

**WSR 09-09-008****EXPEDITED RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 2, 2009, 2:28 p.m.]

Title of Rule and Other Identifying Information:  
Amending WAC 192-110-010, applying for benefits by  
interstate claimants and adopting new WAC 192-110-112  
Applying for a combined wage claim.

**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 Juanita Myers, Employ-  
ment Security Department, P.O. Box 9046, Olympia, WA  
98507-9046, AND RECEIVED BY June 23, 2009.

Purpose of the Proposal and Its Anticipated Effects,  
Including Any Changes in Existing Rules: The United States  
Department of Labor has adopted new regulations concern-  
ing the filing of combined wage claims. The department is  
adopting a new rule incorporating these federal requirements  
into the Washington Administrative Code. The amendments  
to WAC 192-110-010 are made for consistency with the new  
federal regulations.

Reasons Supporting Proposal: The proposed rule, WAC  
192-110-112, adopts new federal regulations without mate-  
rial change. The amendments to WAC 192-110-010 are  
made for consistency with the new federal regulations.

Statutory Authority for Adoption: RCW 50.12.010 and  
50.12.040.

Statute Being Implemented: RCW 50.20.010.

Rule is necessary because of federal law, 20 C.F.R. part  
616.

Name of Proponent: Employment security department,  
governmental.

Name of Agency Personnel Responsible for Drafting:  
Juanita Myers, 212 Maple Park, Olympia, (360) 902-9665;  
Implementation and Enforcement: Nan Thomas, 212 Maple  
Park, Olympia, (360) 902-9303.

April 2, 2009

Paul Trause

Deputy Commissioner

AMENDATORY SECTION (Amending WSR 07-22-055,  
filed 11/1/07, effective 12/2/07)

**WAC 192-110-010 Applications for benefits by inter-  
state claimants.** (1) **What is an "interstate claimant"?** An  
"interstate claimant" is a person who files a claim for one  
state's unemployment benefits from another state. The state  
that pays your claim is called the "~~(liable)~~ paying state." For  
example:

(a) You are an interstate claimant if you live ~~((in Ore-  
gon))~~ outside of Washington and file a claim ~~((from Oregon~~

for benefits that will be paid by)) against Washington. Wash-  
ington will be the paying state on your claim.

(b) You are an interstate claimant if you live in Washing-  
ton and file a claim ~~((in Washington for benefits that will be  
paid by Oregon))~~ against another state. The other state will  
be the paying state on your claim.

~~((c) You are NOT an interstate claimant if you live in  
Oregon but file your claim for Washington benefits in Wash-  
ington; this is because your claim was filed in the same state  
that will be paying your benefits.))~~

(2) **Where can I apply for benefits?** You can apply for  
benefits from any state, the District of Columbia, Puerto  
Rico, the U.S. Virgin Islands, or Canada. However, if you  
served in the military ~~((or earned wages in more than one  
state))~~ during the past two years, you must physically be in  
the state of Washington to apply for benefits against Wash-  
ington.

(3) **How do I apply for benefits?**

(a) Call the unemployment claims telecenter in Wash-  
ington. If you worked in any state other than Washington  
within the last two years, an agent will help you decide which  
state will pay your claim.

(i) If Washington will pay your claim, ~~((we))~~ an agent  
will take your application for benefits over the telephone;

(ii) If another state will pay your claim, an agent will tell  
you how to file your claim with that state.

(b) If you worked only in Washington during the previ-  
ous two years, you may apply for benefits on the internet.

(4) **Who decides if I am eligible for benefits?** Every  
state has its own laws which control eligibility for benefits. If  
you file a claim for Washington benefits, your eligibility for  
benefits will be decided by Washington state law even if you  
file from another state. If you file for benefits against another  
state, your eligibility for benefits will be decided under that  
state's laws.

(5) **When can I apply for benefits?** You can apply for  
benefits at any time, even if you are working. However, if  
you already have a valid claim in one state, you must con-  
tinue with that claim as long as benefits are available before  
you can establish a new claim against another state. A "valid"  
claim is one that has not been denied, terminated, or the ben-  
efits exhausted (paid out).

