

**WSR 06-16-038**  
**EXPEDITED RULES**  
**DEPARTMENT OF REVENUE**

[Filed July 25, 2006, 3:49 p.m.]

Title of Rule and Other Identifying Information:  
 Amending WAC 458-18-220 Refunds—Rate of interest.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov (copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/laws/RuleMaking/default.aspx>), AND RECEIVED BY October 2, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to provide the rate of interest that will be included when property taxes paid in 2007 are refunded to taxpayers.

The rates of interest reflected in this rule are used when property taxes are refunded. The rates of interest are shown in chronological order with reference to the year the property taxes were paid. The rule is being amended to provide the rate of interest for treasury bill auction year 2006, which is used as a basis for refunding taxes paid in 2007. This rule is updated annually.

Reasons Supporting Proposal: RCW 84.69.100 requires interest to be paid when property taxes are refunded. It also requires the department to annually adopt a rule that specifies the amount of interest to be collected for each year property taxes were paid.

Statutory Authority for Adoption: RCW 84.69.100.

Statute Being Implemented: RCW 84.69.100.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

July 25, 2006  
 Alan R. Lynn  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-22-096, filed 11/1/05, effective 12/2/05)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance

with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
<u>2007</u>	<u>2006</u>	<u>5.09%</u>

**WSR 06-16-105**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 1, 2006, 8:54 a.m.]

Title of Rule and Other Identifying Information: Environmental tobacco smoke, chapter 296-800 WAC, Safety and health core rules and chapter 296-307 WAC, Safety standards for agriculture.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE

RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Christine Swanson, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY October 2, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to amend the department's requirements relating to smoking in office work environments to conform with chapter 70.160 RCW, which was expanded with the passage of Initiative 901.

Reasons Supporting Proposal:

AMENDED SECTIONS:

**WAC 296-307-590 Summary.**

- Change the title of WAC 296-307-59005 to "Prohibit tobacco smoke in your office work environment.["]
- Delete WAC 296-307-59010.
- Add a link to this section.

**WAC 296-307-59005 Prohibit tobacco smoke in your office work environment.**

- Add language to the exemption relating to maintaining a twenty-five feet [foot] distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.
- Combine this section and WAC 296-307-59010.
- Delete language relating to smoking rooms.

**WAC 296-800-240 Summary.**

- Change the title of WAC 296-800-24005 to "Prohibit tobacco smoke in your office work environment.["]
- Delete WAC 296-800-24010.
- Add a link to this section.

**WAC 296-800-24005 Prohibit tobacco smoke in your office work environment.**

- Add language to the exemption relating to maintaining a twenty-five feet [foot] distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.
- Combine this section and WAC 296-800-24010.
- Delete language relating to smoking rooms.

REPEALED SECTIONS:

**WAC 296-307-59010 Control tobacco smoke that comes in from the outside.**

- Move requirements relating to administrative controls to WAC 296-307-59005.
- Repeal this section.

**WAC 296-800-24010 Control tobacco smoke that comes in from the outside.**

- Move requirements relating to administrative controls to WAC 296-800-24005.
- Repeal this section.

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

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

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

August 1, 2006

Gary Weeks

Director

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-307-590 Environmental tobacco smoke in the office—Summary. Your responsibility:**

To ~~((control))~~ eliminate exposure to environmental tobacco smoke in your office work environment

**You must:**

~~((Control))~~ Prohibit tobacco smoke in your ~~((building))~~ office work environment.

*WAC 296-307-59005*

~~((Control tobacco smoke that comes in from the outside WAC 296-307-59010))~~

Note: This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

Definitions: *Office work environment* is an indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

*Smoking*

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning.

Link: For work environments outside the office, contact your local health department using the link <http://www.seconhandsmokesyou.com> or by calling them directly.

AMENDATORY SECTION (Amending WSR 01-17-033, filed 8/8/01, effective 9/1/01)

**WAC 296-307-59005 ~~((Control))~~ Prohibit tobacco smoke in your ~~((building))~~ office work environment.**

**EXEMPTION:** The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos that maintain the twenty-five-foot distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

**You must:**

~~((\*) (1) Prohibit smoking in your office work environment~~

~~((OR~~

~~• Restrict smoking inside your office work environment to designated enclosed smoking rooms that meet the following minimum criteria:~~

~~— Identify smoking rooms clearly with signs.~~

~~— Make sure the designated smoking rooms are not in common areas, such as:~~

~~◆ Places where nonsmoking employees are required to work or visit~~

~~◆ Restrooms~~

~~◆ Washrooms~~

~~◆ Hallways~~

~~◆ Stairways~~

~~◆ Cafeterias/lunchrooms~~

~~◆ Meeting rooms~~

~~— Make sure that no employee is required to enter a designated smoking room while someone is smoking there.~~

~~— Conduct cleaning and maintenance work in designated smoking rooms when smokers are not present.~~

**~~You must:~~**

~~• Ventilate designated smoking rooms at a rate of at least 60 cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.~~

~~— Maintain enough negative air pressure in designated smoking areas to prevent smoke from migrating into non-smoking areas, at all times.~~

~~— Operate a separate mechanical exhaust system in designated smoking rooms, to make sure exhausted air moves directly outside, and does not recirculate into nonsmoking areas.~~

~~— Prohibit use of the designated smoking room if the mechanical exhaust system is not working properly, until repairs are completed.~~

Note: This ventilation rate is recommended for occupancies of no more than 7 people for every 100 square feet of net occupied space in the designated smoking room.)

