

WSR 10-15-069
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)

[Filed July 16, 2010, 3:14 p.m., effective August 16, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To implement necessary language regarding:

(1) Exemption of certain property from resources for medicaid and children's health insurance program (CHIP) eligibility for Native Americans, as required under the American Recovery and Reinvestment Act (ARRA) of 2009 (Recovery Act); and

(2) Payments or interest accrued on payments made under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) listed as excluded resources for SSI-related medical programs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0040, 388-450-0080, 388-455-0005, 388-455-0015, 388-470-0045, 388-475-0350, 388-475-0550, and 388-475-0600.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: ARRA of 2009 (Recovery Act), Public Law 111-5, Section 5006(b); 42 C.F.R. 435.601, EEOICPA of 2000, Public Law 106398, Sec. 1, app., Title XXXVI (Oct. 30, 2000) (section 1 adopting as Appendix H.R. 5408), Section 3646 of the Appendix.

Adopted under notice filed as WSR 10-11-041 on May 11, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 8, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 0.

Date Adopted: July 15, 2010.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0040 Native American benefits and payments. This section applies to TANF/SFA, RCA, GA medical and food assistance programs.

(1) The following types of income are not counted when a client's benefits are computed:

(a) Up to two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241;

(b) Income received from Indian trust funds or lands held in trust by the Secretary of the Interior for an Indian tribe or individual tribal member. Income includes:

(i) Interest; and

(ii) Investment income accrued while such funds are held in trust.

(c) Income received from Indian judgement funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 as amended by P.L. 97-458 and 98-64. Income includes:

(i) Interest; and

(ii) Investment income accrued while such funds are held in trust.

(d) Up to two thousand dollars per individual per calendar year received from leases or other uses of individually owned trust or restricted lands, P.L. 103-66;

(e) Payments from an annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age; and

(f) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member.

(2) Other Native American payments and benefits that are excluded by federal law are not counted when determining a client's benefits. Examples include but are not limited to:

(a) White Earth Reservation Land Settlement Act of 1985, P.L. 99-264, Section 16;

(b) Payments made from submarginal land held in trust for certain Indian tribes as designated by P.L. 94-114 and P.L. 94-540; ~~((and))~~

(c) Payments under the Seneca Nation Settlement Act, P.L. 101-503; and

(d) For medical assistance, receipt of money by a member of a federally recognized tribe from exercising federally protected rights or extraction of protected resources, such as fishing, shell-fishing, or selling timber, is considered conversion of an exempt resource during the month of receipt. Any amounts remaining from the conversion of this exempt resource on the first of the month after the month of receipt will remain exempt if the funds were used to purchase another exempt resource. Any amounts remaining in the form of countable resources (such as in checking or savings accounts) on the first of the month after receipt, will be added to other countable resources for eligibility determinations.

AMENDATORY SECTION (Amending WSR 06-15-049, filed 7/12/06, effective 9/1/06)

WAC 388-450-0080 What is self-employment income? This section applies to cash assistance, Basic Food, and medical programs for children, pregnant women and families.

(1) Self-employment income is income you earn from running a business, performing a service, selling items you make, or reselling items to make a profit.

(2) You are self-employed if you earn income without having an employer/employee relationship with the person who pays you. This includes, but is not limited to, when:

(a) You have primary control of the way you do your work; or

(b) You report your income using IRS Schedule C, Schedule C-EZ, Schedule K-1, or Schedule SE.

(3) You usually have an employer/employee relationship when:

(a) The person you provide services for has primary control of how you do your work; or

(b) You get an IRS form W-2 to report your income.

(4) Your self-employment does not have to be a licensed business for your business or activity to qualify as self-employment. Some examples of self-employment include:

(a) Child care that requires a license under chapter 74.15 RCW;

(b) Driving a taxi cab;

(c) Farming/fishing;

(d) Odd jobs such as mowing lawns, house painting, gutter cleaning, or car care;

(e) Running a lodging for roomers and/or boarders. Roomer income includes money paid to you for shelter costs by someone not in your assistance unit who lives with you when:

(i) You own or are buying your residence; or

(ii) You rent all or a part of your residence and the total rent you charge all others in your home is more than your total rent.

(f) Running an adult family home;

(g) Providing services such as a massage therapist or a professional escort;

(h) Retainer fees to reserve a bed for a foster child;

(i) Selling items you make or items that are supplied to you;

(j) Selling or donating your own biological products such as providing blood or reproductive material for profit;

(k) Working as an independent contractor; and

(l) Running a business or trade either on your own or in a partnership.

(5) For medical programs, we do not count receipt of money by a member of a federally-recognized tribe from exercising federally protected rights or extraction of exempt resources as self-employment income (such as fishing, shell-fishing, or selling timber from protected tribal land). We count this as conversion of a resource. See WAC 388-450-0040.

(6) If you are an employee of a company or person who does the activities listed in subsection (2) above as a part of your job, we do not count the work you do as self-employment.

~~((6))~~ (7) Self-employment income is counted as earned income as described in WAC 388-450-0030 except as described in subsection ~~((7))~~ (8).

~~((7))~~ (8) For cash assistance and Basic Food there are special rules about renting or leasing out property or real estate that you own.

(a) We count the income you get as unearned income unless you spend at least twenty hours per week managing the property.

(b) For TANF/SFA, we count the income as unearned income unless the use of the property is a part of your approved individual responsibility plan.

AMENDATORY SECTION (Amending WSR 08-11-105, filed 5/20/08, effective 7/1/08)

WAC 388-455-0005 How do lump sum payments affect benefits? (1) A lump sum payment is money that someone receives but does not expect to receive on a continuing basis.

(2) For cash assistance and family medical programs, we count a lump sum payment:

(a) As a resource, under WAC 388-455-0010, if it was awarded for wrongful death, personal injury, damage, or loss of property.

(b) As income, under WAC 388-455-0015, if it was received for any other reason, with the exception of subsection (3) of this section.

(3) For medical programs, receipt of a lump sum by a member of a federally-recognized tribe from exercising federally protected rights or extraction of exempt resources is considered an exempt resource in the month of receipt. Any amounts remaining on the first of the next month will be counted if they remain in the form of a countable resource. Any amounts remaining the first of the month after conversion will remain exempt if they are in the form of an exempt resource.

(4) For Basic Food, we count lump sum payments for a previous period as a resource under WAC 388-470-0055. We count any amount for current or future months as income to your assistance unit.

AMENDATORY SECTION (Amending WSR 08-11-105, filed 5/20/08, effective 7/1/08)

WAC 388-455-0015 When and how does the department treat lump sum payments as income for cash assistance and family medical programs. This section applies to cash and family medical programs.

(1) If you receive a lump sum payment that is not awarded for wrongful death, personal injury, damage, or loss of property, we count this payment as income to your assistance unit. We budget this income according to effective date rules under WAC 388-418-0020.

(2) For cash assistance, if you cannot access some or all of your lump sum payment for reasons beyond your control, we will adjust the amount we count as income to your assistance unit as described under WAC 388-450-0005.

(3) To decide the amount of your lump sum we count as income, we take the following steps:

(a) First, we subtract the value of your current resources from the resource limit under WAC 388-470-0005;

(b) Then, we subtract the difference in (3)(a) from the total amount of the lump sum; and

(c) The amount left over is what we count as income, as specified in WAC 388-450-0025 and 388-450-0030.

(4) When the countable amount of the lump sum payment is:

(a) Less than your payment standard plus additional requirements, we count it as income in the month it is received.

(b) More than one month's payment standard plus additional requirements but less than two months:

(i) We count the portion equal to one month's payment standard plus additional requirements as income in the month it is received; and

(ii) We count the remainder as income the following month.

(c) Equal to or greater than the total of the payment standard plus additional requirements for the month of receipt and the following month, we count the payment as income for those months.

(5) If you receive a one-time lump sum payment, and you are ineligible or disqualified from receiving cash benefits:

(a) We allocate the payment to meet your needs as described under WAC 388-450-0105; and

(b) Count the remainder as a lump sum payment available to eligible members of your assistance unit according to the rules of this section.

(6) For family medical programs:

(a) We count lump sum payments as income in the month you receive the payment.

(b) We count lump sums received by a member of a federally-recognized tribe for exercising federally protected rights or extraction of exempt resources as an exempt resource in the month of receipt. Any amount remaining the first of the next month in the form of an exempt resource will remain exempt. Any amount remaining the first of the month will be countable if in the form of a countable resource.

(c) If you cannot access some or all of your lump sum payment for reasons beyond your control, will adjust the amount we count as income to your assistance unit as described under WAC 388-450-0005.

~~((e))~~ (d) We count any money that remains on the first of the next month as a resource except for recipients as described in WAC 388-470-0026 (1) and (2).

AMENDATORY SECTION (Amending WSR 09-09-103, filed 4/20/09, effective 4/21/09)

WAC 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs? (1) We count the following resources toward your assistance unit's resource limits for cash assistance and family medical programs to decide if you are eligible for benefits under WAC 388-470-0005:

(a) Liquid resources not specifically excluded in subsection (2) below. These are resources that are easily changed into cash. Some examples of liquid resources are:

(i) Cash on hand;

(ii) Money in checking or savings accounts;

(iii) Money market accounts or certificates of deposit (CDs) less any withdrawal penalty;

(iv) Available retirement funds or pension benefits, less any withdrawal penalty;

(v) Stocks, bonds, annuities, or mutual funds less any early withdrawal penalty;

(vi) Available trusts or trust accounts; ~~((e))~~

(vii) Lump sum payments as described in chapter 388-455 WAC; or

(viii) Any funds retained beyond the month of receipt from conversion of federally protected rights or extraction of

exempt resources by members of a federally-recognized tribe that are in the form of countable resources.

(b) The cash surrender value (CSV) of whole life insurance policies.

(c) The CSV over fifteen hundred dollars of revocable burial insurance policies or funeral agreements.

(d) The amount of a child's irrevocable educational trust fund that is over four thousand dollars per child.

(e) Funds withdrawn from an individual development account (IDA) if they were removed for a purpose other than those specified in RCW 74.08A.220.

(f) Any real property like a home, land or buildings not specifically excluded in subsection (3) below.

(g) The equity value of vehicles as described in WAC 388-470-0070.

(h) Personal property that is not:

(i) A household good;

(ii) Needed for self-employment; or

(iii) Of "great sentimental value," due to personal attachment or hobby interest.

(i) Resources of a sponsor as described in WAC 388-470-0060.

(j) For cash assistance only, sales contracts.

(2) The following types of liquid resources do not count when we determine your eligibility:

(a) Bona fide loans, including student loans;

(b) Basic Food benefits;

(c) Income tax refunds in the month of receipt;

(d) Earned income tax credit (EITC) in the month received and the following month;

(e) Advance earned income tax credit payments;

(f) Federal economic stimulus payments that are excluded for federal and federally assisted state programs;

(g) Individual development accounts (IDAs) established under RCW 74.08A.220;

(h) Retroactive cash benefits or TANF/SFA benefits resulting from a court order modifying a decision of the department;

(i) Underpayments received under chapter 388-410 WAC;

(j) Educational benefits that are excluded as income under WAC 388-450-0035;

(k) The income and resources of an SSI recipient;

(l) A bank account jointly owned with an SSI recipient if SSA already counted the money for SSI purposes;

(m) Foster care payments provided under Title IV-E and/or state foster care maintenance payments;

(n) Adoption support payments;

(o) Self-employment accounts receivable that the client has billed to the customer but has been unable to collect; ~~((and))~~

(p) Resources specifically excluded by federal law; and

(q) For medical benefits, receipts from exercising federally protected rights or extracted exempt resources (fishing, shell-fishing, timber sales, etc.) during the month of receipt for a member of a federally-recognized tribe.

(3) The following types of real property do not count when we determine your eligibility:

(a) Your home and the surrounding property that you, your spouse, or your dependents live in;

(b) A house you do not live in, if you plan on returning to the home and you are out of the home because of:

- (i) Employment;
- (ii) Training for future employment;
- (iii) Illness; or
- (iv) Natural disaster or casualty.

(c) Property that:

(i) You are making a good faith effort to sell;

(ii) You intend to build a home on, if you do not already own a home;

(iii) Produces income consistent with its fair market value, even if used only on a seasonal basis; or

(iv) A household member needs for employment or self-employment. Property excluded under this section and used by a self-employed farmer or fisher retains its exclusion for one year after the household member stops farming or fishing.

(d) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs.

(4) If you deposit excluded liquid resources into a bank account with countable liquid resources, we do not count the excluded liquid resources for six months from the date of deposit.

(5) If you sell your home, you have ninety days to reinvest the proceeds from the sale of a home into an exempt resource.

(a) If you do not reinvest within ninety days, we will determine whether there is good cause to allow more time. Some examples of good cause are:

(i) Closing on your new home is taking longer than anticipated;

(ii) You are unable to find a new home that you can afford;

(iii) Someone in your household is receiving emergent medical care; or

(iv) Your children are in school and moving would require them to change schools.

(b) If you have good cause, we will give you more time based on your circumstances.

(c) If you do not have good cause, we count the money you got from the sale as a resource.

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

AMENDATORY SECTION (Amending WSR 04-09-003, filed 4/7/04, effective 6/1/04)

WAC 388-475-0350 SSI-related medical—Property and contracts excluded as resources. (1) The department does not count the following resources when determining eligibility for SSI-related medical assistance:

(a) A client's household goods and personal effects;

(b) One home (which can be any shelter), including the land on which the dwelling is located and all contiguous property and related out-buildings in which the client has ownership interest, when:

(i) The client uses the home as his or her primary residence; or

(ii) The client's spouse lives in the home; or

(ii) The client does not currently live in the home but the client or his/her representative has stated the client intends to return to the home; or

(iv) A relative, who is financially or medically dependent on the client, lives in the home and the client, client's representative, or dependent relative has provided a written statement to that effect.

(c) The value of ownership interest in jointly owned real property is an excluded resource for as long as sale of the property would cause undue hardship to a co-owner due to loss of housing. Undue hardship would result if the co-owner:

(i) Uses the property as his or her principal place of residence;

(ii) Would have to move if the property were sold; and

(iii) Has no other readily available housing.

(2) Cash proceeds from the sale of the home described in subsection (1)(b) above are not considered if the client uses them to purchase another home by the end of the third month after receiving the proceeds from the sale.

(3) An installment contract from the sale of the home described in subsection (1)(b) above is not a resource as long as the person plans to use the entire down payment and the entire principal portion of a given installment payment to buy another excluded home, and does so within three full calendar months after the month of receiving such down payment or installment payment.

(4) The value of sales contracts is excluded when the:

(a) Current market value of the contract is zero,

(b) Contract cannot be sold, or

(c) Current market value of the sales contract combined with other resources does not exceed the resource limits.

(5) Sales contracts executed before December 1, 1993, are exempt resources as long as they are not transferred to someone other than a spouse.

(6) A sales contract for the sale of the client's principal place of residence executed between December 1, 1993 and May 31, 2004 is considered an exempt resource unless it has been transferred to someone other than a spouse and it:

(a) Provides interest income within the prevailing interest rate at the time of the sale;

(b) Requires the repayment of a principal amount equal to the fair market value of the property; and

(c) The term of the contract does not exceed thirty years.

(7) A sales contract executed on or after June 1, 2004 on a home that was the principal place of residence for the client at the time of institutionalization is considered exempt as long as it is not transferred to someone other than a spouse and it:

(a) Provides interest income within the prevailing interest rate at the time of the sale;

(b) Requires the repayment of a principal amount equal to the fair market value of the property within the anticipated life expectancy of the client; and

(c) The term of the contract does not exceed thirty years.

