meter readings shall be made available to the department.

(e) Water facilities inventory form (WFI).

(i) Purveyors of **community** and **NTNC** systems shall submit an annual WFI update to the department;

(ii) Purveyors of **TNC** systems shall submit an updated WFI to the department as requested;

(iii) Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system, or addition of source or storage facilities; and

(iv) At a minimum the completed WFI shall provide the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system.

~~((v) Purveyors shall provide in the WFI total annual water production and use, including:~~

~~(i) Total annual water production for each source;~~

~~(ii) Monthly and annual totals for water purchased from or sold to other purveyors; and~~

~~(iii) For purveyors with more than one thousand service connections, monthly and annual totals for purveyor consumer classes. Monthly data may be estimated if the water system bills less frequently than monthly.))~~

(f) Bacteriological.

~~((+))~~ The purveyor shall notify the department of the presence of:

~~((A))~~ (i) Coliform in a sample, within ten days of notification by the laboratory; and

~~((B))~~ (ii) Fecal coliform or E. coli in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

(g) Systems monitoring for unregulated contaminants in accordance with WAC 246-290-300(9), shall send a copy of the ~~((results of such))~~ monitoring results to the department within thirty days of receipt of analytical results.

(h) Systems monitoring for disinfection by-products in accordance with WAC 246-290-300(7) shall report information to the department as specified in 40 CFR 141.134.

(i) Systems monitoring for disinfectant residuals in accordance with WAC 246-290-300(7) shall report information to the department as specified in subsection (2)(a) of this section, and 40 CFR 141.134(c).

(j) Systems required to monitor for disinfection by-product precursor removal in accordance with WAC 246-290-300(7) shall report information to the department as specified in 40 CFR 141.134(d).

(k) Systems shall submit to the department, in accordance with 40 CFR 141.31(d), a certification that the system has complied with the public notification regulations (Part 7, Subpart A of this chapter) when a public notification is required. Along with the certification, the system shall submit a representative copy of each type of notice.

#### NEW SECTION

**WAC 246-290-496 Metering requirements.** (1) Production:

(a) The volume of water produced or purchased must be measured using a source meter or other meter installed upstream of the distribution system.

(b) The requirements of this section do not alter any source metering regulations adopted by either the department of health or the department of ecology.

(c) The requirements of this section do not apply to volumes of water delivered to a public water system through an emergency intertie.

(2) Consumption:

(a) The requirements of this section apply to public water systems that supply water for municipal water supply purposes.

(b) Except as provided in (g) of this subsection, the volume of water delivered to consumers must be measured by meters installed on all direct service connections.

(c) Meters must be installed on all existing direct service connections and clustered connections as provided in (g) of this subsection prior to July 1, 2016.

(d) Meters must be installed on all new direct service connections when the service connection is activated.

(e) Meters must be installed on all interties used as permanent or seasonal sources prior to July 1, 2016.

(f) If a system is not fully metered, the municipal water supplier shall complete the following:

(i) Develop a meter installation schedule consistent with this section.

(A) For systems serving one thousand or more total connections, submit the schedule to the department by July 1, 2008.

(B) For systems serving less than one thousand total connections, submit the schedule to the department by July 1, 2009.

(C) The schedule must include milestones demonstrating steady and continuous progress toward compliance with the requirements of this section.

(ii) Implement activities to ensure distribution system leakage is minimized (e.g., periodic leak detection and repair) until the system is fully metered.

(iii) Report the status of meter installation and all actions taken to minimize leakage in performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810.

(g) Clustering multiple connections to be read with a single meter is allowed for the following types of connections:

(i) Campsites; and

(ii) A building with multiple units when the building is metered.

(3) Meters must be selected, installed, operated, calibrated, and maintained following generally accepted industry standards and information from the manufacturer.

### **PART 8. WATER USE EFFICIENCY**

#### NEW SECTION

**WAC 246-290-800 Purpose and applicability.** (1) The purpose of Part 8 is to:

(a) Define requirements for water use efficiency programs in water system plans developed under WAC 246-290-100 and small water systems management programs developed under WAC 246-290-105.

(b) Establish a water distribution system leakage standard.

(c) Define process requirements for water use efficiency goal setting.

(d) Establish water use efficiency performance reporting requirements.

(2) The requirements of Part 8 of this chapter apply to public water systems that supply water for municipal water supply purposes.

#### NEW SECTION

**WAC 246-290-810 Water use efficiency program.** (1) Water system plans and small water system management programs submitted for approval prior to December 31, 2007, must describe the existing water use efficiency program and continue existing levels of water use efficiency.

(2) Subsections (3) and (4) of this section apply to:

(a) Water system plans submitted to the department for approval under WAC 246-290-100 on December 31, 2007, or thereafter.

(b) Small water system management programs developed and implemented or submitted to the department for approval on December 31, 2007, or thereafter.

(3) Municipal water suppliers shall develop and implement a cost-effective water use efficiency program to meet water use efficiency goals developed under WAC 246-290-830.

(4) Municipal water suppliers shall complete the following items in the water use efficiency program:

(a) Describe the current water use efficiency program;

(b) For systems serving one thousand or more total connections, estimate the amount of water saved through imple-

mentation of the water use efficiency program over the last six years;

(c) Describe the chosen water use efficiency goals and confirm the goals were established in accordance with WAC 246-290-830;

(d) Evaluate water use efficiency measures to determine if they are cost-effective as follows:

(i) Evaluate or implement, at a minimum, the number of water use efficiency measures specified in Table 1 based on the system's total number of connections.

(ii) Evaluate or implement water use efficiency measures from the following categories of measures if they are applicable: Indoor residential, outdoor, and industrial/commercial/institutional.

(iii) For systems serving less than one thousand total connections, describe the evaluation process used to select water use efficiency measures.

(iv) For systems serving one thousand or more total connections, include the following criteria when evaluating water use efficiency measures:

(A) Quantitatively evaluate water use efficiency measures to determine if they are cost-effective from the system's perspective including the marginal costs of producing water.