(2) Use administrative controls to prevent tobacco smoke from entering your office from outside the building.

• Make sure that outside smoking areas used by your employees are at least twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-307-59010 Control tobacco smoke that comes in from the outside.

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

**WAC 296-800-240 Summary.** Your responsibility: To ~~((control))~~ eliminate exposure to *environmental tobacco smoke* in your *office work environment*.

You must:

~~((Control))~~ Prohibit tobacco smoke in your ~~((building))~~ office work environment

~~WAC 296-800-24005.~~

~~((Control tobacco smoke that comes in from the outside WAC 296-800-24010.))~~

Note: This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

Definition: Office work environment is an indoor or enclosed occupied space where clerical work, administration, or business is carried out. In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

**Link:** For work environments outside the office, contact your local health department using the link <http://www.secdhandsmokesyou.com> or by calling them directly.

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

**WAC 296-800-24005 ((Control)) Prohibit tobacco smoke in your ((building)) office work environment.**

Exemption: The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos that maintain the twenty-five feet distance from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

You must:

~~((\*) (1) Prohibit smoking in your office work environment ((OR))~~

(2) Use administrative controls to prevent tobacco smoke from entering your office from outside the building.

• Make sure that outside smoking areas used by your employees are at least twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited.

~~((Restrict smoking inside your office work environment to designated enclosed smoking rooms that meet the following minimum criteria:~~

~~— Identify smoking rooms clearly with signs.~~

~~— Make sure the designated smoking rooms are not in common areas, such as:~~

~~◆ Places where nonsmoking employees are required to work or visit~~

~~◆ Restrooms~~

~~◆ Washrooms~~

~~◆ Hallways~~

~~◆ Stairways~~

~~◆ Cafeterias/lunchrooms~~

~~◆ Meeting rooms~~

~~—Make sure that no employee is required to enter a designated smoking room while someone is smoking there.~~

~~—Conduct cleaning and maintenance work in designated smoking rooms when smokers are not present.~~

~~You must:~~

~~•Ventilate designated smoking rooms at a rate of at least 60 cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.~~

~~—Maintain enough negative air pressure in designated smoking areas to prevent smoke from migrating into non-smoking areas, at all times.~~

~~—Operate a separate mechanical exhaust system in designated smoking rooms, to make sure exhausted air moves directly outside, and does not recirculate into nonsmoking areas.~~

~~—Prohibit use of the designated smoking room if the mechanical exhaust system is not working properly, until repairs are completed.~~

Note: This ventilation rate is recommended for occupancies of no more than seven people for every 100 square feet of net occupied space in the designated smoking room.)

## REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-800-24010 Control tobacco smoke that comes in from the outside.

## WSR 06-16-107 EXPEDITED RULES

### HEALTH CARE AUTHORITY (Public Employees' Benefits Board)

[Order 06-08—Filed August 1, 2006, 11:14 a.m.]

Title of Rule and Other Identifying Information: WAC 182-12-250 Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Barbara Scott, Health Care Authority, P.O. Box 42684, Olympia, WA 98504-2684, bsco107@hca.wa.gov, AND RECEIVED BY October 2, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of amending the existing rule is to implement provisions of

chapter 345, Laws of 2006, which changed the eligibility criteria for surviving dependents of emergency service personnel killed in the line of duty to include survivors of emergency service employees who were killed in the line of duty prior to January 1, 1998.

Reasons Supporting Proposal: These amendments will implement provisions enacted by the 2006 legislature.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: RCW 41.05.080.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Barbara Scott, Health Care Authority, (360) 923-2642; Implementation and Enforcement: Mary Fliss, Health Care Authority, (360) 923-2640.

August 1, 2006

Beth Dupre

Deputy Administrator

AMENDATORY SECTION (Amending WSR 04-18-039, filed 8/26/04, effective 1/1/05)

**WAC 182-12-250 Insurance eligibility for surviving dependents of emergency service personnel killed in the line of duty.** Surviving dependents of emergency service personnel who ~~((were))~~ are killed in the line of duty ~~((on or after January 1, 1998,))~~ are eligible ((to participate in)) for health plan coverage administered by the HCA.

(1) This section applies to the dependents of emergency service personnel "killed in the line of duty" as determined ~~((consistent with Title 51 RCW))~~ by the Washington state department of labor and industries.

(2) "Emergency service personnel" means law enforcement officers~~((;))~~ and fire fighters as defined in RCW 41.26.030, and reserve officers~~((;))~~ and fire fighters as defined in RCW ~~((41.26.030 and))~~ 41.24.010.