(8) Payments received on sales contracts of the home described in subsection (1)(b) above are treated as follows:

(a) The interest portion of the payment is treated as unearned income in the month of receipt of the payment;

(b) The principal portion of the payment is treated as an excluded resource if reinvested in the purchase of a new home within three months after the month of receipt;

(c) If the principal portion of the payment is not reinvested in the purchase of a new home within three months after the month of receipt, that portion of the payment is considered a liquid resource as of the date of receipt.

(9) Payments received on sales contracts described in subsection (4) are treated as follows:

(a) The principal portion of the payment on the contract is treated as a resource and counted toward the resource limit to the extent retained at the first moment of the month following the month of receipt of the payment; and

(b) The interest portion is treated as unearned income the month of receipt of the payment.

(10) For sales contracts that meet the criteria in subsections (5), (6), or (7) but do not meet the criteria in subsections (3) or (4), both the principal and interest portions of the payment are treated as unearned income in the month of receipt.

(11) Property essential to self-support is not considered a resource within certain limits. The department places property essential to self-support in several categories:

(a) Real and personal property used in a trade or business (income-producing property), such as:

- (i) Land,
- (ii) Buildings,
- (iii) Equipment,
- (iv) Supplies,
- (v) Motor vehicles, and
- (vi) Tools.

(b) Nonbusiness income-producing property, such as:

- (i) Houses or apartments for rent, or
- (ii) Land, other than home property.

(c) Property used to produce goods or services essential to an individual's daily activities, such as land used to produce vegetables or livestock, which is only used for personal consumption in the individual's household. This includes personal property necessary to perform daily functions including vehicles such as boats for subsistence fishing and garden tractors for subsistence farming, but does not include other vehicles such as those that qualify as automobiles (cars, trucks).

(12) The department will exclude an individual's equity in real and personal property used in a trade or business (income producing property listed in subsection (11)(a) above) regardless of value as long as it is currently in use in the trade or business and remains used in the trade or business.

(13) The department excludes up to six thousand dollars of an individual's equity in nonbusiness income-producing property listed in subsection (11)(b) above, if it produces a net annual income to the individual of at least six percent of the excluded equity.

(a) If a person's equity in the property is over six thousand dollars, only the amount over six thousand dollars is counted toward the resource limit, as long as the net annual income requirement of six percent is met on the excluded equity.

(b) If the six percent requirement is not met due to circumstances beyond the person's control, and there is a rea-

sonable expectation that the activities will again meet the six percent rule, the same exclusions as in subsection (13)(a) above apply.

(c) If a person has more than one piece of property in this category, each is looked at to see if it meets the six percent return and the total equities of all those properties are added to see if the total is over six thousand dollars. If the total is over the six thousand dollars limit, the amount exceeding the limit is counted toward the resource limit.

(d) The equity in each property that does not meet the six percent annual net income limit is counted toward the resource limit, with the exception of property that represents the authority granted by a governmental agency to engage in an income-producing activity if it is:

(i) Used in a trade or business or nonbusiness income-producing activity; or

(ii) Not used due to circumstances beyond the individual's control, e.g., illness, and there is a reasonable expectation that the use will resume.

(14) Property used to produce goods or services essential to an individual's daily activities is excluded if the individual's equity in the property does not exceed six thousand dollars.

(15) Personal property used by an individual for work is not counted, regardless of value, while in current use, or if the required use for work is reasonably expected to resume.

(16) Interests in trust or in restricted Indian land owned by an individual who is of Indian descent from a federally recognized Indian tribe or held by the spouse or widow/er of that individual, is not counted if permission of the other individuals, the tribe, or an agency of the federal government must be received in order to dispose of the land.

(17) Receipt of money by a member of a federally-recognized tribe from exercising federally protected rights or extraction of exempt resources, such as fishing, shell-fishing, or selling timber from protected land, is considered conversion of an exempt resource during the month of receipt. Any amount remaining from the conversion of this exempt resource on the first of the month after the month of receipt will remain exempt if it is used to purchase another exempt resource. Any amount remaining in the form of a countable resource (such as in a checking or savings account) on the first of the month after receipt, will be added to other countable resources for eligibility determinations.

AMENDATORY SECTION (Amending WSR 06-04-046, filed 1/26/06, effective 2/26/06)

WAC 388-475-0550 SSI-related medical—All other excluded resources. All resources described in this section are excluded resources for SSI-related medical programs. Unless otherwise stated, interest earned on the resource amount is counted as unearned income.

(1) Resources necessary for a client who is blind or disabled to fulfill a department approved self-sufficiency plan.

(2) Retroactive payments from SSI or RSDI, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, are excluded for nine months following the month of receipt. This exclusion applies to:

(a) Payments received by the client, spouse, or any other person financially responsible for the client;

(b) SSI payments for benefits due for the month(s) before the month of continuing payment;

(c) RSDI payments for benefits due for a month that is two or more months before the month of continuing payment; and

(d) Proceeds from these payments as long as they are held as cash, or in a checking or savings account. The funds may be commingled with other funds, but must remain identifiable from the other funds for this exclusion to apply. This exclusion does not apply once the payments have been converted to any other type of resource.

(3) All resources specifically excluded by federal law, such as those described in subsections (4) through ~~((11))~~ 12 as long as such funds are identifiable.

(4) Payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) Payments made to Native Americans as listed in 20 CFR 416.1182, Appendix to subpart K, section IV, paragraphs (b) and (c), and in 20 CFR 416.1236.

(6) The following Native American/Alaska Native funds are excluded resources:

(a) Resources received from a Native Corporation under the Alaska Native Claims Settlement Act, including:

(i) Shares of stock held in a regional or village corporation;

(ii) Cash or dividends on stock received from the Native Corporation up to two thousand dollars per person per year;

(iii) Stock issued by a native corporation as a dividend or distribution on stock;

(iv) A partnership interest;

(v) Land or an interest in land; and

(vi) An interest in a settlement trust.

(b) All funds contained in a restricted Individual Indian Money (IIM) account.

(7) Exercise of federally protected rights, including extraction of exempt resources by a member of a federally-recognized tribe during the month of receipt. Any funds from the conversion of the exempt resource which are retained on the first of the month after the month of receipt will be considered exempt if they are in the form of an exempt resource, and will be countable if retained in the form of a countable resource.

(8) Restitution payment and any interest earned from this payment to persons of Japanese or Aleut ancestry who were relocated and interned during war time under the Civil Liberties Act of 1988 and the Aleutian and Pribilof Islands Restitution Act.

~~((8))~~ (9) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims.

~~((9))~~ (10) Payments or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents.

(11) Payments or interest accrued on payments received under the Energy Employees Occupational Illness Compensation Act of 2000 (EEOICA) received by the injured person,

the surviving spouse, children, grandchildren, or grandparents.

~~((10))~~ (12) Payments from:

(a) The Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV).

(b) The Victims of Nazi Persecution Act of 1994 to survivors of the Holocaust.

(c) Susan Walker vs. Bayer Corporation, et al., 96-C-5024 (N.D. Ill.) (May 8, 1997) settlement funds.

(d) Ricky Ray Hemophilia Relief Fund Act of 1998 P.L. 105-369.

~~((11))~~ (13) The unspent social insurance payments received due to wage credits granted under sections 500 through 506 of the Austrian General Social Insurance Act.

~~((12))~~ (14) Earned income tax credit refunds and payments are excluded as resources for nine months after the month of receipt.

~~((13))~~ (15) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt.

~~((14))~~ (16) Cash or in-kind items received as a settlement for the purpose of repairing or replacing a specific excluded resource are excluded:

(a) For nine months. This includes relocation assistance provided by state or local government.

(b) Up to a maximum of thirty months, when:

(i) The client intends to repair or replace the excluded resource; and

(ii) Circumstances beyond the control of the settlement recipient prevented the repair or replacement of the excluded resource within the first or second nine months of receipt of the settlement.

(c) For an indefinite period, if the settlement is from federal relocation assistance.

(d) Permanently, if the settlement is assistance received under the Disaster Relief and Emergency Assistance Act or other assistance provided under a federal statute because of a catastrophe which is declared to be a major disaster by the President of the United States, or is comparable assistance received from a state or local government or from a disaster assistance organization. Interest earned on this assistance is also excluded from resources. Any cash or in-kind items received as a settlement and excluded under this subsection are considered as available resources when not used within the allowable time periods.

~~((15))~~ (17) Insurance proceeds or other assets recovered by a Holocaust survivor as defined in WAC 388-470-0026(4).

~~((16))~~ (18) Pension funds owned by an ineligible spouse. Pension funds are defined as funds held in a(n):

(a) Individual retirement account (IRA) as described by the IRS code; or

(b) Work-related pension plan (including plans for self-employed individuals, known as Keogh plans).

~~((17))~~ (19) Cash payments received from a medical or social service agency to pay for medical or social services are excluded for one calendar month following the month of receipt.

~~((18))~~ (20) SSA- or DVR-approved plans for achieving self-support (PASS) accounts, allowing blind or disabled

individuals to set aside resources necessary for the achievement of the plan's goals, are excluded.

~~((19))~~ (21) Food and nutrition programs with federal involvement. This includes Washington Basic Food, school reduced and free meals and milk programs and WIC.

~~((20))~~ (22) Gifts to, or for the benefit of, a person under eighteen years old who has a life-threatening condition, from an organization described in section 501 (c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of that Code, as follows:

(a) In-kind gifts that are not converted to cash; or

(b) Cash gifts up to a total of two thousand dollars in a calendar year.

~~((21))~~ (23) Veteran's payments made to, or on behalf of, natural children of Vietnam veterans regardless of their age or marital status, for any disability resulting from spina bifida suffered by these children.

~~((22))~~ (24) The following are among assets that are not considered resources and as such are neither excluded nor counted:

(a) Home energy assistance/support and maintenance assistance;

(b) Retroactive in-home supportive services payments to ineligible spouses and parents; and

(c) Gifts of domestic travel tickets. For a more complete list please see POMS @ <http://policy.ssa.gov/poms.nsf/lnx/0501130050>.

AMENDATORY SECTION (Amending WSR 04-09-004, filed 4/7/04, effective 6/1/04)

WAC 388-475-0600 SSI-related medical—Definition of income. (1) Income is anything an individual receives in cash or in-kind that can be used to meet his/her needs for food, clothing, or shelter. Income can be earned or unearned.

(2) Some receipts are not income because they do not meet the definition of income above, including:

(a) Cash or in-kind assistance from federal, state, or local government programs whose purpose is to provide medical care or services;

(b) Some in-kind payments that are not food, clothing or shelter coming from nongovernmental programs whose purposes are to provide medical care or medical services;

(c) Payments for repair or replacement of an exempt resource;

(d) Refunds or rebates for money already paid;

(e) Receipts from sale of a resource; ~~((and))~~

(f) Replacement of income already received. See 20 CFR 416.1103 for a more complete list of receipts that are not income; and

(g) Receipts from extraction of exempt resources for a member of a federally-recognized tribe.

(3) Earned income includes the following types of payments:

(a) Gross wages and salaries, including garnished amounts;

(b) Commissions and bonuses;

(c) Severance pay;

(d) Other special payments received because of employment;

(e) Net earnings from self-employment (WAC 388-475-0840 describes net earnings);

(f) Self-employment income of tribal members unless the income is specifically exempted by treaty;

(g) Payments for services performed in a sheltered workshop or work activities center;

(h) Royalties earned by an individual in connection with any publication of his/her work and any honoraria received for services rendered; or

(i) In-kind payments made in lieu of cash wages, including the value of food, clothing or shelter.

(4) Unearned income is all income that is not earned income. Some types of unearned income are:

(a) Annuities, pensions, and other periodic payments;

(b) Alimony and support payments;

(c) Dividends and interest;

(d) Royalties (except for royalties earned by an individual in connection with any publication of his/her work and any honoraria received for services rendered which would be earned income);

(e) Capital gains;

(f) Rents;

(g) Benefits received as the result of another's death to the extent that the total amount exceeds the expenses of the deceased person's last illness and burial paid by the recipient;

(h) Gifts;

(i) Inheritances; ~~((or))~~

(j) Prizes and awards; or

(k) Amounts received by tribal members from gaming revenues.

(5) Some items which may be withheld from income, but the department considers as received income are:

(a) Federal, state, or local income taxes;

(b) Health or life insurance premiums;

(c) SMI premiums;

(d) Union dues;

(e) Penalty deductions for failure to report changes;

(f) Loan payments;

(g) Garnishments;

(h) Child support payments, court ordered or voluntary (WAC 388-475-0900 has an exception for deemors);

(i) Service fees charged on interest-bearing checking accounts;

(j) Inheritance taxes;

(k) Guardianship fees if presence of a guardian is not a requirement for receiving the income.

(6) Countable income, for the purposes of this chapter, means all income that is available to the individual:

(a) If it cannot be excluded, and

(b) After deducting all allowable disregards and deductions.

WSR 10-16-002

PERMANENT RULES OLYMPIC COLLEGE

[Filed July 21, 2010, 12:53 p.m., effective August 21, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the parking policy is to clarify and publicize parking rules for Olympic College campuses.

Citation of Existing Rules Affected by this Order: Amending WAC 132C-10-100, 132C-10-110, 132C-10-120, 132C-10-130, and 132C-10-140.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 10-11-015 on May 7, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 21, 2010.

Thomas Oliver
Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-02-022, filed 12/29/09, effective 1/29/10)

WAC 132C-10-100 Parking authority. Per RCW 28B.50.140(10), the board of trustees of Olympic College has authority to adopt rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the college. Parking fees may be adopted by the board of trustees, specifying the charge per quarter and per year. The college reserves the right to refuse the issuance of a parking permit.

AMENDATORY SECTION (Amending WSR 10-02-022, filed 12/29/09, effective 1/29/10)

WAC 132C-10-110 Parking enforcement. The Olympic College safety and security department is responsible for all matters regarding pedestrian and vehicular traffic and parking regulation and enforcement of parking including, but not limited to:

- (1) Assignment of parking spaces, parking permits;
- (2) Assessment of fines for violations;
- (3) Assessment of security enhancement fees;
- (4) Designation of lot and space numbers;
- (5) Issuance of traffic or parking citations; and
- (6) Permit revocation.

AMENDATORY SECTION (Amending WSR 10-02-022, filed 12/29/09, effective 1/29/10)

WAC 132C-10-120 Parking fines. (1) A full schedule of traffic and parking infractions shall be published by the

college and made available for review in the public safety office.

(2) All fines are to be paid through the Olympic College cashier's office, either in person or by mail during normal business hours and within fifteen days of the infraction. Failure to pay fines may result in any of the following actions, but is not necessarily limited to:

(a) Denial of registration.

(b) Withholding transcripts, degrees, refunds, credits and grades.

(c) Denial of future parking privileges.

(d) Violators will be given fifteen calendar days to appeal or pay a citation. If payment or appeal is not made in this period, a warning notice will be sent indicating that payment is due within five business days with notice of penalty or action taken if not paid.

(i) If payment is not made by the final due date any parking privileges will be revoked.

(ii) If payment is not made by the final due date and the individual does not have parking privileges, future violations may result in impounding, immobilization (boot) with storage charged to the owner or operator of the vehicle. A payment plan (or payment in full for all citations) must be established through the accounting department prior to removal of the boot.

(3) During the first week of each quarter, a warning card may, at the discretion of safety and security, be placed on the vehicle in lieu of a citation. The college reserves the right to issue citations at all times.

AMENDATORY SECTION (Amending WSR 10-02-022, filed 12/29/09, effective 1/29/10)

WAC 132C-10-130 Parking impoundment. Vehicles will be impounded if found to be blocking another vehicle or access, posing any potential threat to property or personal safety, multiple parking or traffic infractions restricting access to emergency vehicles, and other reasons seen as creating a safety hazard in the opinion of a safety and security supervisor. All costs of impoundment will be the responsibility of the vehicle owner. The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization or storage. Impoundment does not remove the obligation for any fines associated with the violation(s).