(B) Address whether the water use efficiency measures are cost-effective if the costs are shared with other entities.

(C) Quantitatively or qualitatively evaluate water use efficiency measures to determine if they are cost-effective from the societal perspective.

(e) Describe all water use efficiency measures to be implemented within the next six years including a schedule and a budget that demonstrates how the water use efficiency measures will be funded;

(f) Describe how consumers will be educated on water use efficiency practices;

(g) Estimate projected water savings from selected water use efficiency measures;

(h) Describe how the water use efficiency program will be evaluated for effectiveness;

(i) Evaluate water distribution system leakage as follows:

(i) Include distribution system leakage totals in accordance with WAC 246-290-820 for the past six years.

(ii) If necessary, include a copy of the water loss control action plan in accordance with WAC 246-290-820(4).

(iii) If all or portions of transmission mains are excluded when determining distribution system leakage, estimate the amount of leakage from the excluded portion of the transmission mains and describe how it is maintained to minimize leakage.

Table 1

Number of connections	Less than 500	500-999	1,000-2,499	2,500-9,999	10,000-49,999	50,000 or more
Water use efficiency measures	3	4	5	6	9	12

**NEW SECTION**

**WAC 246-290-820 Distribution system leakage standard.** (1) Municipal water suppliers shall determine distribution system leakage annually in accordance with subsection (2) of this section or an alternative methodology in accordance with subsection (3) of this section.

(a) Regional public water suppliers may include all or portions of their exported water when calculating distribution system leakage.

(i) If portions of exported water are not subtracted from the total water produced or purchased, then the authorized consumption for the public water system receiving exported water must be included.

(ii) Water use efficiency programs developed under WAC 246-290-810 and performance reports developed under WAC 246-290-840 must include leakage volumes for each individual public water system included in the regional distribution system leakage calculation.

(b) The following distribution system leakage information shall be included in water use efficiency performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810:

(i) Distribution system leakage totals calculated in accordance with subsection (2) of this section shall be recorded in annual percent and volume;

(ii) Distribution system leakage totals calculated in accordance with subsection (3) of this section shall include annual figures and the chosen methodology's numerical standard(s); and

(iii) For systems not fully metered, the status of meter installation and any actions taken to minimize leakage.

(c) Municipal water suppliers will be considered in compliance with this section if any of the following conditions are satisfied:

(i) Distribution system leakage calculated in accordance with subsection (2) of this section is ten percent or less for the last three-year average;

(ii) Distribution system leakage calculated in accordance with subsection (3) of this section meets the compliance level(s) established under subsection (3)(c) of this section for the last three-year average; or

(iii) A water loss control action plan has been developed and implemented in accordance with subsection (4) of this section and the system is meeting the implementation schedule.

(2) Calculate distribution system leakage annually using the following equation:

$$DSL = [(TP - EW - AC)/(TP - EW)] \times 100$$

Where:

$$DSL = \text{Distribution System Leakage}$$

TP	=	Total Water Produced and Purchased
EW	=	Exported Water
AC	=	Authorized Consumption

(a) Total water produced and purchased, exported water, and authorized consumption must be calculated using data from meters installed under WAC 246-290-496. Elements of authorized consumption that cannot be metered, such as fire flow, must be estimated.

(b) Any loss that cannot be accounted for shall be considered distribution system leakage.

(3) Municipal water suppliers may use an alternative methodology to calculate distribution system leakage if all of the conditions listed under (a) through (d) of this subsection are satisfied.

(a) The alternative methodology is contained in published standards or specifications of the department, Environmental Protection Agency, American Water Works Association, American Public Works Association, or American Society of Civil Engineers.

(b) The alternative methodology is approved for state-wide use and certified by the department, to provide a better evaluation of distribution system leakage than percent of total water produced and purchased and is appropriate for the system requesting to use it.

(c) The alternative methodology contains numerical standard(s) that will be used to determine compliance and action levels.

(d) The evaluation submitted under this subsection shall be prepared under the direction, and bear the seal, date, and signature, of a professional engineer certifying that the methodology was properly followed and the results are accurate, if required by the department.

(4) If the average distribution system leakage for the last three years does not meet the standard calculated in accordance with subsection (1)(c)(i) or (ii) of this section, the municipal water supplier shall develop and implement a water loss control action plan. Municipal water suppliers shall submit the water loss control action plan to the department as part of a water use efficiency program under WAC 246-290-810 and/or upon request by the department. The control methods described in a water loss control action plan shall be commensurate with the level of leakage reported. The following items shall be included in the water loss control action plan:

(a) All control methods necessary to achieve compliance with the distribution system leakage standard;

(b) An implementation schedule;

(c) A budget that demonstrates how the control methods will be funded;

(d) Any technical or economic concerns which may affect the system's ability to implement a program or comply with the standard including past efforts and investments to minimize leakage;

(e) If the average distribution system leakage calculated under subsection (2) of this section is between ten and nineteen percent of total water produced and purchased, the water loss control action plan must include an assessment of data collection and audit conditions;

(f) If the average distribution system leakage calculated under subsection (2) of this section is between twenty and twenty-nine percent of total water produced and purchased, the water loss control action plan must include elements listed under (e) of this subsection and implementation of field activities such as actively repairing leaks or maintaining meters;

(g) If the average distribution system leakage calculated under subsection (2) of this section is at thirty percent or above the total water produced and purchased, the water loss control action plan must include elements listed under (e) and (f) of this subsection and include implementation of control methods to reduce leakage within six months of determining standard exceedance; and

(h) If distribution system leakage average calculated under subsection (3) of this section is over the methodology's numerical standard, the department will take appropriate compliance actions and work collaboratively with the municipal water supplier to ensure the control methods and level of activity are commensurate with the level of leakage.

