

WSR 08-05-017**EXPEDITED RULES****TRANSPORTATION IMPROVEMENT BOARD**

[Filed February 12, 2008, 8:25 a.m.]

Title of Rule and Other Identifying Information: Amending WAC 479-05-040 Value engineering study requirements, to clarify internal governmental operations, making the language more specific and understandable.

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 Rhonda Reinke, Transportation Improvement Board, P.O. Box 40901, Olympia, WA 98504-0901, phone (360) 586-1155, fax (360) 586-1165, e-mail rhondar@tib.wa.gov, AND RECEIVED BY April 21, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Add language that clearly states that the value engineering study process is completed and that any recommendations from the study may be considered if a funding increase or scope change is requested.

Reasons Supporting Proposal: To make the WAC language more clear as directed in Executive Order 05-03 (plain talk) and to eliminate redundancies in communication.

Statutory Authority for Adoption: RCW 47.26.160.

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

Name of Proponent: Transportation improvement board, governmental.

Name of Agency Personnel Responsible for Drafting: Rhonda Reinke, P.O. Box 40901, Olympia, WA 98504-0901, (360) 586-1155; Implementation and Enforcement: Stevan Gorcester, P.O. Box 40901, Olympia, WA 98504-0901, (360) 586-1139.

February 12, 2008

Stevan Gorcester
Executive Director

AMENDATORY SECTION (Amending WSR 07-18-050, filed 8/30/07, effective 9/30/07)

WAC 479-05-040 Value engineering study requirements. A value engineering study is required for urban projects with total cost exceeding two and one-half million dollars or when determined by the executive director to be in the best interest of the project.

The value engineering study requirement is completed when the local agency submits the recommendation report to TIB. TIB may consider what recommendations are accepted or rejected when evaluating any funding increase or scope change request.

WSR 08-05-028**EXPEDITED RULES****DEPARTMENT OF****RETIREMENT SYSTEMS**

[Filed February 12, 2008, 9:21 a.m.]

Title of Rule and Other Identifying Information: The department of retirement systems needs to amend rules in Title 415 WAC in order to correct typographical errors and references to repealed rules. Additionally, an address and information pertaining to internal government operations needs updating. The substance and meaning of these rules are not changing.

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 Sarah Monaly, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail sarahm@drs.wa.gov, AND RECEIVED BY 5:00 p.m. on April 21, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The following rules need amending:

- WAC 415-02-550, to make a correction to the rule as it currently contains a typographical error in referencing a nonexistent section; the proposed change will correct the reference.
- WAC 415-112-015, to make a correction to the rule as it currently references repealed rules; the proposed changes reference current rules.
- WAC 415-112-505, to make a correction to the rule as it currently contains a typographical error in referencing a nonexistent section; the proposed change will correct the reference.
- WAC 415-200-020, to correct an address and meeting time that affect internal government operations; the proposed changes update the meeting schedule and place for the Early Retirement Benefits Board. This rule is not subject to violation by a person.

Reasons Supporting Proposal: To ensure compliance with Executive Order 06-02 and as permitted by RCW 34.05.353 (1)(a) and (c), the department is updating rules found to have typographical errors and outdated references and addresses. The rule changes will not affect the content or meaning of the rules and are only aimed at correcting technical errors and updating internal government operations.

Statutory Authority for Adoption: RCW 41.05.050(5).

Statute Being Implemented: For WAC 415-02-550 is RCW 41.50.500, 41.50.670, 41.50.710 and 41.50.790; for WAC 415-112-015 is RCW 41.32.010 and chapter 41.32 RCW; for WAC 415-112-505 is RCW 41.32.785, 41.32.851

and 41.32.790; and for WAC 415-200-020 is RCW 41.50-086.

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: Sarah Monaly, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Cathy Cale, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7305.

February 12, 2008
Sarah Monaly
Rules Coordinator

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

WAC 415-02-550 What happens to my defined contributions if I transfer to Plan 3 after the department of retirement systems accepts my property division dissolution order? (1) Who may use this section? You may use this section if you were a member of PERS Plan 2, SERS Plan 2, or TRS Plan 2 and *first* obtained a property division dissolution order using the language in RCW 41.50.670(2) and WAC 415-02-510 or 415-02-520, and *then* transfer to Plan 3.¹

(2) What happens if the property division dissolution order (using the language in RCW 41.50.670(2) and WAC 415-02-510) did not split my account? Refer to WAC ((415-03-530 [WAC 415-03-530])) 415-02-530 for information about your defined benefit account and about your and your ex-spouse's defined contribution accounts after you transfer to Plan 3.