AMENDATORY SECTION (Amending WSR 10-02-022, filed 12/29/09, effective 1/29/10)

WAC 132C-10-140 Parking appeal process. All appeals by anyone who has received a citation for a violation of these parking and traffic rules must be made in writing using the Olympic College Parking Appeal form (available from safety and security).

(1) **Level one:** Appeals must be submitted to safety and security within five working days of initial citation with an appeal form and a copy of the citation. The safety and security supervisor will make a determination and notify the appellant within five working days of receipt of the appeal.

(2) **Level two:** If a level one appeal is denied, the appellant may petition the parking advisory committee within five working days. The decision of the parking advisory commit-

tee is final. The appeal to the parking advisory committee must include the following:

(a) A copy of the level one appeal;

(b) A written statement indicating reasons the denial should be overturned; and

(c) A receipt showing that the citation has been paid.

The committee will make a determination and notify the appellant within five working days of receipt of a level two appeal. The appellant will be refunded any citation fee paid if the committee overturns the citation(s).

WSR 10-16-005
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-187—Filed July 21, 2010, 2:21 p.m., effective August 21, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Adopt amendments to WAC 232-28-299 Mandatory report of hunting activity.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-299.

Statutory Authority for Adoption: RCW 77.12.047, 77.15.280, 77.32.020, and 77.32.070.

Adopted under notice filed as WSR 10-12-122 on June 2, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 21, 2010.

Miranda Wecker, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31 or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) Any hunter not reporting, for each tag and permit acquired, by the reporting deadline will be in noncompliance of reporting requirements.

(d) Compliance will be credited for each (~~species for which a~~) transport tag (~~(is)~~) and permit acquired.

(2) As an incentive for prompt reporting, all (~~successful~~) hunters (~~(who report harvest within 10 days of killing an animal and unsuccessful hunters)~~) who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) Hunters who have not reported hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 penalty before a new license that includes deer, elk, bear, or turkey tags will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

WSR 10-16-016
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 22, 2010, 1:12 p.m., effective August 22, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 181-82A-204, removes requirement for contracted employment experience from rules governing teachers seeking additional endorsements.

Citation of Existing Rules Affected by this Order: Amending X [WAC 181-82A-204].

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 10-09-037 on April 14, 2010.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2010.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 09-12-057 and 09-22-052, filed 5/28/09 and 10/29/09, effective 6/28/09 and 11/29/09)

WAC 181-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the professional educator standards board pursuant to chapter 181-78A WAC, which include methodology (see WAC 181-78A-264(5)) and field experience/internship (see WAC 181-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 181-78A-264(5)) and addresses all endorsement-specific competencies adopted by the professional educator standards board and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate; or

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 1 endorsements adopted by the professional educator standards board and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience as a (~~contracted~~) teacher via full-time, part-time, or substitute experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 1 endorsement; or

(d)(i) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought and successfully meet all eligibility criteria and process requirements for Pathway 2 endorsements as adopted by the professional educator standards board and published by the superintendent of public instruction. The desired subject endorsement must be identified as a Pathway 2 endorsement for one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 2 endorsements adopted by the professional educator standards board and published by the superintendent

of public instruction. The applicant must document a minimum of ninety days teaching experience as a (~~contracted~~) teacher via full-time, part-time, or substitute experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 2 endorsement.

The ninety day teaching requirement is waived per RCW 28A.660.045 for individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate and pursuing an endorsement in middle level mathematics or science.

(ii) Teacher preparation programs that offer Pathway 2 endorsement programs shall follow process steps as adopted by the professional educator standards board and published by the superintendent of public instruction to verify successful completion of the Pathway 2 process and to recommend adding the endorsement to the applicant's teacher certificate.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

WSR 10-16-017
PERMANENT RULES
SECRETARY OF STATE
(Elections Division)

[Filed July 22, 2010, 4:57 p.m., effective August 22, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rules are necessary to implement new legislation, regarding the combined fund drive, passed by the 2010 Washington state legislature.

These rules are regarding the transfer of the combined fund drive from the department of personnel to the office of the secretary of state. The rules also eliminate the combined fund drive committee. These new rules implement SB 6540 by creating chapter 434-750 WAC.

Statutory Authority for Adoption: RCW 41.04.033.

Adopted under notice filed as WSR 10-12-042 on May 25, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 27, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2010.

Steve Excell

Assistant Secretary of State

Chapter 434-750 WAC

COMBINED FUND DRIVE

NEW SECTION

WAC 434-750-010 Purpose. The combined fund drive is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organization and federations.

NEW SECTION

WAC 434-750-020 Intent. The intent of the combined fund drive is to:

- (1) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (2) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in Washington state and around the world;
- (3) Minimize both the disruption of the state workplace and the costs to taxpayers caused by multiple charitable fund drives; and
- (4) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 434-750-030 Exemptions. The rules in this chapter do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

NEW SECTION

WAC 434-750-040 Definitions. The following definitions apply to chapter 434-750 WAC:

"CFD" means Washington state combined fund drive.

"CFD campaign" means the period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations. State agencies or institutions of higher education

have the flexibility to conduct a CFD campaign once a year at any time during the year.

"Federation" means a public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

"Participating organization" means a public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD to participate in the CFD campaign.

"State employer" means Washington state agencies and higher education institutions and related boards.

"Year of contributions" means the annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions will begin with January and end with the ensuing December.

NEW SECTION

WAC 434-750-050 Handling and depositing contributions. The office of the secretary of state will establish a procedure for CFD staff to collect, process and deposit individual employee contributions. Contributions from fundraising efforts will be deposited into the CFD account in the custody of the state treasurer according to state laws.

NEW SECTION

WAC 434-750-060 Staff and volunteer positions. The office of the secretary of state will establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign.

NEW SECTION

WAC 434-750-070 Responsibilities of CFD program manager. The CFD program manager exercises general supervision over all operations of the CFD and strives to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers.

NEW SECTION

WAC 434-750-090 Contracts. The CFD may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities will not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

NEW SECTION

WAC 434-750-100 Campaign executives. Agency directors, elected officials and higher education presidents are authorized and encouraged to designate employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

NEW SECTION

WAC 434-750-110 CFD campaign support. State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

NEW SECTION

WAC 434-750-120 Local CFD campaigns. Each state employer may establish local CFD campaigns within the geographical area it covers. Each state employer and local county committee may develop promotional and fund-raising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

NEW SECTION

WAC 434-750-130 CFD campaign occurrence. Each year the director of each state agency and president of each higher education institution may determine the time period of the agency's or institution's CFD campaign. Each annual CFD campaign normally is conducted for a seven-week period. However, in unusual circumstances, the individual state employers may extend the seven-week period as local conditions require.

NEW SECTION

WAC 434-750-140 Permission to share information during work hours. The local state employer may grant sharing of information during the CFD campaign, by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign.

This section will not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

NEW SECTION

WAC 434-750-150 Campaign events during work hours. Solicitations of employees will be conducted during work hours using methods that permit true voluntary giving. Solicitations will reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other nonsolicitation events to build support for the CFD are encouraged. CFD fund-raising events, such as raffles (as permitted by RCW 9.46.0209 and 42.52.805), drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted when approved, in advance, by the state employer. At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fund-raising events on state work time.

NEW SECTION

WAC 434-750-160 Solicitation. Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

NEW SECTION

WAC 434-750-170 Recovery of campaign expenses. The CFD will recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The secretary of state will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

NEW SECTION

WAC 434-750-180 Deduction of fund-raising expenses. Fund-raising expenses will not be taken or deducted from donations collected during a fund-raising event. These fund-raising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

NEW SECTION

WAC 434-750-190 Division of campaign expenses. The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

NEW SECTION

WAC 434-750-200 Eligibility. Not-for-profit organizations must meet three requirements in order to be a member with the CFD:

- (1) Must have an approved federal IRS 501 (c)(3) or 170 (c)(1) status;
- (2) Must submit a CFD membership application; and

(3) Must be registered with the Washington state office of the secretary of state. Registrations must be kept in an active status.

NEW SECTION

WAC 434-750-210 Organizations not eligible. If a not-for-profit organization or federation is determined not to be eligible, the CFD will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

NEW SECTION

WAC 434-750-220 Reconsideration of noneligibility. The following process will be used for requests for reconsideration of noneligibility:

(1) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD at the time the initial determination was made.

(2) Within thirty calendar days of receiving the request for reconsideration, the CFD will issue a written decision. The CFD reconsideration decision is final.

(3) The CFD may extend the time periods established in this section if it determines there is good cause to do so.

(4) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

NEW SECTION

WAC 434-750-230 Decertification or disqualification. Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by the CFD for one or more of the following reasons:

(1) Failing to comply with the rules contained in this chapter;

(2) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(3) Receiving less than two hundred dollars in total CFD contributions in a calendar year.

NEW SECTION

WAC 434-750-240 Notice of decertification decisions. The CFD will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

NEW SECTION

WAC 434-750-250 Decertification effective date. Decertification is effective on the first day of the quarter following notice of decertification under WAC 434-750-240. Quarters begin on the first day of January, April, July, or October of each year. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

NEW SECTION

WAC 434-750-270 Reconsideration of decertification decisions. Requests for reconsideration of a decertification decision will be governed by the procedures set forth for reconsideration of eligibility in WAC 434-750-220.

NEW SECTION

WAC 434-750-290 Decertified contributions. The CFD will direct payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, be returned to donors. If the CFD determines it is not feasible to return such funds to donors, it will determine the appropriate disposition of the funds.

NEW SECTION

WAC 434-750-300 Combined fund drive advisory council. The secretary of state may create a CFD advisory council to provide advice and guidance on matters pertaining to operating the CFD. The council will consist of no more than ten members chosen by the secretary of state to represent a broad variety of charities, higher education institutions, and state agencies.

Members serve at the pleasure of the secretary. Terms are staggered, with the original board drawing for two- and three-year terms. All following terms are three years but all terms expire no later than when the appointing secretary leaves office. Vacancies may be filled by the secretary upon notice of a vacancy from the member. The council will elect a chairperson from its members annually. The frequency of meetings will be at least once a year but additional meetings may be called by the secretary or council. Council members are not compensated for their service, but may be reimbursed for expenses incurred in the conduct of their official duties. Reimbursement is at current state rates for travel and all reimbursement requests must be received within thirty days of incurring the expense.

WSR 10-16-025

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed July 23, 2010, 2:14 p.m., effective August 23, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Proposed changes to WAC 315-02-130, 315-06-120, 315-10-025, 315-12-030 and 315-12-150, are for

technical and correctional updates only. These updates include address corrections, editorial improvements, and logical section placement. In addition the commission seeks to repeal WAC 315-14-010 Fifth anniversary celebration drawing, as this is now obsolete.

Citation of Existing Rules Affected by this Order: Repealing WAC 315-14-010; and amending WAC 315-02-130, 315-06-120, 315-10-025, 315-12-030, and 315-12-150.

Statutory Authority for Adoption: RCW 67.70-040 [67.70.040] (1)(3).

Adopted under notice filed as WSR 10-11-022 on May 10, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 20, 2010.

Jana Jones
Director of Legal Services

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-02-130 Employee of the commission defined. "Employee of the commission" means the employees or agents of the ~~((commission))~~ lottery and the director ~~((unless the context clearly indicates one or the other)).~~

AMENDATORY SECTION (Amending WSR 08-11-043, filed 5/14/08, effective 6/14/08)

WAC 315-06-120 Payment of prizes—General provisions. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: Provided, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature, to the first claimant listed on the address label or stamp. If there are two

or more claimant names written or signed on the ticket, lottery personnel shall return the ticket(s) to claimants and shall request that the claimants sign a notarized statement relinquishing ownership to one claimant. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and

(d) Provide that in the event the claimant ceases to exist prior to the full payout of the prize, the lottery will not make further payment without court order.

(5) The lottery shall not make payment to a claimant other than a natural person unless the terms governing the claimant include those enumerated in subsection (4) of this section.

(6) Unless otherwise provided in the rules for a specific type of game, a claimant shall sign the back of the ticket and/or complete and sign a claim form approved by the director. The claimant shall submit the claim form and/or claimant's ticket to the lottery in accordance with the director's instructions as stated in the game brochure and/or on the back of the ticket or submit a request for reconstruction of an alleged winning ticket and sufficient evidence to enable reconstruction and that the claimant had submitted a claim for the prize, if any, for that ticket. The claimant, by submitting the claim or request for reconstruction, agrees to the following provisions:

(a) The discharge of the state, its officials, officers, employees, and the commission of all further liability upon payment of the prize; and

(b) The authorization to use the claimant's name and, upon written permission, photograph for publicity purposes by the lottery.

(7) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than one hundred eighty days, except a shared game lottery, after the official end of that instant game or draw game drawing for which that draw game ticket was purchased.

(8) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or retailers, or from a lottery retailer; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(9) No natural person or legal entity entitled to a prize may assign the right to payment, except under the following limited circumstances:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivers, or other court appointed assignees; and

(b) When payment of all or part of the remainder of an annuity and the right to receive future annual prize payments has been voluntarily assigned to another person, pursuant to an appropriate judicial order that meets the requirements of RCW 67.70.100(2).

(10) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(11) A ticket that has been legally issued by a lottery retailer is a bearer instrument until signed. The person who signs the ticket or has possession of an unsigned ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(12) All prizes shall be paid within a reasonable time after the claims are validated by the director and a winner is determined. Provided, prizes paid for claims validated pursuant to WAC 315-10-070(2) shall not be paid prior to one hundred eighty-one days after the official end of that instant game.

(13) The date of the first installment payment of each prize to be paid in installment payments shall be the date the claim is validated, or the date the winner makes a choice of payment by annual payments or by single cash payment pursuant to WAC 315-34-057. Subsequent installment payments shall be made as follows:

(a) If the prize was awarded as the result of a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date of the drawing in accordance with the type of prize awarded (~~(; however, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment; or)~~).

(b) If the prize was awarded in a manner other than a drawing conducted by the lottery, installment payments shall be made weekly, monthly, or annually from the date the claim is validated in accordance with the type of prize

awarded. (~~(However, at the director's discretion, the lottery may designate an alternate payment date for regular prize payment.)~~)

(14) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each originally scheduled payment date thereafter.

(15) If any prize is payable for the life of the winner, only a natural person may claim such a prize. Such "win for life" type prizes shall cease upon the death of the winner or the end of a guaranteed payment period (if any), whichever is later. Win for life prizes may be assigned; and the following conditions apply to such assignments:

(a) The original winner's actual life shall determine when prize payments cease; and

(b) The assignee shall be responsible for notifying the lottery of the original winner's death.

(16) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(17) Each lottery retailer shall pay all prizes authorized to be paid by the lottery retailer by these rules during its normal business hours at the location designated on its license.

(18) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

(19) At the director's discretion, the lottery may designate an alternative payment date for prize payment.

AMENDATORY SECTION (Amending WSR 08-11-043, filed 5/14/08, effective 6/14/08)

WAC 315-10-025 Cost to purchase an instant game ticket. The price of an instant game ticket shall not be less than \$1.00 and not more than \$20.00, except for those tickets used in media promotions authorized by the director and retailer incentive programs authorized by the (~~(director)~~) commission.