(6) **How do I file an appeal?** If you wish to file an  
appeal about your claim, you must file it directly with the  
state that is paying your claim ~~((liable state))~~:

(a) If Washington is paying your claim, use one of the  
filing methods listed in WAC 192-04-060. If mailed, your  
appeal will be considered filed on the postmarked date.

(b) If another state is paying your claim, ~~((mail))~~ file  
your appeal directly ~~((to))~~ with that state.

All appeal hearings will be conducted by the ~~((liable))~~  
state that is paying your claim. The ~~((liable))~~ paying state will  
notify you of the date, time, and telephone number or location  
of the hearing.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and  
deletion marks to indicate amendments to existing rules. The rule published  
above varies from its predecessor in certain respects not indicated by the use  
of these markings.

NEW SECTION

**WAC 192-110-112 Applying for a combined wage claim.** (1) **What is a combined wage claim?** A combined wage claim is a claim based on wages earned in two or more states. For purposes of this section, "state" means the fifty states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

(2) **Where can I file a combined wage claim?** You can file a combined wage claim against any state in which you have based period wages and qualify for benefits based on combining those wages with wages from another state(s). The state against which you file your claim will be the paying state.

(3) **What is the paying state?** The "paying state" is the state against which you file your combined wage claim. You must have base period employment in that state and qualify for unemployment benefits under that state's laws using combined employment and wages.

(4) **Can I file a combined wage claim against Washington?** Yes. To file a combined wage claim against Washington, you must have base period wages in Washington which, combined with your wages from another state(s), establish a valid Washington claim. If you file your claim against Washington, Washington will be the paying state.

(5) **Do I have to reside or physically be in Washington to file a Washington combined wage claim?** No. The state where you are a resident is not relevant in deciding the paying state.

(6) **Who decides which state is the paying state for a combined wage claim?** You are responsible for deciding which state will be the paying state. If you are potentially eligible for a combined wage claim and contact the department, an agent will provide you with:

(a) General information about the combined wage program;

(b) Your options for filing a regular or combined wage claim against Washington or another state(s); and

(c) Contact information for other state(s) in which you worked during your base period.

(7) **Am I required to file a combined wage claim?** No. Filing a combined wage claim is voluntary. You may choose to file a claim using only wages from a single state.

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 Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504, AND RECEIVED BY June 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: A new rule is needed to create a temporary practice permit for nurses applying for endorsement with an out-of-state address. The temporary practice permit will be issued for any applicant who has met all other licensure requirements except the national criminal background check requirement. The temporary practice permit will allow them to practice while the FBI fingerprint card is being processed.

Reasons Supporting Proposal: The fingerprinting process is a lengthy process. A nursing shortage exists and delays in licensing otherwise qualified applicants affects patient safety. Employers are affected by the licensure delays and are unable to fully staff the facilities. Lack of staffing affects the patients and the facilities' ability to accept and safely care for patients. This rule qualifies for expedited rule making because the requirements are explicitly and specifically dictated by the statute.

Statutory Authority for Adoption: RCW 18.130.075 and 18.130.064.

Statute Being Implemented: Chapter 18.79 RCW.

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

Name of Proponent: Nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, P.O. Box 47864, Olympia, WA 98504, (360) 236-4712.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: RCW 18.130.075 requires the disciplinary authority to establish by rule the duration of the temporary practice permits.

March 2, 2009

Paula R. Meyer, MSN, RN  
Executive Director

**WSR 09-09-033**

**EXPEDITED RULES**

**DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed April 7, 2009, 11:59 a.m.]

Title of Rule and Other Identifying Information: WAC 246-840-095 Temporary practice permit.

**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

NEW SECTION

**WAC 246-840-095 Temporary practice permits.** A new rule is needed to create a temporary practice permit. The nursing care quality assurance commission (NCQAC) conducts background checks on applicants to assure safe patient care. Completion of a national criminal background check may require additional time. The NCQAC may issue a temporary practice permit when the applicant is licensed in another state with licensing standards substantially equivalent to Washington. The applicant must not be subject to denial of a license or issuance of a conditional license under this chapter.