(5) Municipal water suppliers may request the department approve leakage rates up to twenty percent for systems that serve less than five hundred total connections. The following information must be submitted to the department with the request:

(a) Production volume;

(b) Distribution system leakage volume;

(c) The ability to detect leaks using best available technologies;

(d) Evidence documenting that:

(i) A leak detection survey has been completed on the system within the past six years;

(ii) All leaks found have been repaired;

(iii) The system is unable to locate additional leaks; and

(iv) Ongoing efforts to minimize leakage are included as part of the system's water use efficiency program; and

(e) Other system characteristics submitted by the municipal water supplier to justify the higher distribution system leakage rate.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

### **WAC 246-290-830 Water use efficiency goal setting.**

(1) The elected governing board or governing body of the public water system shall establish water use efficiency goals prior to July 1, 2007, for systems serving one thousand or more total connections and prior to July 1, 2008, for systems serving less than one thousand total connections.

(2) Water use efficiency goals must be designed to enhance the efficient use of water by the water system and/or its consumers.

(3) If a municipal water supplier determines that further reductions over current consumption levels are not reasonably achievable, the municipal water supplier shall provide justification that considers historic water use efficiency performance and investment and any other factors that support that determination. Justification must be provided in water use efficiency programs developed under WAC 246-290-810

and in water use efficiency performance reports developed under WAC 246-290-840.

(4) Municipal water suppliers must provide documentation when requested by the department and in water use efficiency programs developed under WAC 246-290-810 that demonstrates the following goal setting requirements have been met:

(a) Goals shall be set in a public forum that provides opportunity for consumers and the public to participate and comment on the water use efficiency goals;

(b) Public notice must occur at least two weeks prior to the public forum. Public notice must include the purpose, date, time, and place of the forum, and where materials supporting the rationale for the proposed goals can be reviewed;

(c) The elected governing board or governing body of the public water system shall review and consider all comments received;

(d) The following must be made available to the public for the purpose of fully documenting the basis for each goal:

(i) All information listed under WAC 246-290-810(4);

(ii) Annual water use efficiency performance reports prepared under WAC 246-290-840;

(iii) Water supply characteristics description in accordance with WAC 246-290-100 (4)(f)(iii)(B) or source description in accordance with WAC 246-290-105 (4)(f); and

(iv) Description of how public comments provided during the goal setting process affected the chosen goals.

(5) Existing public processes may be used if all requirements listed under subsection (4) of this section are met.

(6) Water use efficiency goals must include:

(a) Consideration of the system's forecasted demand and water supply characteristics;

(b) Measurable outcomes in terms of reduced or maintained water production or usage. Outcomes may be expressed on a per capita, per connection, total system, or other basis as deemed appropriate by the municipal water supplier;

(c) A schedule for achieving the water use efficiency goals; and

(d) Implementation schedule for each water use efficiency measure selected under WAC 246-290-810(4).

(7) The elected governing board or governing body of the public water system shall evaluate and reestablish water use efficiency goals following the process identified in subsection (4) of this section at least every six years and as part of a water system plan approval under WAC 246-290-100 or small water system management program approval under WAC 246-290-105.

(8) Water use efficiency goals may be changed at any time in accordance with subsection (4) of this section.

Changes to goals must be identified in the next performance report.

(9) Water use efficiency programs must be modified if any water use efficiency goal is not met. Program modifications must be designed to achieve the system's water use efficiency goals.

NEW SECTION

**WAC 246-290-840 Water use efficiency performance reports.** (1) Municipal water suppliers shall develop an annual water use efficiency performance report and must:

(a) Send the water use efficiency performance reports to the department, the consumers, and individuals or entities who request them by July 1st of each year for the previous year;

(b) For systems serving one thousand or more total connections, develop the first water use efficiency performance report by July 1, 2008;

(c) For systems serving less than one thousand total connections, develop the first water use efficiency performance report by July 1, 2009;

(d) Make the water use efficiency performance report available to the public; and

(e) Municipal water suppliers shall submit performance reports in a manner specified by the department.

(2) Water use efficiency performance reports shall include:

(a) Total annual production. Systems with multiple sources may provide aggregate data;

(b) Annual water distribution system leakage totals in accordance with WAC 246-290-820;

(c) A description of the system's water use efficiency goals set in accordance with WAC 246-290-830;

(d) A schedule for achieving the goals; and

(e) A narrative description of progress toward achieving the goals.

AMENDATORY SECTION (Amending WSR 04-12-123, filed 6/2/04, effective 7/3/04)

**WAC 246-290-990 Water system evaluation and project review and approval fees.** (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, 246-294, and 246-295 WAC are:

(a) Water system plans required under WAC 246-290-100, 246-290-105, 246-291-140, 246-293-220, and 246-293-230.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	\$134	\$475	\$1,167	\$2,206	\$3,584	\$5,305
Minor water system plan alteration	\$30	\$112	\$284	\$547	\$889	\$1,305

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

————— Total Active or Approved Services —————

Project Type	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
SMA plan for ownership (New and Updated)	\$475	\$1,167	\$2,206	\$3,584	\$5,305
SMA approval amendment	\$99 per hour or appropriate fee from category above, whichever is less				
SMA plan for operation only (New and Updated)	\$1,167	\$1,167	\$1,167	\$1,167	\$1,167

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, and 246-291-140 including:

- (i) ~~(Conservation)~~ Water use efficiency; and
- (ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ninety-

nine dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

————— Group A —————

Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$337	\$687	\$1,067	\$1,546	\$2,132	\$2,827
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$99	\$199	\$337	\$508	\$719	\$962
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	\$199	\$475	\$753	\$1,100	\$1,513	\$1,994
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	\$134	\$337	\$547	\$824	\$1,167	\$1,573

Note: In accordance with WAC 246-290-125, project reports are not required for minor projects that are described in sufficient detail in an approved water system plan, and have been reviewed as part of the process for approving the water system plan.