AMENDATORY SECTION (Amending WSR 08-11-043, filed 5/14/08, effective 6/14/08)

WAC 315-12-030 Description of central and field organization of the commission and the director. The administrative office of the commission and director is located at 814 - 4th Avenue, Olympia, WA 98506. Regional offices of the director located in other cities are as follows:

CITY

EVERETT REGION
 ((Casino Square Shopping Plaza
 205 E. Casino Road
 Everett, WA 98204))
11419 19th Avenue S.E.
Suite A106
 Everett, WA 98208

OLYMPIA REGION
 814 - 4th Avenue
 Olympia, WA 98506
 FEDERAL WAY REGION
 33701 9th Avenue S
 Federal Way, WA 98003-6762

SPOKANE REGION
 East 10517 Sprague Avenue
 Spokane, WA 99206-3631

VANCOUVER REGION
 El Camino Fountain Shopping Mall
 Suite 4
 1503 N.E. 78th Street
 Vancouver, WA 98665

YAKIMA REGION
 9 South 5th
 Yakima, WA 98901

SERVICES

(a) Sales Representative
 (b) Payout Center

(a) Sales Representative
 (b) Payout Center
 (c) Ticket Warehousing

(a) Sales Representative
 (b) Payout Center

(a) Sales Representative
 (b) Payout Center

(a) Sales Representative
 (b) Payout Center

(a) Sales Representative
 (b) Payout Center

All records of the commission and director are maintained in the administrative office in Olympia.

AMENDATORY SECTION (Amending WSR 08-11-043, filed 5/14/08, effective 6/14/08)

WAC 315-12-150 Communications. All written communications with the commission or director pertaining to the administration or enforcement of chapter 42.56 RCW and these rules shall be addressed as follows: Washington State Lottery, P.O. Box ((9770)) 43026, Olympia, WA 98504-3026, Attn: Public Records Officer. You may contact us through our web site at www.walottery.com.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 315-14-010 Fifth anniversary celebration drawing.

**WSR 10-16-026
 PERMANENT RULES
 HIGHER EDUCATION
 COORDINATING BOARD**

[Filed July 23, 2010, 3:07 p.m., effective August 23, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose:

- Incorporate opportunity internship graduate eligibility throughout rules to comply with 2009 legislation.

- Add language pertaining to newly eligible transfer students (enhanced SNG) to comply with 2009 legislation.
- Define \$100 variance allowance for enrollment changes requiring administrative adjustments.
- Alternative method for calculating self-help.
- Clarification on foster youth assurance.
- Minor technical changes and corrections.

Citation of Existing Rules Affected by this Order: Amending chapter 250-20 WAC.

Statutory Authority for Adoption: Chapter 28B.92 RCW, State need grant.

Adopted under notice filed as WSR 10-11-112 on May 18, 2010.

Changes Other than Editing from Proposed to Adopted Version: No substantive change.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: July 15, 2010.

Julie Japhet
 Assistant Director of
 Student Financial Assistance

AMENDATORY SECTION (Amending WSR 08-15-156, filed 7/22/08, effective 8/22/08)

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802. These students must also meet the "income cut-off," be a "former foster youth" ((~~or~~)), be a "disadvantaged student or be an opportunity internship graduate."

(2) Be a resident of the state of Washington in accordance with RCW 28B.15.012 (2)(a) through (d).

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution. A student is not eligible if he or she has received a bachelor's degree or its foreign equivalent.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester (except as specified in WAC 250-20-021 less-than-half-time pilot project and opportunity internship graduates).

(b) A student enrolled less than half time may not receive this grant for the term in question (except as specified in

WAC 250-20-021 less-than-half-time pilot project and opportunity internship graduates), but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

(c) Have a high school diploma or its equivalent. Equivalent standards include a general education development certificate or a certificate of completion of a home study program recognized by the student's home state. For a student without a high school diploma or its equivalent, a school may accept a recognized ability-to-benefit test as defined by federal financial aid regulations.

(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

~~(6) ((Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two, nor exceed one hundred twenty five percent of the published length of time of the student's program. A student may not start a new associate degree or certificate program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. A student shall be deemed to have received an associate degree as a state need grant recipient if the student received state need grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associate degree. Upon receipt of a bachelor's degree or its foreign equivalent, a student is no longer eligible.~~

~~(7))~~ Have submitted the Free Application for Federal Student Aid to receive consideration for a Pell grant (except as specified in WAC 250-20-021 less-than-half-time pilot project and opportunity internship graduates).

~~((8))~~ (7) Certify that he or she does not owe a refund or repayment on a state or federal grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Student Loan Program.

(8) Not exceed the following state need grant usage limits:

(a) The equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two.

(b) One hundred twenty-five percent of the school's published program length.

(c) A new associate degree or certificate program as a state need grant recipient within five years of earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. A student shall be deemed to have received an associate degree as a state need grant recipient if the student received grant payments in more than three quarters, two semesters, or equivalent clock hours while pursuing an associate degree.

(d) For an individual qualifying for the state need grant as an opportunity internship graduate, the equivalent of two full-time semesters or three full-time quarters.

AMENDATORY SECTION (Amending WSR 08-15-156, filed 7/22/08, effective 8/22/08)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. Needy student also means an opportunity internship graduate who enrolls in a postsecondary program of study within one year of high school graduation. The determination of ~~((need))~~ financial inability to bear the total cost of education shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a student who by reasons of adverse cultural, educational, environmental, experiential, or familial circumstance is unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median ~~((or has participated in a means tested early awareness program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington))~~.

(3) The term "postsecondary institution" shall mean:

(a) Any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an approved accrediting association.

(b) If such institution agrees to participate in the program in accordance with all applicable rules and regulations.

(c) Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of an approved accrediting association.

(d) The separate accreditation requirement is waived for branch campuses of out-of-state institutions if the branch campus:

(i) Is eligible to participate in federal student aid programs; and

(ii) Has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington; and

(iii) Has an annual enrollment of at least seven hundred full-time equivalent students.

(4) The term "approved accrediting association" shall mean the following organizations:

(a) Northwest Commission on Colleges and Universities;

(b) Middle States Association of Colleges and Schools, Commission on Higher Education;

(c) New England Association of Schools and Colleges;

(d) North Central Association of Colleges and Schools;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

(g) Accrediting Bureau of Health Education Schools;

(h) Accrediting Council for Continuing Education and Training;

(i) Accrediting Commission of Career Schools and Colleges of Technology;

(j) Accrediting Council for Independent Colleges and Schools;

(k) National Accrediting Commission of Cosmetology Arts and Sciences.

(5) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of residency.

(6) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(7).

(7) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or

(b) Is a veteran of the U.S. Armed Forces; or

(c) Is an orphan or ward of the court; or

(d) Has legal dependents other than a spouse; or

(e) Is a married student or a graduate/professional student; or

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(8) "Placebound student" means a student who:

(a) Is unable to complete a college program because of family or employment commitments, health concerns, exceptional monetary needs, or similar factors; and

(b) Has completed the associate of arts or the associate of science degree, or its equivalent; and

(c) May be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution.

(9) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

~~((9))~~ (10) "Student budgets" are determined by institutions and approved by the board. The student budget consists of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

~~((10))~~ (11) "State need grant cost-of-attendance," ~~((is the standard student cost per sector, as developed by the board.))~~

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books and supplies including tools, room, board, transportation and personal items, for all undergraduate students state-wide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.92.060(4). The ceiling is calculated by adding together the same standard

maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

(e) The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

~~((11))~~ (12) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

~~((12))~~ (13) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant.

(a) The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding.

(b) The board will endeavor to award students, in order, from the lowest income to the highest income, within the limits of available funding.

(c) At the discretion of the institution's aid administrator, a student who is eligible for a state need grant in a given academic year may be deemed eligible for the ensuing academic year if his or her family income increases by no more than three percent, even if the stated median family income cutoff for grant eligibility is lower than that amount.

~~((13))~~ (14) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

~~((14))~~ (15) "Base grant" is the state need grant award for each sector before the addition of a dependent care allow-

ance. The base grant per student will be no less than the published base grant in 1998-1999. The base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

~~((For certain students who have completed board approved early awareness and preparation programs such as, GEAR UP or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.~~

~~(15))~~ (16) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the eligible student's base grant.

(a) The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student.

(b) Care must be that assistance provided to the dependent by someone outside of the student's household and not paid by another agency.

(c) Eligible grant recipients must document their need for the dependent care allowance.

~~((16))~~ (17) "State need grant award" is the base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

~~((17))~~ (18) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

~~((18))~~ (19) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation; or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

~~((19))~~ (20) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

~~((20))~~ (21) "Satisfactory progress" is the student's successful completion of a minimum number of credit or clock hours for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credit or clock hours for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term. Satisfactory progress for less than half-time pilot program students is three credits or 75 hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half of the minimum number of credits or clock hours for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half, but less than all of the minimum

number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

~~((21))~~ (22) The term "full institutional accreditation" shall mean the status of public recognition that an accrediting agency recognized by the U.S. Department of Education grants to an educational institution that meets the agency's established standards and requirements. Institutional accreditation applies to the entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives.

~~((22))~~ (23) The term "eligible program" for a public or private nonprofit educational institution, shall mean:

(a) A certificate, associate or baccalaureate degree program; at least a two-year program that is acceptable for full credit toward a bachelor's degree(;-); or

(b) A program that provides at least a 15-week undergraduate program of 600 clock hours, 16 semester hours, or 24 quarter hours that leads to a degree or certificate and prepares the student for gainful employment in a recognized occupation(~~-To be an "eligible program," a program must be~~); and

(c) A program encompassed within the institution's accreditation and be an eligible program for purposes of the federal Title IV student financial aid programs(;-);

~~((23))~~ (d) Apprenticeships qualifying as eligible programs for opportunity internship graduates. Apprenticeships must be associated with participating state need grant institutions.

(24) The three "public sectors of higher education" are the research universities, comprehensive universities, and the community and technical colleges.

~~((24))~~ (25) A "for-profit institution" is a postsecondary educational institution other than a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

~~((25))~~ (26) A "postsecondary vocational institution" is a public or private nonprofit institution which provides training for gainful employment in a recognized profession.

~~((26))~~ (27) The "less-than-half-time pilot project" is defined as follows:

(a) The pilot project is authorized for 2007-2011 in chapter 404, Laws of 2007 and is meant to test the feasibility of providing state need grant awards to students who enroll in three, four or five credits.

(b) All rules and guidelines that govern student and school participation in the state need grant program shall apply to pilot project except the following:

(i) The student may enroll for three, four or five credits per term.

(ii) The grant award is equal to one-quarter of the regular base grant amount.

(iii) Students otherwise enrolled in credit bearing ~~(coursework)~~ course work may receive the grant for up to one academic year before being accepted into a program that leads to a degree or certificate.

~~((27))~~ (28) The term "former foster youth" means a person who is at least eighteen years of age, but no more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

(29) An "opportunity internship graduate" means a low-income high school student who successfully completes an opportunity internship program (as defined in RCW 28C.18.162) and graduates from high school.

AMENDATORY SECTION (Amending WSR 08-15-156, filed 7/22/08, effective 8/22/08)

WAC 250-20-031 Student application procedure. (1) Application for a state grant must be made each year.

(2) All applications will be ranked anew each year.

(3) Application for a state need grant is accomplished through a student's application for admission to, and financial aid from, the institution of his or her choice.

(4) Financial data must be generated in accordance with the method set forth by the higher education coordinating board to assure that information will be consistent on a state-wide basis.

The board shall annually specify the student data elements essential for determining state need grant eligibility and shall authorize the forms and processes for collecting and analyzing such data.

(5) The burden of proof of a grant recipient's eligibility is with the institution. At a minimum:

(a) The institution must be able, on request of the board, to reconstruct the calculations and rationale for the student's grant eligibility and award amounts.

(b) The financial aid form or comparable financial status documents, with the resulting financial need analysis must be on record in the financial aid office for all grant recipients.

(c) The institution must also have on record justification for reawarding a need grant to any student who failed to make satisfactory progress.

(6) The board shall establish annual criteria by which the eligible student is to be identified, ranked, and awarded. Those criteria shall include the maximum award for each sector and the income cutoff level.

(7) The institution shall examine the student's aid application to determine overall need and specific state need grant eligibility and the appropriate award, using the board-approved criteria.

(8) The board will make available to all participating institutions, a list of all students who owe state need grant repayments or have otherwise exhausted their state need grant eligibility. It is the institution's responsibility to ensure that no ineligible student receives a state need grant.

(9) The financial aid administrator at each institution will be required to sign a statement attesting to the fact that all eligible financial aid applicants within state need grant parameters will be identified and served to the extent funds are avail-

able and that financial information will be determined in strict adherence to program guidelines.

(10) No group of students, such as single parents or part-time students, may be advantaged or disadvantaged in its access to the state need grant by any institutional awarding policy.

(11) The board will provide institutions with a list of eligible opportunity internship graduates.

AMENDATORY SECTION (Amending WSR 08-15-156, filed 7/22/08, effective 8/22/08)

WAC 250-20-041 Award procedure. (1) The institution will offer grants to eligible students from funds reserved by the board. It is the institution's responsibility to ensure that the reserve is not over expended within each academic year.

(2) The state need grant award for an individual student shall be the base grant, appropriate for the sector attended and a dependent care allowance, if applicable, adjusted for the student's family income and rate of enrollment. Each eligible student receiving a grant must receive the maximum grant award for which he or she is eligible, unless such award should exceed the student's overall need or the institution's approved gift equity packaging policy.

(3) The grant amount for students shall be established as follows:

(a) The award shall be based on the representative average tuition, service, and activity fees charged within each public sector of higher education. The average is to be determined annually by the higher education coordinating board. The award for students enrolled in the applied baccalaureate pilot program authorized in RCW 28B.50.810 shall be based on the representative tuition and fees used for the comprehensive universities.

~~(b) ((Except for the 2003-04 and 2004-05 academic years;))~~ The base grant award shall not exceed the actual tuition and fees charged to the eligible student on an annualized basis by more than one hundred dollars. ((During the 2003-04 and 2004-05 years the grant award may exceed the tuition charged to the eligible student by fifty dollars.)) The one hundred dollar variance is only applicable in circumstances where changes to a student's credit or enrollment level after the initial disbursement would require a state need grant award adjustment to ensure that the award does not exceed the cost of tuition.

(c) The base grant award for students attending independent four-year institutions shall be equal to that authorized for students attending the public four-year research institutions. The base grant for students attending private vocational institutions shall be equal to that authorized for students attending the public community and technical colleges.

(4) The total state need grant award shall be reduced for students with family incomes greater than fifty percent of the state's median and for less than full-time enrollment.

(a) Students whose incomes are equal to fifty-one percent to seventy-five percent of the state's median family income shall receive seventy-five percent of the maximum award. Students whose incomes are equal to seventy-six percent to one hundred percent of the state's median family income shall receive fifty percent of the maximum award.

Students whose incomes are equal to one hundred one percent to one hundred twenty-five percent of the state's median family income shall receive twenty-five percent of the maximum award.

(b) Eligible students shall receive a prorated portion of their state need grant for any academic period in which they are enrolled at least half-time, as long as funds are available. Students enrolled at a three-quarter time rate, at the time of disbursement, will receive seventy-five percent of their grant. Students enrolled half-time at the time of disbursement will receive fifty percent of their grant.

(c) Less-than-half-time pilot project students and opportunity internship program graduates enrolled at a less-than-half-time rate will receive twenty-five percent of their grant.

(5) Placebound students may receive enhanced grants to the extent funds are appropriated for this purpose. The value of the enhanced grant will be determined by the board.

(6) Depending on the availability of funds, students may receive the need grant for summer session attendance.

~~((6))~~ (7) The institution will be expected, insofar as possible, to match the state need grant with other funds sufficient to meet the student's need. Matching moneys may consist of student financial aid funds and/or student self-help.

~~((7))~~ (8) All financial resources available to a state need grant recipient, when combined, may not exceed the amount computed as necessary for the student to attend a postsecondary institution. The student will not be considered over-awarded if he or she receives additional funds after the institution awards aid, and the total resources exceed his or her financial need by \$200 or less by the end of the academic year.

~~((8))~~ (9) The institution shall ensure that the recipient's ~~(need grant award, in combination with grant aid from all sources, not exceed seventy-five percent of the student's cost-of-attendance))~~ aid package at a minimum consists of self-help equal to either twenty-five percent of the student's cost-of-attendance or an amount calculated annually by the board. The calculation is based on an assessment of the minimum amount that a typical student could reasonably earn while in school.