(1) If there are no violations identified because of the preliminary background check, and the applicant meets all other licensure conditions, the NCQAC may issue a tempo-

rary practice permit allowing time to complete the national criminal background check requirements.

The NCQAC issues a temporary practice permit valid for six months. At the fifth month, if the department of health has not received information from the Federal Bureau of Investigations (FBI), the applicant must contact the NCQAC office.

A one time extension of six months may be granted for good cause documented as beyond the control of the applicant. The applicant must file a request for extension petition with the department of health indicating their fingerprint card has not been received from the FBI. The request must be filed at least thirty days before the temporary practice permit expires.

(2) The temporary practice permit allows the applicant to work in the state of Washington as a nurse during the time period specified on the permit. The temporary practice permit serves as a license to practice nursing.

(3) The NCQAC issues a license after it receives the national background check report if the report is negative and the applicant otherwise meets the requirements for a license.

(4) The temporary practice permit is no longer valid after the license is issued or action is taken on the application because of the background check.

**WSR 09-09-115**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 21, 2009, 1:38 p.m.]

Title of Rule and Other Identifying Information: Chapter 296-803 WAC, Lockout/tagout (control of hazardous energy).

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 Joshua Swanson, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY June 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Federal Occupational Safety and Health Administration (OSHA) advised the department of a few areas in the lockout/tagout standard where we are not-as-effective-as the federal rule. The proposed changes will make Washington state's rule as-effective-as the federal equivalent. These changes are outlined below.

**WAC 296-803-30005 Make sure new or modified machines and equipment can accept lockout devices.**

OSHA Determination: "OSHA's standard requires that when a machine or equipment undergoes major repair, renovation or modification after January 2, 1990, energy isolating devices must be designed to accept a lockout device. An effective date was not included in the state standard. An effective date is necessary to enable compliance officers to determine which machines and equipment are required to be so designed."

Division of Occupational Safety and Health (DOSH) Response: Language in this section will be updated to include the January 2, 1990, effective date.

**WAC 296-803-40005 Provide appropriate means to control energy.**

OSHA Determination: "WAC 296-803-40005 includes "blind flanges" as an example of means to control energy. In order to be consistent with OSHA and other WISHA standards, the term 'blind flanges' should be changed to 'blank flanges and bolted slip blinds.'"

Division of Occupational Safety and Health (DOSH) Response: The term "blind flanges" will be changed to "blank flanges."

**WAC 296-803-50010 Meet these requirements when applying lockout or tagout devices.**

OSHA Determination: "Paragraph 1910.147 (d)(2) requires orderly shutdown of machines or equipment to avoid any additional or increased hazard(s) to employees as a result of the machine or equipment stoppage. The requirement is consistent with Section 5.3.2.3 of ANSI/ASME Z244.1-2003 which requires the employer to follow a sequence of shutdown to ensure employee safety. The term 'orderly shutdown' was changed to 'established procedures' in the state standard without providing a rationale."

Division of Occupational Safety and Health (DOSH) Response: Language will be added in this section to clarify that an orderly shutdown is necessary.

**WAC 296-803-60015 Retrain employees when necessary.**

OSHA Determination: "Paragraph 1910.147 (c)(6)(i) requires the employer to conduct a *periodic inspection* of the energy control procedures. WAC 296-803-70005 requires the employer to perform and document *periodic reviews* to verify employees know and follow the energy control procedures. However, on page 11 of the comparison document, WAC 296-803-60015 requires retraining of employees when *periodic inspection* shows the employee deviates from, or has inadequate knowledge of, the energy control procedures. The state standard should be consistent when using the terms '*periodic review*' or '*periodic inspection*.'"

Division of Occupational Safety and Health (DOSH) Response: The term "inspection" will be changed to "review."