(e) Special reports or plans required under WAC 246-290-230, 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, 246-290-676, 246-291-230 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;

- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;
- (vii) Surface water or GWI treatment facility operations plan;
- (viii) Filtration pilot study; or
- (ix) GWI determination reports, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ninety-nine dollars per hour.

(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

————— Group A —————

Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$337	\$687	\$1,067	\$1,546	\$2,132	\$2,827
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$99	\$199	\$337	\$508	\$719	\$962
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	\$272	\$613	\$889	\$1,238	\$1,654	\$2,132



Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
New source only (an additional fee shall be assessed for review of treatment facility, if any)	\$199	370	\$508	\$687	\$889	\$1,134
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	\$134	\$234	\$370	\$547	\$753	\$994
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects: Comply with design standards established by the department; Are prepared by a professional engineer in accordance with WAC 246-290-040; and Do not require a detailed evaluation by the department.	\$62	\$115	\$192	\$272	\$377	\$496

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	\$260	\$522	\$785	\$1,048	\$1,311	\$1,573
NONEXPANDING system requiring a detailed evaluation as determined by the department	\$391	\$785	\$1,189	\$1,573	\$1,968	\$2,362
EXPANDING system not requiring a detailed evaluation by the department	\$522	\$1,048	\$1,573	\$2,099	\$2,626	\$3,150
EXPANDING system requiring a detailed evaluation as determined by the department	\$654	\$1,311	\$1,968	\$2,626	\$3,281	\$3,939

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	\$86 per source	\$119 per source	\$150 per source	\$182 per source	\$214 per source
Organic chemical monitoring waiver	Not applicable	\$156 per source	\$219 per source	\$285 per source	\$348 per source	\$412 per source

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Use waiver	Not applicable	\$187 per source	\$252 per source	\$324 per source	\$380 per source	\$444 per source
Area wide waiver renewal	Not applicable	\$187 per source	\$233 per source	\$278 per source	\$324 per source	\$357 per source
Inorganic chemical monitoring waiver renewal	Not applicable	\$47 per source	\$60 per source	\$73 per source	\$86 per source	\$99 per source
Organic chemical monitoring waiver renewal	Not applicable	\$92 per source	\$131 per source	\$171 per source	\$208 per source	\$246 per source
Use waiver renewal	Not applicable	\$131 per source	\$176 per source	\$219 per source	\$265 per source	\$310 per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	\$401	\$496	\$631	\$803	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	\$124	\$124	\$124	\$124	Not applicable

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	\$199	\$299	\$352	\$437	\$547	\$687
Regulatory monitoring plan <sup>1</sup>	No plan required	\$192	\$260	\$326	\$391	\$456
Unfiltered system annual comprehensive report	Not applicable	\$391	\$654	\$917	\$1,179	\$1,441
Water system compliance report	\$112	\$112	\$112	\$112	\$112	\$112

<sup>1</sup>A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300.

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or

meetings with elected officials, the department is authorized to charge additional fees at the rate of ninety-nine dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ninety-nine dollars per hour.

Examples of these services include, but are not limited to:

- (i) Review and inspection of water reuse projects;
- (ii) Collection of water quality samples requested by purveyor;
- (iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;
- (iv) Sanitary surveys, including the time spent as part of the annual on-site inspections for systems under WAC 246-

290-690(3) that is in addition to the time necessary to assess watershed control and disinfection treatment;

(v) Well field designations; or

(vi) Transfers of ownership under WAC 246-290-035 or 246-294-060.

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

#### WSR 06-15-129

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

[Filed July 19, 2006, 10:09 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Fiscal growth factor fee increases for WAC 246-329-990 Child birth centers, 246-337-990 Residential treatment facilities, 246-380-990 State institutional survey, and 246-360-990 Transient accommodations.

Hearing Location(s): Department of Health, Point Plaza East, Room 153, 310 Israel Road S.E., Tumwater, WA 98501, on August 22, 2006, at 10:00 a.m.

Date of Intended Adoption: August 24, 2006.

Submit Written Comments to: Alisa Harris, P.O. Box 47852, Olympia, WA 98504-7852, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-2901, by July 24, 2006.

Assistance for Persons with Disabilities: Contact Alisa Harris by July 24, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules increase fees within the fiscal growth factor limits of 3.38% for fiscal year 2007. The proposed fees cover the inflationary costs of operating child birth centers, residential treatment facilities state institutional survey and transient accommodations. A fee study was completed for each fee to determine the amount of the increase. Fee studies are conducted annually for each program to determine if future fee increases are necessary.

Reasons Supporting Proposal: RCW 43.70.250 requires the department to charge fees sufficient to cover the full cost of program operations. The proposed fees meet this require-

ment by increasing revenue to help cover the costs of running each program.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, 18.46.030, 70.62.220, 71.12.470.

Statute Being Implemented: RCW 43.70.110, 43.70-250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Bennett, 310 Israel Road S.E., Tumwater, WA, (360) 236-2900.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 19.85.025(3) and does not require a small business economic impact statement. However, the department prepared fee analyses which provide documentation of the need for the fee increases. To obtain a copy of a fee analysis, contact Alisa Harris at the address above.

A cost-benefit analysis is not required under RCW 34.05.328. The department did not complete a cost-benefit analysis. This rule proposal is exempt from this requirement under RCW 34.05.328 (5)(b)(iv) and (vi).

July 17, 2006

Mary C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

**WAC 246-329-990 Fees.** (1) Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred (~~eighty~~) ninety-nine dollars and (~~thirty~~) ninety cents to the department unless a center is a charitable, non-profit, or government-operated institution under RCW 18.46.030.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**AMENDATORY SECTION** (Amending WSR 05-23-099, filed 11/17/05, effective 12/18/05)

**WAC 246-337-990 Licensing fees.** A licensee must submit the following fees to the department:

FEE TYPE	AMOUNT
Administrative processing/ initial application fee	\$ <del>((150.00))</del> <u>155.00</u>
License bed fee (per bed)	\$ <del>((139.90))</del> <u>144.60</u>
Annual renewal fee (per bed)	\$ <del>((139.90))</del> <u>144.60</u>
Late fee (per bed)	\$25.00 (up to \$500.00)
Follow-up compliance survey fee or a complete on-site survey fee resulting from a substantiated complaint	\$1000.00

(1) The department shall refund fees paid by the applicant for initial licensure if:

(a) The department has received an application but has not conducted an on-site survey or provided technical assistance. The department shall refund two-thirds of the fees paid, less a fifty dollar processing fee;

(b) The department has received an application and has conducted an on-site survey or provided technical assistance. The department shall refund one-third of the fees paid, less a fifty dollar processing fee.