(a) The self-help amount calculated annually by the board shall be determined by multiplying the net value of minimum wage (wage less employer taxes and medical aid), multiplied by twelve hours per week, and further multiplied by a representative thirty-three week academic year.

(b) The school's aid administrator may exercise professional judgment and reduce the self-help requirement on a case-by-case basis. These cases should recognize exceptional individual student circumstances where a minimum self-help requirement would present a significant barrier to the student's educational success. These circumstances shall be documented in the student's file.

(c) In counting self-help sources of aid, the aid administrator ~~(shall)~~ may include all loans, employment, work-study, ~~(scholarships, grants not based on need,))~~ and those scholarships or grants that were earned based on the student's substantial efforts over time, as well as family contribution, and unmet need.

~~((9))~~ (10) The institution will notify the student of receipt of the state need grant.

~~((10))~~ (11) Any student who has received at least one disbursement and chooses to transfer to another participating institution within the same academic year may request that the receiving institution apply to the board for funds to continue receipt of the grant.

AMENDATORY SECTION (Amending WSR 08-15-156, filed 7/22/08, effective 8/22/08)

WAC 250-20-051 Grants disbursement and repayment. (1) At intervals designated by the executive director, financial aid administrators from participating independent colleges and proprietary institutions will submit the appropriate cash request or reimbursement form to the higher education coordinating board for each state need grant recipient certifying enrollment and grant eligibility.

(a) Upon receipt of the cash request or reimbursement forms, the higher education coordinating board will forward payments to the appropriate institution for each recipient or directly to the school as reimbursement.

(b) At private and proprietary schools, as long as the student remains eligible for the grant, the payment must be given directly to the student without the institution placing any other condition on receipt of the payment. Institutions which participate in the electronic funds transfer reimbursement program, must follow the requirements of the student directives. The student directive is a board-approved document used to direct the schools in the student's choice of payment method, either a direct deposit or school issued warrant.

(c) All signed receipts and student directives for state need grants are to be retained by the institution. They must be made available for inspection upon request of the board. All unclaimed payments must be returned to the board on or before the date specified by the board each term.

(d) A student-by-student reconciliation must be completed by the institution at the end of each term.

(2) All other institutions may request funds as necessary to make disbursements to students.

(a) Interim progress reports must be filed with the board as requested.

(b) A student-by-student reconciliation must be filed with the board at the end of each academic year.

(3) No institution may disburse nor claim more funds than that amount reserved by the board for the body of students at each institution.

(4) Should a student recipient withdraw prior to or on fifty percent of the term or prior to completing fifty percent of the scheduled clock hours during the term in which he or she received a state need grant, the student shall be required to repay a portion of the grant amount according to the board-approved repayment policy. This policy is separate and distinct from the federal repayment policy and computation. Beginning in 2009-2010 the board-approved repayment policy shall incorporate the following repayment principles.

(a) The repayment calculation is based on the portion of the term not completed or the percent of scheduled clock hours not completed.

(b) A fifty percent reduction is applied to the final repayment calculation for relief of irretrievable costs of attendance. This adjustment is only available to students who officially or

unofficially withdraw when the last date of attendance is known.

(c) If the last known date of attendance occurs after fifty percent of the term, the state need grant award is considered one hundred percent earned and no repayment is due.

(d) If a state need grant recipient attends a portion of a term and withdraws with no verified last date of attendance, the repayment will be fifty percent of the grant amount with no additional adjustments.

(e) If a state need grant recipient never attends courses in the term for which they received a state need grant award, the repayment is one hundred percent of the grant amount.

The institution shall advise the student and the board of amounts to be repaid.

(5) The board reserves the right, if funds are available, to pay to public institutions an administrative expense allowance for the shared responsibility of administering the program on the board's behalf. The allowance shall be calculated annually as a percentage of the need grant funds disbursed by the institution.

(6) Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed (~~except that eligible former foster youth shall be assured receipt of a grant~~).

(7) The foster youth assurance is intended for unserved foster youth that were not identified during routine state need grant awarding processes and only after the institution has depleted its SNG reserve.

WSR 10-16-038

PERMANENT RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 26, 2010, 3:37 p.m., effective August 26, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 192-320-065 is amended to correct a statutory reference. WAC 192-320-085 is adopted to replace WAC 192-12-156 for the purpose of publishing rules under subject matter headings.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-12-156; and amending WAC 192-320-065.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 10-11-045 on May 12, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 23, 2010.

Paul Trause
Deputy Commissioner

AMENDATORY SECTION (Amending WSR 00-01-167, filed 12/21/99, effective 1/21/00)

WAC 192-320-065 Relief of benefit charges. For purposes of RCW ((~~50.20.020(2)~~) 50.29.021, a contribution-paying nonlocal government base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual.

(1) **Employer added to a monetary determination as the result of a redetermination.** The employer's request for relief of benefit charges must be received or postmarked within thirty days of mailing the notification of redetermination (Notice to Base Year Employer - EMS 166).

(2) **Timely response.** The commissioner may consider a request for relief of benefit charges that has not been received or postmarked within thirty days as timely if the employer establishes good cause for the untimely response.

(3) **Additional information.**

(a) The employer shall provide the information requested by the department within thirty days of the mailing date of the department's request.

(b) It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to make a determination of relief of benefits charges, or good cause for failure to respond in a timely manner.

(c) Failure to respond within thirty days will result in a denial of the employer's request for relief of benefit charges unless the employer establishes good cause for the untimely response.

(4) **Denial and appeal of request.** Any denial of a request for relief of benefit charges shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

NEW SECTION

WAC 192-320-085 Overpayment of benefits—Credit to employer's account. Benefits paid shall be recoverable to the extent allowable pursuant to RCW 50.20.190 in the event that the decision allowing benefits is ultimately modified or reversed. Such ultimate reversal or modification shall not affect previous benefit charges based thereon; however, benefit credits in an amount equal to the erroneous charges shall be applied to the employer's account for the calendar year in which the decision is ultimately modified or reversed.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 192-12-156

Overpayment of benefits—
Credit to employer's account.

**WSR 10-16-048
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed July 27, 2010, 5:21 p.m., effective September 1, 2011]

Effective Date of Rule: September 1, 2011.

Purpose: To adopt a new version of Regulation II, Section 2.07 (Gasoline Dispensing Facilities) to become effective next year, in order to improve emission control performance by eliminating daily responsibility for the on-side operator, and increasing the periodic testing program in order to achieve more frequent repairs and reduce the time between tests when system compliance status is not verified.

Citation of Existing Rules Affected by this Order: Amending Regulation II, Section 2.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 10-12-098 on June 1, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2010.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

REGULATION II SECTION 2.07 GASOLINE DISPENSING FACILITIES

(in effect through August 31, 2011)

(a) Applicability

This section applies to any facility that dispenses gasoline from a stationary storage tank with a rated capacity of more than 1,000 gallons into a motor vehicle fuel tank. The provisions of this rule do not apply to any Stage 1 or Stage 2 vapor recovery system that is not required by this rule. This rule does not require the installation of any In Station Diagnostics (ISD) system.

(b) Definitions

(1) **CARB-CERTIFIED** means a Stage 1 or Stage 2 vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued an Executive Order (including any subsequent approval letters). However, any ISD system specified in a CARB executive order is not required.

(2) **OWNER OR OPERATOR** means a person who owns, leases, supervises, or operates a facility subject to this regulation.

(c) Stage 1 Vapor Recovery Requirements

(1) Installation Requirements

(A) Owners or operators must install a CARB-certified Stage 1 vapor recovery system on any gasoline storage tank with a rated capacity of more than 1,000 gallons that is either located at a facility where the current annual gasoline throughput is greater than 200,000 gallons or installed after January 1, 1979.

(B) Any person installing a CARB-certified Stage 1 vapor recovery system must install the system in accordance with the CARB executive order in effect on the date of installation.

(2) Maintenance Requirements

(A) All Stage 1 vapor recovery systems shall be installed, operated, and maintained in accordance with the CARB executive order in effect on the date of installation. Defects listed in Table 1(a) or 1(b) are evidence that the installed equipment is not operated or maintained in accordance with this requirement.

(B) After June 1, 2005, all dual-point Stage 1 vapor recovery systems located at a facility required to be equipped with Stage 2 vapor recovery systems must be equipped with swivel adapters.

(3) Self-Inspection Requirements

Owners or operators must inspect each Stage 1 vapor recovery system between gasoline deliveries for the defects listed in Table 1(a) or 1(b), depending on the type of system installed, using the inspection procedures listed in the tables. However, if the facility receives more than one delivery to a tank in a day, the inspection is only required once per day.

Table 1(a)
Dual-Point Stage 1 Defects

Equipment	Inspection Procedures	Defects
Dust Cap (tank cap on top of adapter)	<ul style="list-style-type: none"> • Visually inspect the dust cap on both the fill and vapor risers. • Try to turn the dust cap on both the fill and vapor risers by hand. 	<ul style="list-style-type: none"> • Cap gasket is missing or damaged. • Cap is missing or damaged. • Cap turns with hand pressure.
Adapter Vapor Riser (brass fitting on tank riser)	Slowly depress poppet and check gasket and poppet alignment.	Poppet is inoperative, not aligned properly, or the gasket is damaged.

Equipment	Inspection Procedures	Defects
Adapter (brass fitting on tank riser) <i>(Not required for swivel adapters.)</i>	Try to turn the adapters on both the fill and vapor risers by hand.	Adapter turns with hand pressure.
Fill Tube (from adapter to bottom of tank)	Visually inspect the fill tube gasket, if clearly visible after removal of dust cap. <i>(Some fill tube assemblies may not allow observation of the fill tube gasket except by a service technician.)</i>	Fill tube gasket is damaged or missing.
Spill Bucket	Visually inspect the liquid level in the spill bucket and the condition of the drain valve.	<ul style="list-style-type: none"> Liquid level is more than 1 inch. Drain valve is open or leaking vapors.

Table 1(b)
Coaxial Stage 1 Defects

Equipment	Inspection Procedures	Defects
Dust Cap (tank cap on top of adapter)	<ul style="list-style-type: none"> Visually inspect the dust cap on the fill riser. Try to turn the dust cap on the fill riser by hand. 	<ul style="list-style-type: none"> Cap gasket is missing or damaged. Cap is missing or damaged. Cap turns with hand pressure.
Adapter (brass fitting on tank riser)	Slowly depress the coaxial drop tube, check poppet gasket and poppet alignment.	Poppet is inoperative or out of alignment, poppet gasket is damaged, or spring is broken.
Adapter (brass fitting on tank riser)	Try to turn the adapter by hand.	Adapter turns with hand pressure.
Spill Bucket	Visually inspect the liquid level in the spill bucket and the condition of the drain valve.	<ul style="list-style-type: none"> Liquid level is more than 1 inch. Drain valve is open or leaking vapors.

(4) Corrective Action Requirements for Stage 1 Defects
 (A) Whenever a Stage 1 defect as described in Table 1(a) or 1(b) is discovered during a self-inspection, the owner or operator must repair it as soon as possible after the defect is discovered, but no later than the end of the next business day.

(B) If the defect cannot be repaired by the end of the next business day after discovery, the owner or operator must not receive any gasoline deliveries to the tank where the defect is located until the defect is repaired.

(5) Recordkeeping Requirements

(A) Owners or operators must keep a log of the results of each self-inspection, which must include the following:

- date of inspection,
- name of person conducting inspection,
- description of all defects found during the inspection, and
- date and time of repair of the defects.

(B) The log must be kept on-site at the facility and available for inspection for at least 2 years after the date the record was made.

(d) Stage 2 Vapor Recovery Requirements

(1) Installation Requirements

(A) Owners or operators must install a CARB-certified Stage 2 vapor recovery system on:

(i) any existing gasoline tank located at a facility where the annual gasoline throughput is greater than 600,000 gallons for facilities located in King, Pierce, or Snohomish counties and greater than 840,000 gallons for facilities located in Kitsap County; or

(ii) on any gasoline tank with a rated capacity of more than 1,000 gallons installed after August 2, 1991 at a facility where the current annual gasoline throughput is greater than 200,000 gallons.

(B) Any person installing a CARB-certified Stage 2 vapor recovery system must install the system in accordance with the CARB executive order in effect on the date of installation.

(2) Maintenance Requirements

(A) All Stage 2 vapor recovery systems installed after April 1, 2003 must be Onboard Refueling Vapor Recovery (ORVR) compatible and must be installed, operated, and maintained in accordance with the CARB executive order in effect on the date of installation. However, ISD system installation is not required. Defects listed in Table 2(a) or 2(b) are evidence that the installed equipment is not operated or maintained in accordance with this requirement.

(B) All Stage 2 vapor recovery systems installed prior to April 1, 2003 shall be installed, operated, and maintained in accordance with the CARB executive order in effect as of April 1, 2003, even if CARB later decertifies the system. In such a case, the installation of equipment determined by the manufacturer to be interchangeable with the original approved equipment is permitted. Defects listed in Table 2(a) or 2(b) are evidence that the installed equipment is not operated or maintained in accordance with this requirement.

(3) Self-Inspection Requirements

Owners or operators must inspect Stage 2 vapor recovery systems every day the facility is open for business for the defects listed in either Table 2(a) or 2(b), depending on the

type of system installed, using the inspection procedures listed in the tables.

Table 2(a)
Vapor-Balance Stage 2 Defects

Equipment	Inspection Procedures	Defects
Nozzle Spout	Pull back the boot to ensure the latch ring is on the spout.	Latch ring is missing.
Nozzle	Visually inspect the boot (bellows) for holes or slits.	No boot hole shall be more than 1/4 inch diameter. No slit shall exceed 1/2 inch in length.
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Nozzle	Visually inspect faceplate for missing or damaged surface area.	1/4 or more of the circumference of the bellows faceplate is damaged or missing.
Nozzle (equipped with insertion interlock mechanism)	Compress the boot and note the tension on the trigger. Release the boot and note the tension on the trigger.	If the trigger is loose when the boot is compressed or the trigger is firm when the boot is released, the insertion interlock is defective.
Hose (from dispenser to nozzle) including Whip Hose	Visually inspect the hose for physical condition.	Hose has cuts, holes, is flattened, or kinked, or the fuel flow direction is incorrect (if marked on the hose).

Table 2(b)
Vacuum-Assist Stage 2 Defects

Equipment	Inspection Procedures	Defects
Nozzle Spout Latch Coil	Visually inspect each nozzle for missing latch coils.	Latch coil is missing.

Equipment	Inspection Procedures	Defects
Nozzle	Visually inspect the mini-boot (bellows) for holes or slits.	More than 1/8 of the outer edge of the mini-boot is missing, or a slit is greater than 1 1/2 inches long.
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Hose (from dispenser to nozzle)	Visually inspect the hose.	Hose has cuts, holes, is flattened, or kinked, or the fuel flow direction is incorrect (if marked on the hose).

(4) Corrective Action Requirements for Stage 2 Defects
 (A) Whenever a Stage 2 defect as described in Tables 2(a) or 2(b) is discovered during a self-inspection, the owner or operator must repair it as soon as possible.

(B) If the defect cannot be repaired within one hour after discovery, the defective equipment must be removed from service until the defect is repaired.

(5) Recordkeeping Requirements

(A) Owners or operators must keep a log of the results of each self-inspection, which must include the following:

- time and date of the inspection,
- person conducting the inspection,
- a description of all defects found during the inspection, and
- time and date of repair of any defects.

(B) The log must be kept on-site at the facility and available for inspection for at least 2 years after the date the record was made.

(e) Self-Inspection Training Requirements

(1) Owners or operators of facilities with Stage 2 vapor recovery systems must provide training for all employees who are responsible for performing self-inspections of the Stage 1 and Stage 2 vapor recovery equipment within 30 days of hire and provide on-site refresher training for those employees at least once every calendar year.