**WAC 296-803-800 Definitions.**

*Energy-isolating device.*

OSHA Determination: "OSHA's definition of "energy isolating device" includes the statement that push buttons, selector switches and other control circuit type devices are not energy isolating devices. This information is consistent

with the American National Standard Institute (ANSI) Z244.1-2003 Annex B(1). The aforementioned information, which is necessary to clarify the intent of the standard, was not included in the state's definitions."

Division of Occupational Safety and Health (DOSH)

Response: Language will be added to this section to clarify that push buttons, selector switched [switches] and other control circuit type devices are not energy isolating devices.

*Service and maintenance.*

OSHA Determination: "OSHA's definition of 'service and/or maintenance' includes 'inspecting' as a covered activity. The state's definition of the term 'service and/or maintenance' does not."

Division of Occupational Safety and Health (DOSH)

Response: The term "inspecting" will be included in this definition.

Reasons Supporting Proposal: The proposed amendments to chapter 296-803 WAC will make Washington state's rule as-effective-as the federal equivalent.

Statutory Authority for Adoption: RCW 49.17.050.

Statute Being Implemented: Chapter 49.17 RCW.

Rule is necessary because of federal law, 29 C.F.R. Subpart E.

Name of Proponent: Department of labor and industries, division of occupational safety and health, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, Washington, (360) 902-5530; Implementation and Enforcement: Steve Cant, Tumwater, Washington, (360) 902-9166.

April 21, 2009

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 04-15-105, filed 7/20/04, effective 11/1/04)

**WAC 296-803-30005 Make sure new or modified machines and equipment can accept lockout devices.**

**You must:**

• Make sure energy-isolating devices designed to accept a lockout device are provided on machines and equipment that:

– Are newly installed.

**OR**

– Have undergone major replacement, repair, renovation, or modification after July 2, 1990.

~~((–Are renovated or modified.))~~

AMENDATORY SECTION (Amending WSR 04-15-105, filed 7/20/04, effective 11/1/04)

**WAC 296-803-40005 Provide appropriate means to control energy.**

**You must:**

• Provide the means necessary to isolate, secure, or block machines and equipment from energy sources.

**Note:** Examples of means to control energy include:

- Locks.
- Tags.
- Chains.
- Wedges.

- Key blocks.
- Adapter pins.
- Self-locking fasteners.
- ~~((Blind))~~ Blank flanges.
- Cribbing.

AMENDATORY SECTION (Amending WSR 04-15-105, filed 7/20/04, effective 11/1/04)

**WAC 296-803-50010 Meet these requirements when applying lockout or tagout devices.**

**You must:**

• Make sure, before a machine or equipment is turned off, that the authorized employee knows **all** of the following:

- Type and magnitude of the energy.
- Hazards of the energy to be controlled.
- Method or means to control the energy.

• Turn off or shut down the machine or equipment using established procedures. An orderly shut down is necessary to avoid any additional or increased hazard to employees as a result of the equipment stoppage.

• Completely isolate the machine or equipment from its energy sources using the appropriate energy-isolating devices after the machine or equipment has been turned off.

• Make sure you or the authorized employee notify affected employees that the machine or equipment is being locked or tagged out before the devices are applied.

• Make sure a lockout or tagout device is applied:

- For each energy-isolating device.
- Only by the authorized employee doing the service or maintenance.

AMENDATORY SECTION (Amending WSR 04-15-105, filed 7/20/04, effective 11/1/04)

**WAC 296-803-60015 Retrain employees when necessary.**

**You must:**

• Retrain authorized and affected employees to introduce new or revised control methods and procedures when there's a change in **any** of the following:

- Job assignments.
- Machines, equipment, or processes that present a new hazard.
- Energy control procedures.

• Retrain employees to reestablish proficiency when:

- A periodic ~~((inspection))~~ review shows the employee deviates from, or has inadequate knowledge of, the energy control procedures;

**OR**

– The employer has reason to believe retraining is necessary.

AMENDATORY SECTION (Amending WSR 04-15-105, filed 7/20/04, effective 11/1/04)

**WAC 296-803-800 Definitions.**

**Affected employee.** An employee who's required to operate, use, or be in the area where a machine or equipment could be locked or tagged out for service or maintenance.