(2) The department will not refund fees paid by the applicant if:

(a) The department has conducted more than one on-site visit for any purpose;

(b) One year has elapsed since the department received an initial licensure application, and the department has not issued a license because the applicant failed to complete requirements for licensure; or

(c) The amount to be refunded as calculated by subsection (1)(a) or (b) of this section is ten dollars or less.

**AMENDATORY SECTION** (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

**WAC 246-360-990 Fees.** (1) The licensee or applicant must submit:

(a) An annual fee according to the following schedule:

NUMBER OF LODGING UNITS	FEE
3 - 10	\$ <del>((158.80))</del> <u>164.10</u>
11 - 49	\$ <del>((315.70))</del> <u>326.30</u>
50 - over	\$ <del>((635.60))</del> <u>657.00</u>

(b) A late fee of ~~((fifty-two))~~ fifty-four dollars and ~~((ninety))~~ sixty cents, in addition to the full license renewal fee, if the full license renewal fee is not received by the department on the expiration date (see RCW 70.62.260);

(c) An additional fee of ~~((fifty-two))~~ fifty-four dollars and ~~((ninety))~~ sixty cents for an amended license due to

changing the number of lodging units or the name of the transient accommodation.

(2) The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a fifty dollar processing fee.

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a fifty dollar processing fee.

(c) No fees paid by the applicant will be refunded if any of the following applies:

(i) More than one on-site visit for any purpose has been performed by the department;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is ten dollars or less.

**AMENDATORY SECTION** (Amending WSR 05-13-189, filed 6/22/05, effective 7/23/05)

**WAC 246-380-990 Fees.** An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Fee
(1) Food Service	
(a) As defined in WAC 246-215-011(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.	\$ <del>((583.60))</del> <u>603.30</u>
(b) Food service establishments or concessions that do not prepare potentially hazardous foods.	\$ <del>((292.80))</del> <u>302.60</u>
(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.	

- (2) State institutions or facilities.
- (a) Institutions or facilities operating a food service: The annual fee shall be nine dollars and ~~((twenty five))~~ fifty cents times the population count plus ~~((five hundred eighty-three))~~ six hundred three dollars and ~~((sixty))~~ thirty cents. The population count shall mean the average daily population for the past twelve months (January through December).
- (b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars and ~~((twenty five))~~ fifty cents times the population count.
- (c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.

Fee

making to develop rules to clarify the use of laser, light, radiofrequency and plasma devices (LLRP). A policy was adopted by the commission in 2003, but rules need to be adopted to establish minimal standards for the use of such devices by physicians and physician assistants in Washington state. This proposal defines the use of LLRP devices, specifies who can operate a device and under what circumstances, specifies who can delegate the use of a device and under what circumstances, and outlines the degree of supervision required after delegation. The proposed new sections will protect the public from being harmed by unsupervised and untrained persons using LLRP devices.

Reasons Supporting Proposal: Many offices and clinics in Washington are providing skin treatment or hair removal using LLRP devices. Some offices and clinics have a physician on site, some have a physician off-site, and some have no physician involvement at all. Some offices and clinics have physician assistants and registered nurses using the devices and other offices and clinics have cosmetologists, estheticians, and unlicensed persons administering the treatment. The commission is concerned that unlicensed or inadequately trained persons are using prescriptive devices.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71A.020.

Statute Being Implemented: RCW 18.130.050(12).

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

Name of Proponent: Department of health, medical quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Thomas, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4788.

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

#### Small Business Economic Impact Statement

**1. Briefly describe the proposed rule:** There are many offices and clinics in the state of Washington providing skin treatment or hair removal using laser, light, radiofrequency and plasma (LLRP) devices. Some offices and clinics have a physician on site, some have a physician off-site, and some have no physician involvement at all. Some offices and clinics have physician assistants and registered nurses using the devices; others have cosmetologists and estheticians; others have persons who hold no license administering the treatment. The commission is concerned that unlicensed or inadequately trained persons are using prescriptive devices on patients.

The commission believes when used appropriately, these devices are generally safe and relatively easy to operate. But the potential for patient injury with untrained, inappropriate, or negligent operation is significant. Several states have created rules regulating the use of LLRP devices. The commission wishes to clarify this area of medicine and set minimal standards for the use of such devices by physicians and physician assistants in our state.

The proposed rule:

- Defines laser, light, radiofrequency, and plasma devices (hereafter LLRP devices) as medical devices (a) that use a laser, noncoherent light, intense pulsed

### WSR 06-15-130

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed July 19, 2006, 10:10 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 05-01-079 and 06-07-019.

Title of Rule and Other Identifying Information: WAC 246-919-605 Use of lasers, light, radiofrequency, and plasma as applied to the skin (physician) and 246-918-125 Use of lasers, light, radiofrequency and plasma devices as applied to the skin (physician assistants).

Hearing Location(s): Red Lion River Inn, 700 North Division, Spokane, WA 99202, on August 25, 2006, at 8:00 a.m.

Date of Intended Adoption: August 25, 2006.

Submit Written Comments to: Beverly A. Thomas, Program Manager, P.O. Box 47866, Olympia, WA 98504, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4768, by August 4, 2006.