(2) The self-inspection training must include all of the following:

(A) The location, function, and operation of vapor recovery equipment.

(B) Why vapor recovery equipment must be inspected and maintained.

(C) How to inspect vapor recovery equipment.

(D) How to recognize a defect.

(E) Appropriate corrective actions when defects are discovered.

- (F) How to keep the necessary records.
- (G) The penalties for noncompliance.
- (3) The person providing the training must conduct the training in accordance with this section.
- (4) After conducting the training required by this section, the owner or operator must prepare a written training report that includes:
 - name and address of person conducting the training,
 - date of the training, and
 - names of the persons trained.

Owners or operators must keep a copy of the training report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

- (f) Stage 2 Testing Requirements
 - (1) Testing Requirements
 - (A) Owners or operators must obtain compliance tests of vacuum-assist Stage 2 vapor recovery systems at least once every 12 months, and tests of vapor-balance Stage 2 vapor recovery systems at least once every 24 months.
 - (B) Each time a test is conducted, the test shall also include a review of the on-site records required by this rule including: training, self-inspections, gasoline throughput, and testing.
 - (C) The person performing the tests must conduct the following compliance tests for each Stage 2 vapor recovery system:

Table 3
Required Stage 2 Compliance Tests

Stage 2 Vapor Recovery Systems	CARB Tests Required	CARB Test Procedures ¹	Date of Adoption
All Vapor-Balance	Static Pressure Decay.....	TP-201.3.....	March 17, 1999
	Dynamic Back Pressure.....	TP-201.4.....	July 3, 2002
	Tank-Tie Test ²	TP-201.3C.....	March 17, 1999
All Vacuum-Assist	Static Pressure Decay.....	TP-201.3.....	March 17, 1999
	Dynamic Back Pressure.....	TP-201.4.....	July 3, 2002
	Air-to-Liquid Ratio.....	TP-201.5.....	February 1, 2001
	Tank-Tie Test ²	TP-201.3C.....	March 17, 1999
Healy 600 G-70-165	Static Pressure Decay.....	TP-201.3.....	March 17, 1999
	Vapor Line Vacuum Integrity Test.....	G-70-165 Exhibit 4.....	April 20, 1995
	Tank-Tie Test ²	TP-201.3C.....	March 17, 1999
Healy 400 ORVR G-70-186	Static Pressure Decay.....	TP-201.3.....	March 17, 1999
	Fill Neck Pressure Test.....	G-70-186 Exhibit 5.....	October 26, 1998
	Vapor Line Vacuum Integrity Test.....	G-70-186 Exhibit 4.....	October 26, 1998
	Tank-Tie Test ²	TP-201.3C.....	March 17, 1999
Hirt System G-70-177-AA	Static Pressure Decay.....	TP-201.3.....	March 17, 1999
	Air-to-Liquid Ratio.....	TP-201.5.....	February 1, 2001
	Tank-Tie Test ²	TP-201.3C.....	March 17, 1999

¹ Or test procedures that have been approved, by CARB, as equivalent to CARB procedures.

² Tank-tie test must be conducted at least once, or after any tank configuration changes to show the tanks are manifolded. The tank-tie test records must always be kept on-site to verify compliance.

(2) Testing Procedures

(A) The person performing the tests must conduct the testing in accordance with the CARB test procedures contained in Table 3. Once each calendar year and before conducting any tests under this rule, a person performing CARB compliance tests must submit a written summary of their training and qualifications to perform the test to the Agency.

(B) The tests listed in Table 3 are exempt from the requirements of Section 3.07 of Regulation I, however persons performing such tests must notify the Agency in writing at least 72 hours prior to conducting a test to provide the Agency an opportunity to observe the test.

(3) Failed Compliance Tests

Owners or operators must notify the Agency within 24 hours of any failed compliance tests, if the defective equipment cannot be repaired or replaced by the person conducting the test on the day of the test. If the defective equipment cannot be repaired by the close of the next business day following the failed compliance test, the owner or operator must stop receiving and/or dispensing gasoline from the defective equipment until it is repaired and retested, and passes all required compliance tests. This does not include any operation of the equipment necessary to conduct a retest.

(4) Test Reports

(A) After the testing required by this section has been conducted, the owner or operator must obtain a written test report.

(B) The written report must include:

- name and address of the tester,
- date of the testing,
- equipment tested,

- test procedures used,
- results of the tests,
- any repairs or corrective actions necessary to pass the tests, and
- results of the records review, including whether the on-site records comply with the requirements of this rule.

(5) Recordkeeping Requirements for Owners and Operators

Owners or operators must keep a copy of the test report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

REGULATION II SECTION 2.07 GASOLINE DISPENSING FACILITIES (in effect as of September 1, 2011)

(a) Applicability

(1) The requirements of Section 2.07 of this regulation apply to any facility that dispenses gasoline into a motor vehicle fuel tank from a stationary storage tank with a rated capacity of more than 1,000 gallons. The provisions of this rule do not apply to any Stage 1 or Stage 2 vapor recovery system that is not required by this rule. This rule does not require the installation of any In Station Diagnostics (ISD) system.

(2) This rule shall have an effective date of September 1, 2011.

(b) Definitions

(1) **CARB-CERTIFIED** means a Stage 1 or Stage 2 vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued an Executive Order. Each equipment component listed on the applicable certified-CARB Executive Order must be installed. Equipment component(s) not listed in a CARB Executive Order may not be installed as replacement for a certified part.

(2) **INSTALL or INSTALLING** means establishing or placing in service CARB-certified Stage 1 or Stage 2 vapor recovery equipment at a facility within the Agency's jurisdiction, and includes repairs completed as part of compliance testing. Equipment repairs performed by an owner or operator to correct defects discovered through self-inspection are not included in this definition.

(3) **ORVR** means the Onboard Refueling Vapor Recovery system contained within a vehicle that captures the gasoline vapors that are displaced when gasoline is dispensed to the vehicle tank.

(4) **OWNER or OPERATOR** means a person who owns, leases, supervises, or operates a facility subject to this regulation.

(5) **STAGE 1 MODIFICATION** means any of the following equipment changes or projects, including but not limited to:

(A) Installation or replacement of a stationary storage tank rated more than 1,000 gallons that stores gasoline;

(B) Replacement of Stage 1 components that are upgrades, including but not limited to replacement of all spill buckets, all drop tubes, or all adaptors.

(6) **STAGE 2 MODIFICATION** means any of the following equipment changes or projects, including but not limited to:

(A) Addition of new fueling position(s);

(B) Replacement of all existing dispensers;

(C) Converting vapor-balance system to vacuum-assist system or converting vacuum-assist system to vapor-balance system;

(D) Replacement of Stage 2 vapor recovery components that are upgrades, including but not limited to dispensing configuration changes to include six-pack to blending dispenser conversions, and replacement of pre-ORVR dispensers to ORVR-compatible or Enhanced Vapor Recovery (EVR) technology.

(7) **SYSTEM** means the complete and integrated components necessary to provide the vapor recovery emission control service for a gasoline dispensing facility required in Section 2.07 of this regulation. A system may be the Stage 1 vapor recovery equipment, the Stage 2 vapor recovery equipment, and/or the combined integration of appropriate Stage 1 and Stage 2 vapor recovery equipment at a gasoline dispensing facility.

(8) **TEST or TESTING** means the performance of a test or method or series of tests or methods to determine the integrity, functionality or effectiveness of CARB-certified Stage 1 or Stage 2 vapor recovery equipment at a facility within the Agency's jurisdiction.

(c) Installation Requirements

(1) Installation Requirements - Stage 1

(A) All gasoline dispensing facilities with a current annual gasoline throughput greater than 200,000 gallons or with a gasoline storage tank installed after January 1, 1979 shall be equipped with a CARB-certified Stage 1 vapor recovery system.

(B) After April 1, 2001, all gasoline dispensing facilities that install or replace a gasoline tank or a Stage 1 vapor recovery system shall be equipped with a CARB-certified EVR system. This requirement includes installations defined as a Stage 1 modification in Section 2.07 of this regulation.

(C) Any person installing a CARB-certified Stage 1 vapor recovery system must install the system in accordance with the applicable CARB Executive Order in effect on the date of installation.

(D) Any person installing CARB-certified Stage 1 vapor recovery equipment shall be certified as required in Section 2.07(f) of this regulation.

(E) All gasoline dispensing facilities with dual-point Stage 1 vapor recovery systems shall be equipped with Stage 1 swivel adapters if the facility is required to be equipped with a Stage 2 vapor recovery system under Section 2.07 (c)(2) of this regulation.

(2) Installation Requirements - Stage 2

(A) All gasoline dispensing facilities with a current annual gasoline throughput greater than 600,000 gallons (or 840,000 gallons for Kitsap County only) shall be equipped with a CARB-certified Stage 2 vapor recovery system.

(B) All gasoline dispensing facilities with both a current annual gasoline throughput greater than 200,000 gallons and

a gasoline storage tank installed after August 2, 1991 shall be equipped with a CARB-certified Stage 2 vapor recovery system.

(C) All gasoline dispensing facilities with Stage 2 vapor recovery systems installed after April 1, 2003 shall employ either CARB-certified ORVR-compatible systems or CARB-certified EVR systems. This requirement includes installations defined as a Stage 2 modification.

(D) Any person installing a CARB-certified Stage 2 vapor recovery system must install the system in accordance with the applicable CARB Executive Order in effect on the date of installation.

(E) Any person installing CARB-certified Stage 2 vapor recovery equipment shall be certified as required in Section 2.07(f) of this regulation.

(d) Maintenance Requirements

(1) Maintenance Requirements - All Stage 1 vapor recovery systems shall be operated and maintained in accordance with the applicable CARB Executive Order in effect on the date of installation.

(2) Maintenance Requirements - Stage 2

(A) All Stage 2 vapor recovery systems installed after April 1, 2003 must be ORVR-compatible and must be operated and maintained in accordance with the applicable CARB Executive Order in effect on the date of installation. However, ISD system installation is not required.

(B) All Stage 2 vapor recovery systems installed prior to April 1, 2003 shall be operated and maintained in accordance with the applicable CARB Executive Order in effect as of April 1, 2003, even if CARB later decertifies the system. For Stage 2 vapor recovery systems installed prior to April 1, 2003, the installation of equipment determined by the manu-

facturer to be interchangeable with the original approved equipment is allowed.

(C) Defects listed in Table 1 are evidence that the installed equipment is not operated or maintained in accordance with Section 2.07 of this regulation. The defects listed in Table 1 shall be included in the operation and maintenance plan required for the facility.

Table 1
Stage 2 Defects

Equipment	Inspection Procedures	Defects
Nozzle	Visually inspect for leaking gasoline.	Visible gasoline leaks.
Hose (from dispenser to nozzle) including whip hose	Visually inspect the hose for leaking gasoline.	Visible gasoline leaks.

(e) Testing requirements

(1) Stage 1 Initial Installation Testing Requirements

(A) Owners or operators must obtain the Stage 1 compliance tests identified in Table 2, and each test must be conducted in accordance with the test procedures identified in Table 2. The compliance tests shall be completed after initial installation of any Stage 1 system and prior to dispensing fuel commercially.

(B) Stage 1 compliance tests shall be performed by person(s) who are certified as required in Section 2.07(f) of this regulation.

(C) The tests listed in Table 2 are exempt from the requirements of Section 3.07 of Regulation I.

Table 2
Initial Installation Stage 1 Compliance Tests

	CARB Tests Required	CARB Test Procedures ¹	Date of Adoption
Stage 1 EVR Vapor Recovery Systems	Leak Rate Test ²	TP-201.1C or TP-201.1D.....	October 8, 2003
	Static Pressure Decay ³	TP-201.3.....	March 17, 1999
	Static Torque of Adaptors.....	TP-201.1B.....	October 8, 2003
	Leak Rate/Cracking P/V ⁴	TP-201.1E.....	October 8, 2003

¹ Or test procedures that have been approved by CARB as equivalent to CARB procedures.

² TP-201.1C has no overfill prevention device and TP-201.1D is required for drop tubes with overfill prevention.

³ Except that test procedure TP-201.3B (dated 4/12/96) shall be used for above-ground storage tanks.

⁴ The test procedures are also listed in Exhibit 2 of the CARB Executive Order.

(2) Stage 2 Testing Requirements

(A) Owners or operators must obtain the Stage 2 compliance tests identified in Table 3 annually, and each test must be conducted in accordance with the test procedures identified in Table 3. In addition, each test shall be completed no less than 335 days and no more than 395 days since the last annual test.

(B) For stations with vapor-balance systems, the first annual test completed after September 1, 2011 shall be com-

pleted on an annual schedule as specified above or by January 15, 2012, whichever date comes first.

(C) Owners or operators must obtain a Static Pressure Decay Test semiannually. One test shall be completed during the annual testing required in Section 2.07 (e)(2)(A) of this regulation and the other semiannual test shall be completed no less than 150 days and no more than 210 days since the last Static Pressure Decay Test.

(D) Owners or operators must obtain the Stage 2 compliance tests identified in Table 3 after initial installation of any Stage 2 system and prior to dispensing fuel commercially.

(E) Stage 2 compliance tests shall be performed by persons who are certified as required in Section 2.07(f) of this regulation.

(F) The tests listed in Table 3 are exempt from the requirements of Section 3.07 of Regulation I.

Table 3
Annual Stage 2 Compliance Tests

Stage 2 Vapor Recovery Systems	CARB Tests Required	CARB Test Procedures ¹	Date of Adoption
All Vapor-Balance	Static Pressure Decay ²	TP-201.3.....	March 17, 1999
	Dynamic Back Pressure.....	TP-201.4.....	July 3, 2002
	Tank-Tie Test ³	TP-201.3C.....	March 17, 1999
	Static Torque of Adaptors ⁴	TP-201.1B.....	October 8, 2003
All Vacuum-Assist ⁵	Static Pressure Decay ²	TP-201.3.....	March 17, 1999
	Dynamic Back Pressure.....	TP-201.4.....	July 3, 2002
	Air-to-Liquid Ratio.....	TP-201.5.....	February 1, 2001
	Tank-Tie Test ³	TP-201.3C.....	March 17, 1999
	Static Torque of Adaptors ⁴	TP-201.1B.....	October 8, 2003

¹ Or test procedures that have been approved by CARB as equivalent to CARB procedures.
² For static pressure decay test, test procedure TP-201.3B (dated 4/12/96) shall be used for above-ground storage tanks.
³ Tank-tie test must be conducted at least once, or after any tank configuration changes to show the tanks are manifolded. The tank-tie test records must be kept on-site to verify compliance.
⁴ For static torque of adaptors, testing is required only for stations equipped with dual-point Stage 1 vapor recovery systems.
⁵ Vapor return line vacuum integrity tests shall be conducted on each vacuum-assist system equipped with a central vacuum pump annually, in accordance with Exhibit 4 of CARB Executive Orders G-70-165 and G-70-186, as applicable.

(3) Failed Compliance Tests

Owners or operators must notify the Agency in writing within 24 hours of any failed compliance tests, if the defective equipment cannot be repaired or replaced by the person conducting the test on the day of the test. If the defective equipment cannot be repaired by the close of the next business day following the failed compliance test, the owner or operator must stop receiving and/or dispensing gasoline from the defective equipment until it is repaired and retested, and passes all required compliance tests. The requirements in Section 2.07 (e)(3) of this regulation do not include any operation of equipment necessary to conduct a retest. Equipment operation after a failed compliance test is evidence of a continuing violation until a passing test has been completed for that equipment.

(4) Test Reports

(A) After the testing required by Section 2.07 of this regulation has been conducted, the owner or operator must obtain a written test report.

(B) The written report must include the following information:

- name and address of the person(s) who conducted each test,
- date of the testing,
- equipment tested,
- test procedures or methods used,
- results of the tests, and
- any repairs made or corrective actions taken necessary to pass the tests.