**Authorized employee.** An employee who locks or tags out a machine or equipment to do service or maintenance.

**Can be locked out.** An energy-isolating device that can be locked in the "off" or "safe" position.

**Employer.** Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

**Energized.** Connected to an energy source or containing residual or stored energy.

**Energy-isolating device.** A mechanical device that physically prevents transmitting or releasing energy. This includes, but is not limited to:

- Manually operated electrical circuit breakers.
- Disconnect switches.
- Manually operated switches that disconnect the conductors of a circuit from all ungrounded supply conductors if no pole of the switch can be operated independently.
- Line valves.
- Blocks.
- Similar devices used to block or isolate energy.

Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

**Energy source.** Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal or other energy, including gravity.

**Hot tap.** A procedure which involves welding on pressurized pipelines, vessels, or tanks to install connections or accessories. It's commonly used to replace or add sections of pipeline used in air, gas, water, steam, and petrochemical distribution systems without interrupting service.

**Lockout.** Placing a lockout device on an energy-isolating device using an established procedure to make sure the machine or equipment cannot be operated until the lockout device is removed.

**Lockout device.** A device that uses a positive means, such as a key or combination lock, to hold an energy-isolating device in the "safe" or "off" position. This includes blank flanges and bolted slip blinds.

**Normal production operations.** Using a machine or equipment for its intended production function.

**Primary authorized employee.** An authorized employee who has overall responsibility for meeting the requirements of the lockout/tagout procedures.

**Service and maintenance.** Activities such as constructing, installing, setting-up, adjusting, inspecting, modifying, maintaining, and servicing machines or equipment. It also includes lubricating, cleaning, unjamming, and making tool changes.

**Setting-up.** Work done to prepare a machine or equipment for normal production operations.

**Tagout.** Placing a tagout device on an energy-isolating device using an established procedure to indicate that the

energy-isolating device and the machine or equipment being controlled may not be operated until the tagout device is removed.

**Tagout device.** A prominent warning device, such as a tag and a means of attachment. It can be securely fastened to an energy-isolating device to indicate that the energy-isolating device and the machine or equipment being controlled may not be operated until the tagout device is removed.

**You.** See definition of employer.

## WSR 09-09-117

### EXPEDITED RULES

### OFFICE OF THE STATE TREASURER

[Filed April 21, 2009, 2:27 p.m.]

Title of Rule and Other Identifying Information: Local government investment pool, WAC 210-01-080 Deposit procedures and 210-01-090 Withdrawal procedures.

### 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 Douglas D. Extine, Office of the State Treasurer, P.O. Box 40200, Olympia, WA 98504-0200, AND RECEIVED BY June 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To amend the procedures for the local government investment pool (LGIP) to allow the office of the state treasurer the flexibility to better accommodate pool participants' deposit and withdrawal requests.

Reasons Supporting Proposal: Current market conditions necessitate and pool participants have asked for additional flexibility.

Statutory Authority for Adoption: RCW 43.250.090.

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

Name of Proponent: Office of the state treasurer, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Douglas D. Extine, Olympia, Washington, (360) 902-9012; and Implementation: Robbi Stedman, Olympia, Washington, (360) 902-9013.

April 21, 2009

Douglas D. Extine  
Deputy State Treasurer

AMENDATORY SECTION (Amending WSR 98-24-060, filed 11/30/98, effective 12/31/98)

**WAC 210-01-080 Deposit procedures.** To ensure same day credit, a pool participant(, ~~to receive same day credit,~~) must inform the office of the state treasurer of any deposit over one million dollars no later than 9 a.m. on the same day the deposit is made. Deposits for one million dollars or less can be requested at any time prior to 10 a.m. on the day of deposit.

For all other deposits over one million dollars that are requested prior to 10 a.m., a pool participant may receive same day credit at the discretion of the office of the state treasurer, taking into account when notification is received, the amount of the deposit, or any other factor that may affect the office of the state treasurer's ability to accommodate the requested deposit.