Assistance for Persons with Disabilities: Contact Beverly A. Thomas by August 4, 2006, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2004, the medical quality assurance commission (commission) began rule

light, radiofrequency, or plasma to topically penetrate skin and alter human tissue and (b) are classified by the Federal Food and Drug Administration (FDA) as prescription devices.

- Provides that a physician or physician assistant must use an LLRP device in accordance with standard medical practice.
- States that the use of an LLRP device is the practice of medicine.
- Requires a physician or physician assistant to be appropriately trained in the physics, safety and techniques of using LLRP devices prior to using such a device, and to remain competent for as long as the device is used.
- Requires a physician or physician assistant to, prior to authorizing treatment with such a device, take the patient's medical history, perform an appropriate physical examination, make an appropriate diagnosis, recommend appropriate treatment, obtain the patient's informed consent (including informing the patient that a nonphysician may operate the device), provide instructions for emergency and follow-up care, and prepare an appropriate medical record.
- Permits a physician or physician assistant to delegate use of the device to a properly trained and licensed professional under certain circumstances, but requires the physician or physician assistant to develop a specific protocol for the licensed professional to follow.
- Prohibits a physician from delegating an LLRP for use on globe of the eye.

- Requires the delegating physician to be on the immediate premises during the initial treatment to treat complications, if indicated.
- Permits the physician to be temporarily absent during treatment of patients with established treatment plans provided a local back-up physician agrees in writing to treat complications, is reachable by phone, and can see the patient within sixty minutes.
- Requires the delegating physician assistant to be on the premises during all treatment with an LLRP device.
- Provides that regardless of who operates the device, the physician is ultimately responsible for the safety of the patient.
- Requires the physician to establish a quality assurance program.
- Provides that the use of devices to penetrate and alter human tissue for a purpose other than to topically penetrate the skin constitutes surgery and is outside the scope of these rules.

**2. Is a small business economic impact statement (SBEIS) required for this rule?** Yes.

**3. Which industries are affected by this rule?** The proposed rules will affect medical offices and clinics in the state of Washington providing treatment with LLRP devices as applied to the skin. Although the proposed rules apply only to physicians and physician assistants, the proposed rules potentially could affect beauty salons, boutiques, spas and other small cosmetic businesses that use LLRP devices without physician or physician assistant supervision. If these businesses choose to comply with the rule, they will have to hire a physician to provide supervision.

SIC Industry Code and Title	# of Businesses	# of Employees	Average # of Employees for Smallest Businesses	Average # of Employees for 10% of Largest Businesses
8011 Offices and Clinics of Doctors of Medicine	2,821	43,659	7.9	70.6
7231 Beauty Shops	1,598	9,191	4.7	21.1
8049 Offices and Clinics of Health Practitioners, Not Elsewhere Classified	913	5,450	4.5	27.4

**4. What are the costs of complying with this rule for small businesses (those with fifty or fewer employees) and for the largest 10% of businesses affected?** The clear qualitative benefit of the rule is enhanced safety of patients undergoing treatment with an LLRP device, as explained above. Quantitative benefits may include avoided costs of patients who are harmed by LLRP devices and are required to undergo medical treatment to recuperate from injuries, and legal costs as a result of lawsuits to determine wrongdoing in the absence of clear regulatory guidance.

There are potential costs due to the implementation of this rule. Practitioners who have an LLRP device in their office or clinic will have to be trained to use the device properly. Their staff will have to be trained to use the device properly. A physician or physician assistant will have to see and examine each and every patient who wishes to undergo treatment with an LLRP device. The physician will have to contract with a back-up physician to provide treatment if

there are complications. If a physician assistant delegates the use of an LLRP device, the physician assistant will have to be on site for each treatment. Each of these requirements may add to the cost of treatment with an LLRP device. On the other hand, the rules should decrease the cost of health care by reducing the severity or number of complications to patients.

The commission believes improvement in the safety of patients undergoing treatment with LLRP devices will outweigh any potential increase in the cost of treatment.

**5. Does the rule impose a disproportionate impact on small businesses?** The proposed rules do impose a disproportionate impact on small businesses. The rule will require possible additional training that is usually provided by the marketing companies offering at no cost training regarding the devices. The physician may also take a continuing medical education course which costs an average of \$225 for one course. However, the physicians and physician assistants are

required at least two hundred hours of continuing medical education every four years which may include the training required for these devices, so this does not impact the cost.

The proposed rules will require the physician or physician assistant to complete the initial physical and history of the patient prior to initiating any treatment. This cost will be charged to the patient or the patient's insurer.

The proposed rules will require the practitioner to delegate procedures to trained and licensed professionals. The cost impact to a physician's office may potentially increase by adding a physician assistant two days per week at \$354 to supervise when the physician is not available, do medical examination and create treatment plans. A large clinic may add a physician assistant for four days a week that costs \$708. Training for staff is generally offered by the laser companies at the time of purchase. The addition of the physician assistant's cost would ultimately fall on the client/patient who the procedure was performed.

The proposed rule will require physician assistants to be on-site during any treatment whether delegated or not. There is a cost to the physician assistant for the increase of the physician's supervision time. The cost for a supervising physician's time per hour is on average \$100 to \$400 per hour to be present. The supervising physician would be present at least two additional hours per week costing \$800. A large practice would potentially increase the additional hours of the supervising physician time to four hours per week costing \$1600. This cost would ultimately fall on the patient for whom the procedure is being performed.

Beauty salons, spas, boutiques or other small cosmetic businesses may be impacted by the proposed rules. At present, these businesses should not be using the devices

defined by the FDA as medical prescriptive devices; and are considered practicing medicine without a license by the department of health (DOH). DOH will respond to any complaint received regarding unlicensed practice of medicine. After the completion of an investigation the result could be in a cease and desist order and payments of fines. This practice will continue after the rules are in place for those practicing medicine without a license.