(3) What happens if the property dissolution order used the language in WAC 415-02-520 and did split my account?

(a) Your *ex-spouse's* account will remain in Plan 2. Your ex-spouse is ineligible to transfer to Plan 3.

(b) The balance of your accumulated contributions remaining in your Plan 2 account after it was split will be transferred to your Plan 3 defined contributions account. (Refer to chapter 415-111 WAC for information about your defined contribution account.)

(4) How will gainsharing be applied to my account? Gainsharing is not applied to Plan 2 member accounts. If gainsharing is applied after you have transferred to Plan 3, only you will receive the gainsharing amount.

(5) Terms used:

(a) Dissolution order - RCW 41.50.500.

(b) Ex-spouse - WAC 415-02-030.

(c) Gainsharing - Chapter 41.31 RCW (Plan 1); chapter 41.31A RCW (Plan 3); WAC 415-02-030; 415-111-440.

(d) PERS - Public employees' retirement system.

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

(f) SERS - School employees' retirement system.

(g) Split accounts - WAC 415-02-030.

(h) TRS - Teachers' retirement system.

Footnote to section:

¹ The section does not apply to retirees, because retirees cannot transfer to Plan 3.

AMENDATORY SECTION (Amending WSR 05-12-042, filed 5/25/05, effective 6/25/05)

WAC 415-112-015 Definitions. All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

(1) **Accrual date** means the first date from which a member's or beneficiary's benefit is calculated. See WAC 415-112-520, RCW 41.32.795 and 41.32.855.

(2) **Annual leave** means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(3) **Dual member** means a person who:

(a) Is or becomes a member of a retirement system, as defined in RCW 41.50.030 or 41.54.010(6), on or after July 1, 1988;

(b) Has been a member of one or more other systems; and

(c) Has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or 41.54.010(6). See WAC 415-113-041.

(4) **Ineligible position** means a position that does not meet the requirements of an eligible position as stated in RCW 41.32.010(37).

(5) **Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

(6) **Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community or technical colleges.

(7)(a) **Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(b) As applied to TRS employers other than those listed in (a) of this subsection, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

(8) **Qualified to teach** as used under RCW 41.32.010 (29) means:

(a) Having a valid certificate issued by the office of the superintendent of public instruction pursuant to WAC ((480-79A-140)) 181-79A-140;

(b) Having a valid permit to teach issued by a lawful authority of this state pursuant to WAC ((180-79A-128)) 181-79A-128; or

(c) Being employed under a contract to teach with an institution of higher education as defined in RCW 28B.10-016.

(9) **Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

(10) **Spousal consent** requires written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, duly executed and filed with the department, constitutes "written evidence."

(11) **System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "SERS" means the school employees' retirement system.
- "TRS" means the teachers' retirement system.

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

WAC 415-112-505 What are the benefit options for Plan 2 and 3 members? Upon retirement for service under RCW 41.32.765 or 41.32.875, or disability under RCW 415-112-790 or 415-112-880, you must choose to have the defined benefit portion of your retirement allowance paid to you by one of the options described in this section.

(1) **Which option will pay my beneficiary a monthly allowance after my death?** Options described in subsection (2)(c) (~~through (e)~~) and (d) of this section include a survivor feature. The person you name at the time of retirement to receive a monthly allowance after your death is referred to as your "survivor beneficiary." Upon your death your survivor beneficiary will be entitled to receive a monthly allowance for the duration of his or her life. Your monthly retirement allowance will be actuarially reduced to offset the cost of the survivor feature. The factors used to determine the amount of the reduction are in WAC 415-02-380.

(2) **What are my benefit options?**

(a) **Option one: Standard allowance for service retirement (no survivor feature).** The department will pay you a monthly retirement allowance throughout your lifetime. Your monthly allowance will cease upon your death.

(b) **Option two: Joint and whole allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to the gross monthly retirement allowance you were receiving.