All deposits will be made by electronic funds transfer to an account designated by the state treasurer. It is the responsibility of each pool participant to pay any bank charges associated with such electronic transfers to the office of the state treasurer. Failure to wire funds by a pool participant (after notification to the state treasurer of an intended transfer) will result in a bank overdraft in the state treasurer's bank account. Bank penalties for overdrafts will be assessed to those pool participants responsible for the overdraft.

AMENDATORY SECTION (Amending WSR 98-24-060, filed 11/30/98, effective 12/31/98)

**WAC 210-01-090 Withdrawal procedures.** A pool participant, in order to withdraw funds from the pool, must notify the office of the state treasurer of any withdrawal over one million dollars no later than 9 a.m. on the same day the withdrawal is made. Withdrawals for one million dollars or less can be requested at any time prior to 10 a.m. on the day of withdrawal.

For all other withdrawals over one million dollars that are requested prior to 10 a.m., a pool participant may receive such withdrawal on the same day it is requested at the discretion of the office of the state treasurer, taking into account when the request is received, the amount of the requested withdrawal, or any other factor that may affect the office of the state treasurer's ability to accommodate the requested withdrawal.

Each local government entity participating in the pool shall file with the state treasurer a letter designating the financial institution at which funds withdrawn from the pool shall be deposited. This letter shall contain the name of the financial institution, location of the financial institution, account number to which funds will be deposited and account name. This letter shall be signed by local officials authorized to receive and disburse funds, as described in WAC 210-01-030. Disbursements from the pool will be by electronic funds transfer. Failure of the state treasurer to wire funds to a pool participant (after proper notification to the state treasurer to disburse funds to a pool participant) may result in a bank overdraft in the pool participant's bank account. The state treasurer will reimburse pool participants for such bank overdraft penalties charged to the pool participant's bank account.

## WSR 09-09-120

### EXPEDITED RULES

#### OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 20009-03—Filed April 22, 2009, 7:30 a.m.]

Title of Rule and Other Identifying Information: WAC 284-17-228 Self-study course.

#### 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 Kacy Scott, Insurance Commissioner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail Kacys@oic.wa.gov, AND RECEIVED BY June 23, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed repeal of WAC 284-17-228 will eliminate an unnecessary section that will be in conflict with new rules effective July 1, 2009.

Reasons Supporting Proposal: If this section is not repealed, it will be in conflict with new rules adopted in January and effective July 1, 2009.

Statutory Authority for Adoption: RCW 48.02.060, 48.17.150.

Statute Being Implemented: RCW 48.17.150.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Jeff Baughman, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7156; and Enforcement: John Hamje, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7262.

April 22, 2009

Mike Kreidler

Insurance Commissioner

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-17-228

What is required for a self-study course?

**WSR 09-09-134**  
**EXPEDITED RULES**  
**DEPARTMENT OF REVENUE**

[Filed April 22, 2009, 11:30 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-270 Telephone program excise tax rates, this rule provides the rates for the taxes imposed on switched access lines pursuant to RCW 43.20A.725 and 80.36.430.

**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 Gayle Carlson, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, fax (360) 586-0127, e-mail GayleC@dor.wa.gov, AND RECEIVED BY June 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 458-20-270 is being amended to provide the new telephone program excise tax rates that become effective July 1, 2009. The rate for telecommunications relay services (TRS) will change from twelve cents to eleven cents for the fiscal year July 1, 2009, through June 30, 2010. The rate for the Washington telephone assistance program (WTAP) for the coming fiscal year July 1, 2009, through June 30, 2010, will remain at thirteen cents per switched access line.

Reasons Supporting Proposal: Under RCW 43.20A.725 and 80.36.430, the department is required to annually determine the tax rates imposed on switched access lines to fund the TRS program and WTAP. Each tax rate is determined by dividing the respective program budgets by the number of switched access lines reported to the department in the prior calendar year. The department retains no discretion in the determination of these tax rates, the amount of which is explicitly dictated by the statutory formulas and inputs provided to the department.

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

Statute Being Implemented: RCW 43.20A.725 and 80.36.430.