(3) "Surviving dependent" means:

(a) A lawful spouse ~~((or))~~;

(b) An ex-spouse as defined in RCW 41.26.162; ~~((and (b)))~~ (c) Dependent children. The term "children"

includes the following unmarried ~~((natural children, stepchildren and legally adopted))~~ children of the emergency service worker who are: Under the age of twenty or under the age of twenty-four ~~((for))~~ if he or she is a dependent student attending high school or registered at an accredited secondary school, college, university, vocational school, or school of nursing. Disabled dependents as defined in RCW 41.26.030

(7) are eligible at any age. "Children" are defined as:

(i) Biological children (including the emergency service worker's posthumous children);

(ii) Stepchildren; and

(iii) Legally adopted children.

(4) ~~((Premium rates will be subsidized consistent with rates established by PEBB for non-Medicare retirees under RCW 41.05.022 and for Medicare-entitled retirees under RCW 41.05.085.~~

~~(5))~~ Surviving dependents ~~((that))~~ who are entitled to Medicare ~~((-entitled))~~ must enroll in both parts A and B of Medicare.

~~((6))~~ (5) The surviving dependent must send a completed enrollment ~~((application))~~ form to either enroll or defer public employees' benefits board (PEBB) coverage to PEBB benefits services department no later than ~~((sixty))~~ one hundred eighty days after the latter of:

(a) The death of the emergency service worker;

(b) The date on the letter from the department of retirement systems or the board for volunteer fire fighters and reserve officers that informs the survivor that he or she is determined to be an eligible survivor;

(c) The last day ~~((of))~~ the surviving dependent was covered under any ~~((coverage extended by the employing agency of))~~ health plan through the emergency service ~~((employee who died in the line of duty))~~ worker's employer; or

~~((b))~~ (d) The last day ~~((of coverage extended through))~~ the surviving dependent was covered under the Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage from ~~((any employing agency))~~ the emergency service worker's employer.

(6) Survivors that do not choose to defer PEBB coverage may choose among the following options for when their PEBB coverage will begin:

(a) June 1, 2006, for survivors whose enrollment form is received by PEBB benefit services no later than September 1, 2006;

(b) The first of the month that is no more than sixty days before the date that PEBB benefit services receives the enrollment form (for example, if PEBB benefit services receives the enrollment form on August 29, the survivor may request coverage to begin on July 1); or

(c) The first of the month after the date that PEBB benefit services receives the enrollment form.

For surviving dependents who enroll, monthly premiums for PEBB health plan coverage must be paid by the survivor except as provided in RCW 41.26.510(5).

(7) Surviving dependents must choose one of the following two options ~~((for maintaining))~~ to maintain eligibility for ~~((participation under))~~ PEBB health plan coverage:

(a) Enroll in PEBB health plan coverage:

(i) ~~((Enrollment))~~ Enroll in ~~((the))~~ medical ~~((portion of PEBB health plan))~~ coverage ~~((is required.)); or~~

(ii) ~~((Enrollment in the dental portion of PEBB health plan coverage is optional. Once enrolled in))~~ Enroll in medical and dental coverage.

(iii) ~~((person))~~ dependent must ~~((maintain enrollment))~~ stay enrolled in dental coverage for ~~((a minimum of))~~ at least two years before dental coverage can be dropped.

~~((iii))~~ (iv) Dental only coverage is not ~~((available))~~ an option.

(b) Defer enrollment:

(i) Surviving dependents may defer enrollment in PEBB health plan coverage if they are enrolled in ~~((employer sponsored))~~ comprehensive medical coverage through ~~((their employment))~~ an employer.

(ii) Surviving dependents may enroll in PEBB health plan coverage when ~~((their))~~ they lose employer ~~((sponsored))~~ coverage ~~((ends)). ~~((Proof of continuous enrollment))~~~~

Dependents will need to prove they were continuously enrolled in ~~((other))~~ comprehensive ~~((employer sponsored))~~ coverage ~~((must be submitted with the application))~~ through an employer when applying for ~~((enrollment to the HCA))~~ PEBB coverage, and apply within sixty days after the date ~~((that))~~ their other coverage ended.

(ii) PEBB health plan coverage and premiums will begin the first day of the month following the day that the other coverage ended for dependents that reenroll.

(8) ~~((Enrollees))~~ Surviving dependents may change their health ~~((carrier selection))~~ plan during open enrollment. In addition to open enrollment, ~~((enrollees))~~ they may change health ~~((carriers))~~ plans if they move out of their health ~~((carrier's))~~ plan's service area or into a service area where a health ~~((carrier))~~ plan that was not previously offered is now available.

(9) Surviving dependents may not add new dependents acquired through birth, marriage, or establishment of a qualified same-sex domestic partnership.

(10) Surviving dependents will ~~((forfeit))~~ lose their right to enroll in PEBB health plan coverage if they:

(a) Do not ~~((make application))~~ apply to enroll or defer PEBB ~~((before))~~ health plan coverage within the ~~((date specified))~~ timelines stated in subsection ~~((6))~~ (5) of this section; or

(b) Do not maintain continuous enrollment in comprehensive coverage through an employer ~~((sponsored medical coverage))~~ during the deferral period, as provided in subsection (7)(b)(i) of this section.