(c) **Option three: Joint and one-half allowance.** The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to one-half of the gross monthly retirement allowance you were receiving.

(d) **Option four: Joint and two-thirds allowance** (available to members retiring on or after January 1, 1996). The department will pay you a reduced monthly retirement allowance throughout your lifetime. After your death, the department will pay your survivor beneficiary a monthly allowance equal to two-thirds (66.667%) of the gross monthly retirement allowance you were receiving.

(3) **Do I need my spouse's consent on the option I choose?** If you are married, you must submit your spouse's notarized signature indicating consent to the retirement option you selected. If you do not provide spousal consent, the department will pay you a monthly retirement allowance based on option three (joint and one-half allowance) and record your spouse as the survivor beneficiary as required by RCW 41.32.785(2) and 41.32.851(2). If your survivor beneficiary has been designated by a dissolution order under RCW 41.50.790, which was filed with the department at least thirty days before your retirement date, spousal consent is not required.

(4) **Can a dissolution order require that a former spouse be designated as a survivor beneficiary?** Yes. A dissolution order may require that a former spouse be designated as a survivor beneficiary. The department is required to pay survivor benefits to a former spouse pursuant to a dissolution order that complies with RCW 41.50.790.

(5) **What happens if I choose a benefit option with a survivor feature and my survivor beneficiary dies before I do?** Your monthly retirement allowance will increase, provided you submit proof of your survivor beneficiary's death to the department. The increase will begin accruing the first day of the month following the death.

(a) **Members who retire on or after January 1, 1996:** Your increased monthly allowance will be:

- (i) The amount you would have received had you chosen the standard allowance option; plus
- (ii) Any cost-of-living adjustments (COLAs) you received prior to your survivor beneficiary's death, based on your original option selection.

Example:

Agnes retires from TRS Plan 2 in 1996. She chooses a benefit option with a survivor feature and names Beatrice, her daughter, as her survivor beneficiary. As a result, Agnes' monthly allowance is reduced from \$2,000 (standard allowance) to \$1,750. Beatrice dies in 2001. Agnes' monthly allowance will increase to \$2,191.05, which equals the amount she would have received had she chosen the standard allowance option, plus the COLAs she has received (based on her prior monthly allowance).

Year	Standard Allowance	Survivor Option plus COLAs	COLA incr. (3% max)	\$ Increase
1996	2,000.00	1,750.00		0.00
1997		1,750.00	.02	35.00
1998		1,785.00	.03	53.55

Year	Standard Allowance	Survivor Option plus COLAs	COLA incr. (3% max)	\$ Increase
1999		1,838.55	.025	45.96
2000		1,884.51	.03	56.54
2001	2,000.00	1,941.05	—	—
			Total COLAs	191.05
Original Monthly Allowance	+ Total COLAs		= New Monthly Allowance	
\$2000	+ \$191.05		= \$2,191.05*	

* In the future, Agnes' COLA will be based on her increased monthly allowance.

(b) **Members who retired before January 1, 1996:** Your monthly retirement allowance will be adjusted according to the provisions of RCW 41.32.785(3).

(6) **May I change my benefit option after retirement?** Your choice of a benefit option is irrevocable with the following three exceptions:

(a) **Return to membership.** If you retire and then return to membership, you may choose a different retirement option upon your subsequent retirement. See RCW 41.32.044.

(b) **Postretirement marriage option.** If you select the standard allowance option at the time of retirement and marry after retirement, you may select a benefit option with a survivor feature and name your current spouse as survivor beneficiary, provided that:

(i) Your benefit is not subject to a property division obligation pursuant to a dissolution order. See WAC 415-02-500;

(ii) The selection is made during a one-year window, on or after the date of the first anniversary and before the second anniversary of your postretirement marriage;

(iii) You provide a copy of your certified marriage certificate to the department;

(iv) You provide proof of your current spouse's birth date; and

(v) You exercise this option one time only.

(c) **Removal of a nonspouse survivor option.** If you select a benefit option with a survivor feature and name a nonspouse as survivor beneficiary at the time of retirement, you may remove that survivor beneficiary designation and have your benefit adjusted to a standard allowance. You may exercise this option one time only.

(7) **Who will receive the balance of my accumulated contributions, if any, after my death?**

(a) **Plan 2:**

(i) If you do not have a survivor beneficiary at the time of your death, and you die before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) you have nominated by written designation, executed and filed with the department.