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: Gayle Carlson, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6126; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Gilbert Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

April 22, 2009

Alan R. Lynn  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-16-054, filed 7/30/08, effective 8/30/08)

**WAC 458-20-270 Telephone program excise tax rates.** RCW 82.72.020 requires the department of revenue (department) to collect certain telephone program excise taxes. Those taxes include the tax on switched access lines imposed by RCW 43.20A.725 (telephone relay service—TRS) and 80.36.430 (Washington telephone assistance program—WTAP). Pursuant to those statutes, the department must annually determine the rate of each respective tax according to the statutory formulas.

The monthly telephone program excise tax rates per switched access line are as follows:

Period	TRS Rate	WTAP Rate
7/1/2005 - 6/30/2006	10 cents	14 cents
7/1/2006 - 6/30/2007	9 cents	14 cents
7/1/2007 - 6/30/2008	12 cents	14 cents
7/1/2008 - 6/30/2009	12 cents	13 cents
<u>7/1/2009 - 6/30/2010</u>	<u>11 cents</u>	<u>13 cents</u>

**WSR 09-09-135**  
**EXPEDITED RULES**  
**CODE REVISER'S OFFICE**

[Filed April 22, 2009, 11:36 a.m.]

Title of Rule and Other Identifying Information: Amending WAC 1-06-070 Office hours and 1-21-160 Filing after office hours.

**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 Kerry Radcliff, Office of the Code Reviser, P.O. Box 40551, Olympia, WA 98504-0551, fax (360) 786-1529, e-mail radcliff\_ke@leg.wa.gov, AND RECEIVED BY June 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 1-06-070 and 1-21-160 to reflect new office hours for reviewing public records and for the filing of agency rule-making notices and orders.

Reasons Supporting Proposal: SB 6104 is expected to pass during the 2009 legislative session. This legislation amends RCW 42.04.060 and 42.56.090, lowering office hours to forty hours per week for the transaction of business and thirty hours per week for public records inspection. Our office has routinely had office hours from 8:00 a.m. to 5:00 p.m. We are considering changing our hours for inspection of public records to 8:00 a.m. to noon and 1:00 p.m. to 4:00

p.m. and the hours for filing of rule-making notices and orders from 8:00 a.m. to 4:00 p.m. This will allow our office to process any requests and/or filings without having to stay after hours. We feel that this should not cause a tremendous burden on agencies because they have the option of using the electronic filing system.

Statutory Authority for Adoption: RCW 1.08.110 and 34.05.385.

Statute Being Implemented: RCW 1.08.110 and 34.05.-385.

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

Name of Proponent: Office of the code reviser, governmental.

Name of Agency Personnel Responsible for Drafting: Kerry Radcliff, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6697; Implementation and Enforcement: Office of the Code Reviser, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6697.

April 22, 2009

K. Kyle Thiessen

Code Reviser

AMENDATORY SECTION (Amending WSR 06-16-019, filed 7/24/06, effective 8/24/06)

**WAC 1-06-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to ~~((4:30))~~ 4:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending WSR 06-22-040, filed 10/26/06, effective 11/26/06)

**WAC 1-21-160 Filing after office hours.** The office of the code reviser is open for the filing of agency rule-making notices and orders from 8:00 a.m. to ~~((5:00))~~ 4:00 p.m., Monday through Friday, except legal holidays.

An electronic filing system is available to all state agencies seven days a week, twenty-four hours per day. Each state agency must submit a registration letter before using this system.

The office of the code reviser delegates to the Washington state patrol the authority to accept at other times the filing of orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this service, the agency may telephone the Washington state patrol communications center at 360-586-1999. When your call is answered, request a zone 4 trooper and arrange for receipt of the filing(s). The agency shall give the original and three copies of each filing to the trooper. The trooper shall mark each copy with the trooper's name, badge number, date, and time and arrange for all of the copies to be delivered to the office of the code reviser as early as possible on the next business day. The agency filing the rules with the state patrol shall notify the office of the code reviser of the filing by 9:00 a.m. on the next business day after filing and arrange to receive the stamped copies.