The most reasonable solution for beauty salons, spas, boutiques or other cosmetic small businesses to comply with the proposed rules will be to hire a physician assistant with an approved practice plan to supervise, complete the history and physician examination, and direct all medical laser procedures. The physician assistant would need to be present on the days and when the lasers are used. The calculation for hiring of a physician assistant to be present two days per week costs \$354. A large beauty salon may need to hire a physician assistant to be present four days per week costing \$708. The beauty salon, spas, boutiques or other cosmetic small business would ultimately pass the cost onto the client/patient who the procedure is performed on.

The medical commission does not have a sense of how many lasers are being used by individuals without a professional license. Although the FDA requires prescriptive authority to purchase the medical laser devices, the unlicensed individuals are able to obtain the equipment through the second-hand market. The FDA is focused on the manufacturers and not the regulation or enforcement of the end users.

The proposed rule will require a backup physician for a physician if not available. This is a common practice among physicians.

SIC Industry Code and Title	Average # of Employees for Smallest Businesses	Average # of Employees for 10% of Largest Businesses	Costs of Rule Change Small Businesses	Costs of Rule Change Large Businesses	Average Cost Per Employees Small Businesses	Average Cost Per Employees Large Businesses
8011 Offices and Clinics of Doctors of Medicine	7.9	70.6	\$354	\$708	\$44.81	\$9.99
7231 Beauty Shops	4.7	21.1	\$354	\$708	\$75.32	\$33.55
8049 Offices and Clinics of Health Practitioners, Not Elsewhere Classified	4.5	27.4	\$800	\$1600	\$177.78	\$58.39

**6. If the rule imposes a disproportionate impact on small businesses, what efforts were taken to reduce that impact (or why is it not "legal and feasible" to do so) by?**

The medical commission significantly reduced the regulatory requirements of the first proposed draft that (1) required only health care practitioners to use the devices, (2) required a physician assistant to be directly supervised, (3) required a physician to remain on site at all times, and (4) required only a physician to do the history and physical of the patient. The commission collaboratively worked with the department of licensing, Washington State Medical Association, estheticians, and practitioners who employ individuals to do laser procedures. The proposed rules allow for (1) estheticians who are supervised by a physician or physician assistant to perform procedures, (2) a physician assistant supervision

[supervisor] as defined by the practice plan, (3) physicians to be temporarily absent if called away for an emergency under certain conditions, and (4) physician assistants to do history and physicals and treatment plans because this is already in their current scope of practice.

**7. How are small businesses involved in the development of this rule?**

Department staff worked closely with the medical commission, the Washington State Medical Association, persons using these devices, both licensed and nonlicensed, and people associated with companies marketing devices to minimize the burden of these proposed rules. Several owners of affected businesses submitted written comments or attended commission meetings to discuss the potential impact the proposed rules would have on their businesses. The commission modified the proposed rules so that the

impact would be as small as possible while still promoting safe medical care.

The medical commission has included the department of licensing cosmetology board during its rule process. Estheticians have attended the public meetings to provide comments. The proposed rules were modified to allow physicians or physician assistants to delegate to a licensed professional rather than a licensed health care provider, in order to include estheticians currently working with physicians.

A copy of the statement may be obtained by contacting Beverly A. Thomas, P.O. Box 47866, Olympia, WA 98501, (360) 236-4788, fax (360) 236-4768, e-mail [beverly.thomas@doh.wa.gov](mailto:beverly.thomas@doh.wa.gov).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Beverly A. Thomas, P.O. Box 47866, Olympia, WA 98501, (360) 236-4788, fax (360) 236-4768, e-mail [beverly.thomas@doh.wa.gov](mailto:beverly.thomas@doh.wa.gov).

July 17, 2006  
Blake T. Maresh  
Executive Director

#### NEW SECTION

**WAC 246-918-125 Use of laser, light, radiofrequency, and plasma devices as applied to the skin.** (1) For the purposes of this rule, laser, light, radiofrequency, and plasma devices (hereafter LLRP devices) are medical devices that:

(a) Use a laser, noncoherent light, intense pulsed light, radiofrequency, or plasma to topically penetrate skin and alter human tissue; and

(b) Are classified by the federal Food and Drug Administration as prescription devices.

(2) Because an LLRP device penetrates and alters human tissue, the use of an LLRP device is the practice of medicine under RCW 18.71.011. The use of an LLRP device can result in complications such as visual impairment, blindness, inflammation, burns, scarring, hypopigmentation and hyperpigmentation.

(3) Use of medical devices using any form of energy to penetrate or alter human tissue for a purpose other than the purpose set forth in subsection (1) of this section constitutes surgery and is outside the scope of this section.

#### PHYSICIAN ASSISTANT RESPONSIBILITIES

(4) A physician assistant must be appropriately trained in the physics, safety and techniques of using LLRP devices prior to using such a device, and must remain competent for as long as the device is used.

(5) A physician assistant may use an LLRP device so long as it is with the consent of the sponsoring or supervising physician, it is in compliance with the practice arrangement plan approved by the commission, and it is in accordance with standard medical practice.

(6) Prior to authorizing treatment with an LLRP device, a physician assistant must take a history, perform an appropriate physical examination, make an appropriate diagnosis, recommend appropriate treatment, obtain the patient's informed consent (including informing the patient that a non-

physician may operate the device), provide instructions for emergency and follow-up care, and prepare an appropriate medical record.

#### PHYSICIAN ASSISTANT DELEGATION OF LLRP TREATMENT

(7) A physician assistant who meets the above requirements may delegate an LLRP device procedure to a properly trained and licensed professional, whose licensure and scope of practice allow the use of an LLRP device provided all the following conditions are met:

(a) The treatment in no way involves surgery as that term is understood in the practice of medicine;

(b) Such delegated use falls within the supervised professional's lawful scope of practice;

(c) The LLRP device is not used on the globe of the eye; and

(d) The supervised professional has appropriate training in, at a minimum, application techniques of each LLRP device, cutaneous medicine, indications and contraindications for such procedures, preprocedural and postprocedural care, potential complications and infectious disease control involved with each treatment.