(C) Owners or operators must keep a copy of the test report on-site at the facility and available for inspection for at least 2 years after the date the report was prepared.

(5) Compliance Testing Activity Reports

(A) Persons completing the Stage 1 or Stage 2 testing identified in Section 2.07 of this regulation shall submit compliance testing activity reports to the Agency. Compliance testing activity reports must be submitted on approved forms through the Agency website and must be received by the Agency no later than 2 days after completion of the compliance test on-site.

(B) Compliance testing activity reports shall include, but not be limited to, the following information:

- identification of the facility,
- date of the testing,
- identification of each test conducted,
- results (pass/fail) of each test conducted,
- name of the person(s) who conducted each test and current certification credential information for each such person, and
- statement of whether repairs were completed, and if so, description of all repairs undertaken and/or completed.

(f) Certification for Persons Testing or Installing

(1) Persons testing or installing CARB-certified Stage 1 or Stage 2 vapor recovery equipment as required by Section 2.07 of this regulation must be certified by the International Code Council or other association that the Agency has determined provides an examination where persons can demonstrate their knowledge of regulatory codes, standards, and practices pertaining to CARB-certified Stage 1 or Stage 2 vapor recovery equipment, or have passed another qualifying examination approved by the Agency.

(2) Persons testing or installing CARB-certified Stage 1 or Stage 2 vapor recovery equipment must be certified every other year. Such persons must possess a valid certification at the time of performing any testing or installation of CARB-certified Stage 1 or Stage 2 vapor recovery equipment required by Section 2.07 of this regulation. Subsequent certifications must occur within 2 years of the anniversary date of a person's first certification under Section 2.07(f) of this regulation.

(3) All testing must be conducted consistent with the requirements of Section 2.07(e) of this regulation.

(4) The certification requirements in Section 2.07(f) of this regulation do not apply to owners or operators of gaso-line dispensing facilities.

(g) Recordkeeping Requirements for Owners or Operators

Owners or operators must keep a copy of all records required by this rule on-site at the facility and available for inspection for at least 2 years after the date the record was prepared.

WSR 10-16-049
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed July 27, 2010, 5:22 p.m., effective September 1, 2010]

Effective Date of Rule: September 1, 2010.

Purpose: To adopt regulations to implement the requirements of the Public Records Act by adding a new Article 14 to the Agency's Regulation I. The proposed rules are based on model rules prepared by the attorney general's office with some customization for the agency. The agency has consistently followed the act's requirements and the proposed rules do not significantly change the agency's current practices.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 10-12-097 on June 1, 2010.

Changes Other than Editing from Proposed to Adopted Version: There were no substantive changes made between the proposed and adopted versions. Minor changes made were: (1) For clarity the term "public" was added before "records" throughout the rules; (2) in 14.03 (e)(4), it was clarified that the agency's public records officer will confirm in writing all verbal requests for public records; (3) in 14.04(b), options (1) and (3) were switched in order; and (4) in 14.08(b), it was clarified that the director of compliance and legal will promptly inform a petitioner of a decision made pursuant to that section.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2010.

Craig Kenworthy
Executive Director

NEW SECTION

**REGULATION I ARTICLE 14: PUBLIC RECORDS
REGULATION I SECTION 14.01 AUTHORITY AND
PURPOSE**

(a) The Public Records Act ("Act") chapter 42.56 RCW, requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The Act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by an agency.

(b) The purpose of these rules is to establish the procedures the Agency will follow in order to provide full access to public records, to provide fullest assistance to requesters, to provide the most timely possible action on public records requests, to protect records from damage or disorganization, and to prevent excessive interference with other essential functions of the Agency. These rules provide information to persons wishing to request access to public records of the Agency and establish processes for both requesters and Agency staff that are designed to best assist members of the public in obtaining such access.

(c) The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Agency will be guided by the provisions of the Act describing its purposes and interpretation.

NEW SECTION

REGULATION I SECTION 14.02 AGENCY DESCRIPTION, CONTACT INFORMATION, PUBLIC RECORDS OFFICER

(a) **Location of Agency's offices.** The Agency's offices are located at 1904 3rd Avenue, Suite 105, Seattle, WA 98101-3317.

(b) **Identification of and contact information for Agency's public records officer.** Any person wishing to request access to public records of the Agency, or seeking assistance in making such a request should contact the Agency's public records officer:

Stella Nehen, Public Records Officer
1904 3rd Avenue, Suite 105
Seattle, WA 98101-3317
(206) 689-4011 (phone) or
(800) 552-3565, Ext. 4011 (toll free phone)
(206) 343-7522 (facsimile)
recordsrequest@psccleanair.org

Information is also available on the Agency's website at: <http://www.pscleanair.org>.

(c) **Duties of public records officer.** The public records officer oversees compliance with the Act but another Agency staff member may process the request. Therefore, any reference to the public records officer in these rules may refer to the officer or a designee. The public records officer and the Agency will provide the "fullest assistance" to requesters as required by the Act; will ensure that public records are protected from damage or disorganization; and will prevent fulfilling public records requests from causing excessive interference with essential functions of the Agency.

NEW SECTION

REGULATION I SECTION 14.03 AVAILABILITY OF PUBLIC RECORDS

(a) **Hours for inspection of public records.** Public records are available for inspection and copying during the normal business hours of the Agency: Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding legal holidays. Public records must be inspected at the office of the Agency.

(b) **The Agency does not have a public records index.** Given the small size of the Agency and the high volume and types of public records generated and received by the Agency, the Agency finds that maintaining an index is unduly burdensome and would interfere with Agency operations.

(c) **Organization of public records.** The Agency will maintain its public records in a reasonably organized manner. The Agency will take reasonable actions to protect public records from damage and disorganization. A requester shall not take Agency public records from Agency offices without the permission of the public records officer.

(d) **Public records are available on the Agency's website.** A variety of public records are available on the Agency's website at <http://www.pscleanair.org>. Requesters are encouraged to view the public records available on the website prior to submitting a records request.

(e) **Making a request for public records.**

(1) Any person wishing to obtain copies of or inspect public records of the Agency should make the request in writing on the Agency's request form, or by letter, fax, or e-mail addressed to the public records officer, and including the following information:

(A) Name of requester;

(B) Address of requester;

(C) Other contact information, including telephone number and any e-mail address;

(D) Identification of the public records adequate for the public records officer to locate the records; and

(E) The date and time of day of the request.

(2) If the requester wishes to have copies of public records made instead of simply inspecting them, they should so indicate and make arrangements to pay for copies of the public records or pay a deposit consistent with Section 14.07 of this regulation.

(3) A form is available for use by requesters at the Agency's offices and on-line at: <http://www.pscleanair.org/contact/reqform.aspx>.

(4) The public records officer may accept requests for public records that contain the above information by telephone or in person. If the public records officer accepts a verbal request, the officer will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

REGULATION I SECTION 14.04 PROCESSING OF PUBLIC RECORDS REQUESTS—GENERAL

(a) **Agency processes requests efficiently.** The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

(b) **Acknowledging receipt of request.** Within 5 business days of receipt of a request, the public records officer will do one or more of the following:

(1) Provide copies of the requested public records to the requester, if copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon;

(2) Provide an internet address and link on the Agency's website to the specific public records requested;

(3) Make the public records available for inspection or copying;

(4) Provide a reasonable estimate of when records will be available;

(5) If the request is unclear or does not sufficiently identify the requested public records, request clarification from the requester. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available based upon a clarification; or

(6) Deny the request.

(c) **Failure to respond.** If the Agency does not respond in writing within 5 business days of receipt of the request for disclosure, the requester should consider contacting the public records officer to determine the reason for the failure to respond.

(d) **Protecting rights of others.** In the event that the requested public records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the public records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requester and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to an affected person will include a copy of the request. The requester will be notified of the time provided to an affected person to respond to a notice under this section.

(e) **Inspection of public records.**

(1) Consistent with other demands, the Agency shall promptly provide space to a requester to inspect public records. No member of the public may remove a public record from the viewing area or disassemble or alter any public record. The requester shall indicate which public records they wish the Agency to copy.

(2) The requester must claim or review the assembled public records within 30 days of the Agency's notification that the public records are available for inspection or copy-

ing. The Agency will notify the requester in writing of this requirement and inform the requester that they should contact the Agency to make arrangements to claim or review the public records. If the requester or a representative of the requester fails to claim or review the public records within the 30-day period or make other arrangements, the Agency may close the request and re-file the assembled public records. Other public records requests may be processed ahead of a subsequent request by the same person for the same or almost identical public records, which can be processed as a new request.

(f) **Providing copies of public records.** After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

(g) **Providing public records in installments.** When the request is for a large number of public records, the public records officer will provide access for inspection and copying in installments, if the officer reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requester fails to inspect the entire set of public records or one or more of the installments, the public records officer may stop searching for the remaining records and close the request.

(h) **When access to Agency website is unavailable to requester.** If a requester notifies the Agency that they cannot access an Agency public record through the Agency's website, the Agency will make a paper copy of the requested public record available to the requester.

(i) **Completion of inspection.** When an inspection of requested public records is complete and all requested copies are provided, the public records officer will indicate to the requester that the Agency has made all located, nonexempt public records available for inspection.

(j) **Closing withdrawn or abandoned request.** When a requester withdraws a request, fails to fulfill his or her obligations to inspect the public records, or fails to pay a deposit or final payment for requested copies, the public records officer will close the request and indicate to the requester that the Agency has closed the request.

(k) **Later discovered documents.** If, after the Agency has informed a requester that it has provided all available public records, the Agency becomes aware of additional responsive public records existing at the time of the request, it will promptly inform the requester of the additional public records and provide them on an expedited basis.

NEW SECTION

REGULATION I SECTION 14.05 PROCESSING OF PUBLIC RECORDS REQUESTS—ELECTRONIC PUBLIC RECORDS

(a) **Requesting electronic public records.** The process for requesting electronic public records is the same as for requesting paper public records.

(b) **Providing electronic public records.** When a requester requests public records in an electronic format, the public records officer will provide the nonexempt public records or portions of such records that are reasonably locatable in an electronic format that is used by the Agency and is generally commercially available, or in a format that is rea-

sonably translatable from the format in which the Agency keeps the public records.

(c) **Customized access to data bases.** With the consent of the requester, the Agency may provide customized access under RCW 43.105.280 if the public record is not reasonably locatable or not reasonably translatable into the format requested. The Agency may charge a fee consistent with RCW 43.105.280 for such customized access.

NEW SECTION

REGULATION I SECTION 14.06 EXEMPTIONS

(a) **Some Agency public records are exempt from inspection and copying.** The Act provides that a number of types of public records are exempt from public inspection and copying. In addition, public records are exempt from disclosure if any other statute exempts or prohibits disclosure. Requesters should be aware of exemptions, outside the Act, that restrict the availability of some public records held by the Agency for inspection and copying. The Agency incorporates by reference a list of laws containing exemptions located and maintained by the Municipal Research Service Center, which is located at: <http://www.mrsc.org/Publications> (Appendix C to Public Records Act for Washington Cities and Counties, MRSC, Report No. 61 Revised, November 2009). A copy of this list may be obtained from the public records officer.

(b) **Exemptions shall be stated and briefly explained by the Agency.** If the Agency believes that a public record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the public record or a portion of the public record is being withheld. If only a portion of a public record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requester why portions of the public record are being redacted.

(c) **Lists of individuals may not be disclosed for commercial purposes.** The Agency is prohibited by statute from disclosing lists of individuals for commercial purposes.

NEW SECTION

REGULATION I SECTION 14.07 COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

(a) **No fee for inspecting public records.** There is no fee for inspecting public records. There is no fee for the Agency's time spent locating records or for preparing public records for inspection or copying.

(b) **Costs for paper copies.**

(1) There is no fee for the first 50 paper copies made per request. For requests greater than 50 pages:

(A) If paper copies are made at the Agency, a requester may obtain photocopies for \$.15 per page;

(B) If paper copies are made outside the Agency at a commercial copier, a requester may obtain copies at the actual cost charged by the commercial copier.

(2) Before beginning to make paper copies, the public records officer may require a deposit of up to 10% of the estimated costs of copying all the public records selected by the requester. The public records officer may also require the payment of the remainder of the copying costs before providing all the public records, or the payment of the costs of copying an installment before providing that installment. The Agency does not charge sales tax when it makes copies of public records.

(c) **Costs for electronic public records.** There is no fee for e-mailing electronic public records to a requester. If the Agency uses a commercial copier to scan public records to respond to a request electronically, a requester may obtain the scanned public records at the actual scanning cost charged by the commercial copier.

(d) **Costs of mailing.** The Agency may also charge actual costs of mailing, including the cost of the shipping container.

(e) **Payment.** Payment may be made by cash, check, money order, or credit card to the Puget Sound Clean Air Agency.

NEW SECTION

REGULATION I SECTION 14.08 REVIEW OF DENIALS OF PUBLIC RECORDS

(a) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a public records request may petition in writing (including by e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer denying the request.

(b) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the Director of Compliance and Legal. The Director of Compliance and Legal will immediately consider the petition; will either affirm or reverse the denial within two business days following the Agency's receipt of the petition, or within such other time period to which the Agency and the petitioner mutually agree; and will promptly inform the petitioner of the decision made.

(c) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

WSR 10-16-056

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed July 28, 2010, 10:33 a.m., effective August 28, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: As part of the liquor control board's ongoing rules review process, chapter 314-40 WAC was reviewed for relevance, clarity, and accuracy. Rules to implement Interim Board Policy #01-2010 was also part of this rule making.

Citation of Existing Rules Affected by this Order: Amending WAC 314-40-010, 314-40-030, 314-40-040, 314-40-050, and 314-40-080.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.450.

Adopted under notice filed as WSR 10-12-047 on May 26, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 28, 2010.

Sharon Foster
Chairman

NEW SECTION

WAC 314-40-005 Definitions. "Guest" means a person who is granted access to the privileges of a club through a temporary membership card issued for fourteen consecutive days.

"Member" means a person who is approved for club membership only after having submitted a written application and been investigated and been approved by ballot.

"Visitor" means a nonmember who is granted access to the privileges of a club based on a prearranged invitation from a bona fide member. Invitations occurring at the point of entry to the premises do not qualify.

AMENDATORY SECTION (Amending Order 107, Resolution No. 116, filed 6/16/82)

WAC 314-40-010 Operations under retail licenses. Clubs operating under any class of retail license shall govern their operations in selling liquor in accordance with the regulations set forth in Title ((H)) **66 RCW**, applicable to all retail licensees, except as otherwise specifically provided in this title. Such clubs may sell liquor only to members, visitors and guests as specified in these regulations. Licensed clubs shall not be prohibited from renting, leasing or donating all or a portion of their facilities for, or making services available to, a nonclub activity where the public is invited or admitted under conditions as permitted by WAC 314-40-080.

AMENDATORY SECTION (Amending WSR 93-11-028, filed 5/10/93, effective 6/10/93)

WAC 314-40-030 Constitution—Bylaws—House rules. (1) No license shall be issued to any organization or

club unless its constitution, bylaws, and house rules are submitted to the board as evidence that the applicant qualifies as a bona fide club under provisions of state liquor laws and regulations.

(2) The constitution, bylaws and/or house rules shall provide, among other things:

(a) That all classifications of members must be admitted only ~~((on))~~ after written application and only after investigation and ballot. Such admissions must be duly recorded in the official minutes of a regular meeting;

(b) Standards of eligibility for members;

(c) Limitation on the number of members consistent with the nature of the organization or club;

(d) That not more than twelve honorary members be admitted in any one calendar year, and that nonresident and associate members be restricted to numbers consistent with the nature of the organization or club;

(e) Reasonable initiation fees and dues consistent with the nature and purpose of the organization or club;

(f) The period for which dues shall be paid and the date upon which this period shall expire;

(g) Reasonable regulations for the dropping of members for the nonpayment of dues;

(h) Strict regulations for the government of organization or club rooms and quarters generally consistent with its nature and character;

(i) That organization or club rooms and quarters must be under the supervision of a manager and house committee, which committee shall be appointed by the governing body of the organization or club;

(j) Provisions for visitors and for the issuance and use of guest and courtesy cards in accordance with WAC 314-40-040.