(B) If you have not designated a beneficiary, or if your designated beneficiary is no longer living, then to your surviving spouse.

(C) If not paid according to (a)(i)(A) or (B) of this subsection, then to your estate.

(ii) If you have a survivor beneficiary at the time of your death, and your survivor beneficiary dies before the total of the retirement allowance paid equals the amount of your accumulated contributions at the time of retirement, the balance will be paid:

(A) To the person or entity (i.e., trust, organization, or estate) your survivor beneficiary has nominated by written designation, executed and filed with the department.

(B) If your survivor beneficiary has not designated a beneficiary, or if the designated beneficiary is no longer living, then to your survivor beneficiary's spouse.

(C) If not paid according to (a)(ii)(A) or (B) of this subsection, then to your survivor beneficiary's estate.

(b) **Plan 3:** The defined benefit stops upon your death or upon the death of your survivor beneficiary, if applicable. As a Plan 3 member, you do not contribute to the defined benefit portion of your retirement allowance. The defined contribution portion of your benefit will be distributed according to WAC 415-111-310.

(8) For more information, see RCW 41.32.785 and 41.32.790 (Plan 2) and RCW 41.32.851 (Plan 3).

AMENDATORY SECTION (Amending WSR 96-23-025, filed 11/13/96, effective 12/14/96)

WAC 415-200-020 Regular board meetings. The regular meetings of the employee retirement benefits board are held ~~((on the fourth Tuesday of each month beginning))~~ quarterly at ~~((9:00 a.m. at))~~ the offices of the State Investment Board, ~~((2424 Heritage Court S.W.))~~ 2100 Evergreen Park Drive Southwest, Olympia, Washington ~~((98504-0916)).~~

WSR 08-05-106
EXPEDITED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed February 19, 2008, 8:54 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 388-511-1105 SSI-related eligibility requirements.

See below for additional Title 388 WAC cross-referencing corrections as they relate to the repeal of WAC 388-511-1105.

WAC	Section Title	Description of Change
WAC 388-106-0225 (2)(c).	How do I pay for MPC?	WAC cross-reference correction.
WAC 388-106-0310 (1)(a).	Am I eligible for COPES-funded services?	WAC cross-reference correction.
WAC 388-106-0410 (1)(a).	Am I eligible for MNRW-funded services?	WAC cross-reference correction.
WAC 388-106-0510 (1)(a).	Am I eligible for MNIW-funded services?	WAC cross-reference correction.

WAC	Section Title	Description of Change
WAC 388-106-0705 (1)(a).	Am I eligible for PACE services?	WAC cross-reference correction.
WAC 388-500-0005 Medicaid.	Medical definitions.	WAC cross-reference correction.
WAC 388-503-0510 (1)(a) and (b).	How a client is determined "related to" a categorical program.	WAC cross-reference correction.
WAC 388-513-1363 (2)(d)(ii)(A), (e), (f)(iii) and (iv).	Evaluating the transfer of assets on or after May 1, 2006, for persons applying for or receiving long-term care (LTC) services.	WAC cross-reference correction.
WAC 388-513-1364 Introduction.	Evaluating the transfer of an asset made on or after April 1, 2003 for long-term care (LTC) services.	Adding a reference to WAC 388-513-1363.
WAC 388-513-1364 (1)(b), (d)(ii)(A), (e)(iii) and (iv), (f), (6)(a).	Evaluating the transfer of an asset made on or after April 1, 2003, for long-term care (LTC) services.	WAC cross-reference corrections.
WAC 388-513-1365 Introduction.	Evaluating the transfer of an asset made on or after March 1, 1997, and before April 1, 2003 for long-term care (LTC) services.	Adding a reference to WAC 388-513-1363.
WAC 388-513-1365 (1)(b), (d)(ii)(A), (e)(iii) and (iv), (7)(a).	Evaluating the transfer of an asset made on or after March 1, 1997, and before April 1, 2003 for long-term care (LTC) services.	WAC cross-reference corrections.
WAC 388-515-1540 (1)(c), (i), (2), (12)(b), (c), and (d).	Medically needy residential waiver (MNRW) effective March 17, 2003.	WAC cross-reference corrections.
WAC 388-561-0100 (3)(b)(ii)(B), (6)(a) and (b), (7)(a) and (b), (9), (13).	Trusts.	WAC cross-reference additions and corrections.
WAC 388-561-0300 (3), (5), (6)(b).	Life estates.	WAC cross-reference additions.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, or deliver to Blake Office Park East, 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHSRPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, AND RECEIVED BY 5:00 p.m. on May 5, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapter 388-475 WAC incorporates language published in chapter 388-511 WAC for SSI-related eligibility requirements. The proposed repeal of this WAC section is appropriate because the language is duplicated in chapter 388-475 WAC. The repeal of this WAC section provides the opportunity to consolidate and improve the usability of rules concerning the financial eligibility requirements for SSI within chapter 388-475 WAC.