(e) The delegating physician assistant has written office protocol for the supervised professional to follow in using the LLRP device. A written office protocol must include at a minimum the following:

(i) The identity of the individual physician assistant authorized to use the device and responsible for the delegation of the procedure;

(ii) A statement of the activities, decision criteria, and plan the supervised professional must follow when performing procedures delegated pursuant to this rule;

(iii) Selection criteria to screen patients for the appropriateness of treatments;

(iv) Identification of devices and settings to be used for patients who meet selection criteria;

(v) Methods by which the specified device is to be operated and maintained;

(vi) A description of appropriate care and follow-up for common complications, serious injury, or emergencies; and

(vii) A statement of the activities, decision criteria, and plan the supervised professional shall follow when performing delegated procedures, including the method for documenting decisions made and a plan for communication or feedback to the authorizing physician assistant concerning specific decisions made. Documentation shall be recorded after each procedure, and may be performed on the patient's record or medical chart.

(f) The physician assistant is responsible for ensuring that the supervised professional uses the LLRP device only in accordance with the written office protocol, and does not exercise independent medical judgment when using the device.

(g) The physician assistant shall be on the immediate premises during any use of an LLRP device and be able to treat complications, provide consultation, or resolve problems, if indicated.



NEW SECTION

**WAC 246-919-605 Use of laser, light, radiofrequency, and plasma devices as applied to the skin.** (1) For the purposes of this rule, laser, light, radiofrequency, and plasma devices (hereafter LLRP devices) are medical devices that:

(a) Use a laser, noncoherent light, intense pulsed light, radiofrequency, or plasma to topically penetrate skin and alter human tissue; and

(b) Are classified by the federal Food and Drug Administration as prescription devices.

(2) Because an LLRP device penetrates and alters human tissue, the use of an LLRP device is the practice of medicine under RCW 18.71.011. The use of an LLRP device can result in complications such as visual impairment, blindness, inflammation, burns, scarring, hypopigmentation and hyperpigmentation.

(3) Use of medical devices using any form of energy to penetrate or alter human tissue for a purpose other than the purpose set forth in subsection (1) of this section constitutes surgery and is outside the scope of this section.

## PHYSICIAN RESPONSIBILITIES

(4) A physician must be appropriately trained in the physics, safety and techniques of using LLRP devices prior to using such a device, and must remain competent for as long as the device is used.

(5) A physician must use an LLRP device in accordance with standard medical practice.

(6) Prior to authorizing treatment with an LLRP device, a physician must take a history, perform an appropriate physical examination, make an appropriate diagnosis, recommend appropriate treatment, obtain the patient's informed consent (including informing the patient that a nonphysician may operate the device), provide instructions for emergency and follow-up care, and prepare an appropriate medical record.

(7) Regardless of who performs LLRP device treatment, the physician is ultimately responsible for the safety of the patient.

(8) Regardless of who performs LLRP device treatment, the physician is responsible for assuring that each treatment is documented in the patient's medical record.

(9) The physician must ensure that there is a quality assurance program for the facility at which LLRP device procedures are performed regarding the selection and treatment of patients. An appropriate quality assurance program shall include the following:

(a) A mechanism to identify complications and untoward effects of treatment and to determine their cause;

(b) A mechanism to review the adherence of supervised professionals to written protocols;

(c) A mechanism to monitor the quality of treatments;

(d) A mechanism by which the findings of the quality assurance program are reviewed and incorporated into future protocols required by subsection (10)(d) of this section and physician supervising practices; and

(e) Ongoing training to maintain and improve the quality of treatment and performance of treating professionals.

## PHYSICIAN DELEGATION OF LLRP TREATMENT

(10) A physician who meets the above requirements may delegate an LLRP device procedure to a properly trained and licensed professional, whose licensure and scope of practice allow the use of an LLRP device, provided all the following conditions are met:

(a) The treatment in no way involves surgery as that term is understood in the practice of medicine;

(b) Such delegated use falls within the supervised professional's lawful scope of practice;

(c) The LLRP device is not used on the globe of the eye;

(d) A physician has a written office protocol for the supervised professional to follow in using the LLRP device. A written office protocol must include at a minimum the following:

(i) The identity of the individual physician authorized to use the device and responsible for the delegation of the procedure;

(ii) A statement of the activities, decision criteria, and plan the supervised professional must follow when performing procedures delegated pursuant to this rule;

(iii) Selection criteria to screen patients for the appropriateness of treatments;

(iv) Identification of devices and settings to be used for patients who meet selection criteria;

(v) Methods by which the specified device is to be operated and maintained;

(vi) A description of appropriate care and follow-up for common complications, serious injury, or emergencies; and

(vii) A statement of the activities, decision criteria, and plan the supervised professional shall follow when performing delegated procedures, including the method for documenting decisions made and a plan for communication or feedback to the authorizing physician concerning specific decisions made;

(e) The supervised professional has appropriate training in, at a minimum, application techniques of each LLRP device, cutaneous medicine, indications and contraindications for such procedures, preprocedural and postprocedural care, potential complications and infectious disease control involved with each treatment;

(f) The delegating physician ensures that the supervised professional uses the LLRP device only in accordance with the written office protocol, and does not exercise independent medical judgment when using the device;

(g) The delegating physician shall be on the immediate premises during the patient's initial treatment and be able to treat complications, provide consultation, or resolve problems, if indicated. The supervised professional may complete the initial treatment if the physician is called away to attend to an emergency;

(h) Existing patients with an established treatment plan may continue to receive care during temporary absences of the delegating physician provided that there is a local back-up physician who satisfies the requirements of subsection (4) of this section. The local back-up physician must agree in writing to treat complications, provide consultation or resolve problems if medically indicated. The local back-up physician shall be reachable by phone and able to see the patient within sixty minutes.

(11) The use of, or the delegation of the use of, an LLRP device by a physician assistant is covered by WAC 246-918-125.