The rule's effect remains unchanged and the department is not required to draft a cost-benefit analysis for housekeeping rules that correct typographical errors or update cross-references.

Reasons Supporting Proposal: There will be less confusion for people because the WAC cross-references will be correct.

An agency may file notice for the expedited repeal of rules under the procedures set forth in RCW 34.05.353 for rules with this criteria: RCW 35.05.353 [34.05.353] (2)(d) - other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 35.05.353 [34.05.-353] (2)(d).

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

Name of Proponent: Department of social and health services, health and recovery services administration (HRSA), governmental.

Name of Agency Personnel Responsible for Drafting: Jonell Blatt, ORP, 626 8th Avenue, Olympia, WA 98504, (360) 725-1571; Implementation and Enforcement: Cathy Fisher, EPACE, 626 8th Avenue, Olympia, WA 98504, (360) 725-1357.

February 13, 2008

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 08-06 issue of the Register.

WSR 08-05-116
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 19, 2008, 9:58 a.m.]

Title of Rule and Other Identifying Information: WAC 296-150R-0020 What definitions apply to this chapter?

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 Josh Swanson, Legislative Liaison, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY April 21, 2008.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to update the definitions in WAC 296-150R-0020. Currently, the rule references the American National Standards Institute (ANSI), however, ANSI no longer regulates recreational vehicles except for low voltage systems in conversion and recreational vehicles and uniform plan approval for recreational vehicles. Recreational vehicles are regulated by the National Fire Protection Association. The rules will be updated to reflect the change.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: Chapter 43.22 RCW.

Statute Being Implemented: Chapter 43.22 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: Pete Schmidt, Tumwater, Washington, (360) 902-5571; Implementation and Enforcement: Patrick Woods, Tumwater, Washington, (360) 902-6348.

February 19, 2008

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 03-12-044, filed 5/30/03, effective 6/30/03)

WAC 296-150R-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, plumbing systems, fuel systems and equipment or electrical systems of a recreational vehicle.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;

- Modification of a fuel burning appliance according to the terms of its listing; and

- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a vehicle alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to Low Voltage Systems in Conversion and Recreational Vehicles and Uniform Plan Approval for Recreational Vehicles. For the purposes of this chapter, references to ANSI mean ((ANSI A119.2 Recreational Vehicles, 2002 edition)) ANSI/RVIA 12V Low Voltage Systems 2008 Edition and ANSI/RVIA UPA-1 Standard on Uniform Plan Approval for Recreational Vehicles 2003 Edition.

"Approved" is approved by the department of labor and industries.

"Audit" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

- Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.

- Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

- Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"Consumer" is a person or organization who buys or leases recreational vehicles.

"Dealer" is a person or organization whose business is offering recreational vehicles for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle manufacturer.

"National Electrical Code" see Chapter 2 of ((ANSI A119.2)) NFPA 1192 Standard on Recreational Vehicles, 2008 Edition, for reference to the appropriate edition to use for compliance.

"NFPA" is National Fire Protection Association, and the institute's rules applicable to recreation vehicles. For the purpose of this chapter, references to NFPA means NFPA 1192 Standard on Recreational Vehicles, 2008 Edition.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, stor-

ing, handling, and use of materials complies with this chapter, ANSI, and ~~((ANSI))~~ NFPA.

"Recreational vehicle" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

"Self-certification insignia" is an insignia which is obtained under the self-certification approval process.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational vehicle that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"Vehicle" for the purposes of this chapter, is a recreational vehicle.