AMENDATORY SECTION (Amending WSR 95-16-030, filed 7/21/95, effective 8/21/95)

WAC 314-40-040 Guest and courtesy cards—Visitors. (1) Guest cards ~~((may be issued only as follows:~~

~~(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;~~

~~(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: Provided, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;~~

~~(c) Such)) are intended for invited guests residing outside of the immediate area.~~

~~(a) Guest cards shall be issued no more than three times per year for a period not to exceed ((two weeks)) fourteen consecutive days, and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;~~

~~((d) Mileage restrictions in (a) and (b) of this subsection shall not apply to)) (b) Contestants in golf or tennis tournaments conducted on the grounds of a licensed club will be considered a visitor for the day(s) of the event.~~

(2) Visitors may be introduced when accompanied at all times by a member, who is not an on duty employee, and may remain as long as such member is present in the club ~~((: Provided, That))~~. Any such visitor may only enjoy the privileges of the club ((a reasonable number of)) six times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization ~~((: Provided, That))~~ if the bylaws of such clubs authorize reciprocal privileges((: Provided further, That)). Subsections (1) and (2) of this section shall not apply to members of such organizations.

(4) Persons who are members in good standing of organizations licensed as private nonfraternal clubs may enjoy the privileges of other licensed nonfraternal clubs ~~((: Provided, That))~~ if the bylaws of such clubs authorize reciprocal privileges((: Provided further, That)). Subsections (1) and (2) of this section shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold a public membership function for ~~((one)) two days per calendar year where club liquor may be given or sold to those attending as a part of the membership drive activities. The function must be advertised as a membership drive ((and may not be held in conjunction with any other nonclub activity or event)).~~ Membership drives may not be held on consecutive days.

(7) A person issued a guest card by the club manager pursuant to subsection (1) of this section may introduce visitors into the club provided:

~~(a) The visitors are accompanied at all times by the sponsoring guest card holder;~~

~~(b) The visitors remain in the club only as long as the sponsoring guest card holder is present; and~~

~~(c) The house rules or bylaws of the club provide guest card holders the privilege of introducing visitors into the club((: and, such house rules or bylaws have been filed with the liquor control board)).~~

AMENDATORY SECTION (Amending Rule 107, filed 6/13/63)

WAC 314-40-050 Records. (1) In addition to the requirements of WAC 314-16-160, clubs shall maintain a complete system of bookkeeping covering all operations of the club, with the operations thereof pertaining to liquor being kept separate in a manner prescribed by the board. All such records shall be ~~((maintained in an office on the licensed premises))~~ accessible and be available for inspection and audit by agents of the board ~~((, which))~~. Board agents shall be entitled to make copies ((thereof)) or abstracts ((therefrom)) or, upon furnishing a proper receipt ((therefor)), remove the originals for such purposes as the board deems necessary.

(2) After initial licensure, house rules and bylaws shall be submitted to the board whenever changes are made. A copy of the house rules and/or bylaws must be available for inspection by any law enforcement officer or agent of the board during any premises check of the club.

(3) In addition to WAC 314-40-040 visitor records with date and time and sponsoring member must be kept for a minimum of two years.

(4) In addition to WAC 314-40-040 guest records must contain the full name, date of birth, and address of the guest receiving the temporary membership card.

AMENDATORY SECTION (Amending Order 246, Resolution No. 255, filed 4/5/88)

WAC 314-40-080 Designated portion of club used for service and consumption of liquor. (1) Each club shall submit a sketch of the entire premises including the portion used for storage, sale and consumption of liquor, for approval. No change in any portion of the club premises (~~(so described and approved))~~) shall be made without the consent of the board.

(2) Where the physical setup of the club rooms or quarters renders it practical so to do, such portion of the club premises shall be a room or rooms devoted solely to such service and capable of being entirely closed from the remainder of the club rooms or quarters. Bona fide members may possess and consume their own (~~(liquor))~~ alcohol, as authorized by the club's license type, at any time and in any part of the club premises as permitted under the bylaws and/or house rules of the club, provided such bylaws and/or house rules have been filed with the board and except in those portions of the club where nonclub events or public events are occurring.

~~(3) (If the club rents any portion of the club rooms or quarters for any purpose other than a strictly club purpose, or holds any function within the club rooms or quarters to which the public generally is invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein, except bona fide members, bona fide visitors and bona fide guests. If such portion cannot be so closed, then no such liquor service whatever shall be permitted within the club rooms or quarters during the entire time when such nonclub activity is taking place or while the public generally is permitted within the club rooms or quarters.)~~ Any portion of a private club must be closed to the general public when liquor is sold, served, or consumed.

During events that are open to the general public, members, guests, and/or visitors, may not possess alcohol in areas that are open to the general public.

(4) A club may conduct outside one-time events not to exceed twelve per calendar year for club members provided that:

(a) A request is submitted in writing by the licensee or designee at least five business days before the event which includes a clearly defined site plan of the outside area and the date, time, and type of event. Approval must be received prior to the event.

(b) The licensee must have lease hold rights to the outside area where the one-time event is being held. The outside area is adjacent and/or contiguous to the actual licensed premises, must not be across public right of ways, and must

be enclosed with a barrier a minimum of forty-two inches in height. This area will be considered restricted and all minor restrictions under RCW 66.44.310 will apply.

(c) All liquor must be prepared, served, and consumed inside the outside service area; persons with liquor may not leave the outside service area. An employee(s) shall be stationed inside the outside service area at all times.

(d) Sufficient lighting must be maintained under WAC 314-11-055.

NEW SECTION

WAC 314-40-095 Endorsements to private club licenses. (1) Under RCW 66.24.450, the board may issue an endorsement allowing the club to hold up to forty nonclub, member-sponsored events using club liquor.

(a) Each event must have a sponsoring member from the club.

(b) Each visitor and/or guest may only attend the event by invitation of the sponsoring member(s).

(c) Event may not be open to the general public.

(d) At least seventy-two hours prior to any nonclub event, the sponsoring member, or any club officer, must provide to the board: The date, time, and location of the event, the name of the sponsor of the event, and a brief description of the purpose of the event.

(e) A list of all invited guests and visitors must be available for inspection during the nonclub event.

(2) Under RCW 66.24.450, the board may issue an endorsement allowing the holder of a spirits, beer, and wine private club license to sell bottled wine for off-premises consumption.

(a) Spirits and beer may not be sold for off-premises consumption.

(b) Bottled wine may only be sold to members, visitors, and guests defined under WAC 314-40-005. Bottled wine may not be sold to the general public.

WSR 10-16-082

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2010, 11:20 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Purpose: The purpose of this proposed rule making is to amend these rules and add new sections to implement chapters 74.39A and 18.88B RCW as codified from Initiative Measure No. 1029 and E2SHB 2284, chapter 361, Laws of 2007.

The department has proposed amending WAC 388-76-10000 Definitions, 388-76-10160 Criminal history background check—Required, 388-76-10165 Criminal history background check—Valid for two years, 388-76-10170 Criminal history background check—Information—Confidentiality—Use restricted, 388-76-10174 Background checks—Disclosure of information—Sharing of criminal background information by health care facilities, 388-76-

10175 Employment—Conditional—Pending results, 388-76-10180 Employment and other unsupervised access decisions, 388-76-10130 Qualifications—Provider, entity representative and resident manager, and 388-76-10135 Qualifications—Caregiver.

The department has proposed repealing WAC 388-76-10155 Unsupervised access to vulnerable adults—Prohibited and 388-76-10173 Disclosure of employee information—Employer immunity—Rebuttable presumption.

The department has proposed adding new sections WAC 388-76-10161 Background check—Washington state—Who is required to have, 388-76-10162 Background check—National fingerprint checks—Who is required to have, 388-76-10163 Background check—Process, 388-76-10164 Background check—Results, and 388-76-10146 Qualifications—Training and home care aide certification.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-10155 and 388-76-10173; and amending WAC 388-76-10000, 388-76-10130, 388-76-10135, 388-76-10160, 388-76-10165, 388-76-10170, 388-76-10174, 388-76-10175, and 388-76-10180.

Statutory Authority for Adoption: RCW 70.128.040, chapter 74.39A RCW.

Adopted under notice filed as WSR 10-10-120 on May 5, 2010.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

A final cost-benefit analysis is available by contacting Michael Tornquist, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail tornqmj@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 8, Repealed 2.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 9, Repealed 2.

Date Adopted: July 29, 2010.

Susan N. Dreyfus
Secretary

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 10-17 issue of the Register.

WSR 10-16-083
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Financial Services Administration)

[Filed July 30, 2010, 11:22 a.m., effective August 30, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The financial services administration is proposing these rules to comply with Initiative 1029 and chapter 580, Laws of 2009, requiring DSHS to conduct national fingerprint background checks for all long-term care workers beginning January 1, 2012, and requiring DSHS to share the results of long-term care background checks with the department of health. These rule changes describe the background check requirements for long-term care workers contracted or hired by the division of developmental disabilities; describe the responsibilities of the DSHS background check central unit; and include clarifying changes.

Citation of Existing Rules Affected by this Order: Amending WAC 388-06-0010, 388-06-0020, 388-06-0110, 388-06-0130, 388-06-0150, 388-06-0160, 388-06-0180, 388-06-0250, and 388-06-0525.

Statutory Authority for Adoption: RCW 43.43.832, 74.39A.055.

Other Authority: RCW 74.39A.050 and [74.39A.]055, 74.39A.095, 74.39A.260, 43.20A.710, 43.43.837.

Adopted under notice filed as WSR 10-11-034 on May 11, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 9, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 9, Repealed 0.

Date Adopted: July 27, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-03-003, filed 1/8/09, effective 2/8/09)

WAC 388-06-0010 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules for background checks conducted by children's administration (CA), and the division of developmental disabilities (DDD) at the department of social and health services (DSHS). The department does background checks on individuals who are licensed, certified, contracted, or authorized to care for or have unsupervised access to children and to individuals with a developmental disability. Background checks are con-

ducted to find and evaluate any history of criminal convictions ~~((and child))~~ or civil adjudication proceedings, including those involving abuse, abandonment, financial exploitation, or neglect of a child or vulnerable adult.

(2) This chapter also defines when the one hundred twenty-day provisional hire is allowed by DSHS. WAC 388-06-0500 through 388-06-0540 apply to all DSHS administrations.

(3) WAC 388-06-0600 through 388-06-0640 of this chapter includes the background check requirements for DSHS employees and applicants seeking, working or serving in a covered position.

(4) WAC 388-06-0700 through 388-06-0720 of this chapter describes the responsibilities of the background check central unit.

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0020 What definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter? The following definitions apply to WAC 388-06-0100 through 388-06-0260 of this chapter:

"Authorized" or **"authorization"** means not disqualified by the department to have unsupervised access to children and individuals with a developmental disability. This includes persons who are certified, contracted, allowed to receive payments from department funded programs, or volunteer.

"CA" means children's administration, department of social and health services. Children's administration is the cluster of programs within DSHS responsible for the provision of licensing of foster homes, group facilities/programs and child-placing agencies, child protective services, child welfare services, and other services to children and their families.

~~("CAMIS" means case and management information system. This data system is used by children's administration.)~~

"Certification" means:

(1) Department approval of a person, home, or facility that does not legally need to be licensed, but wishes to have evidence that they met the minimum licensing requirements.

(2) Department licensing ~~((of a))~~ of a child-placing agency to certify and supervise foster home and group care programs.

"Children" ~~((or))~~ and **"youth"** ~~((means))~~ are used interchangeably in this chapter and refer to individuals who are under parental or department care including:

(1) Individuals under eighteen years old; or

(2) Foster children up to twenty-one years of age and enrolled in high school or a vocational school program; or

(3) Developmentally disabled individuals up to twenty-one years of age for whom there are no issues of child abuse and neglect; or

(4) JRA youth up to twenty-one years of age and who are under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

~~((5) These two terms are used interchangeably in this chapter.)~~

"Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44 or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. **"Civil adjudication proceeding"** also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"DCFS" means division of children and family services and is a division within children's administration that provides child welfare, child protective services, and support services to children in need of protection and their families.

"DDD" means the division of developmental disabilities, department of social and health services (DSHS).

"DLR" means the division of licensed resources that is a division within children's administration, the department of social and health services.

"Department" means the department of social and health services (DSHS).

"I" and **"you"** refers to anyone who has unsupervised access to children or to persons with developmental disabilities in a home, facility, or program. This includes, but is not limited to, persons seeking employment, a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.

"JRA" means the juvenile rehabilitation administration, department of social and health services.

"Licensor" means an employee of DLR or of a child placing agency licensed or certified under chapter 74.15 RCW to approve and monitor licenses for homes or facilities that offer care to children. Licenses require that the homes and facilities meet the department's health and safety standards.

"Individuals with a developmental disability" means individuals who meet eligibility requirements in Title 71A RCW ~~((; WAC 388-825-030, for services))~~. A developmental disability is any of the following: ~~((Mental retardation))~~ Intellectual disability, cerebral palsy, epilepsy, autism, or another neurological condition described in ~~((WAC 388-825-030))~~ chapter 388-823 WAC; originates before the age of eighteen years; is expected to continue indefinitely; and ~~((results in))~~ constitutes a substantial ~~((handicap))~~ limitation to the individual.

"Spousal abuse" includes any crime of domestic violence as defined in RCW 10.99.020 when committed against a spouse, former spouse, person with whom the perpetrator has a child regardless of whether the parents have been married or lived together at any time, or an adult with whom the perpetrator is presently residing or has resided in the past.

"Unsupervised" means not in the presence of:

(1) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check.

(2) Any relative or guardian of the child or developmentally disabled individual or vulnerable adult to whom the applicant has access during the course of his or her employment or involvement with the business or organization (RCW 43.43.080(9)).

"**Unsupervised access**" means that an individual will or may be left alone with a child or vulnerable adult (individual with developmental disability) at any time for any length of time.

"**We**" refers to the department, including licensors and social workers.

"**WSP**" refers to the Washington State Patrol.

AMENDATORY SECTION (Amending WSR 09-06-028, filed 2/24/09, effective 3/6/09)

WAC 388-06-0110 Who must have background checks? ~~((The department requires background checks on individuals who will have unsupervised access to children or to individuals with a developmental disability in homes, facilities, or operations licensed, relicensed, or contracted by the department to provide care as required under chapter 74.15 RCW. The department requires background checks on the following people:~~

~~(1) A person licensed, certified, or contracted by us to care for children (chapter 74.15 RCW and RCW 43.43.832);~~

~~(2) A prospective or current employee for a licensed care provider or a person or entity contracting with us;~~

~~(3) A volunteer or intern with regular or unsupervised access to children who is in a home or facility that offers licensed care to children;~~

~~(4) A person who is at least sixteen years old, is residing in a foster home, relative's home, or child care home and is not a foster child;~~

~~(5) A person not related to the child who the court has approved placement as allowed in RCW 13.34.130;~~

~~(6) A relative other than a parent who may be caring for a child or an individual with a developmental disability;~~

~~(7) A person who regularly has unsupervised access to a child or an individual with a developmental disability;~~

~~(8) A provider who has unsupervised access to a child or individual with a developmental disability in the home of the child or individual with a developmental disability; and~~

~~(9) Prospective adoptive parents)) (1) Per RCW 74.15.-030, the department requires background checks on all providers who may have unsupervised access to children or individuals with a developmental disability. This includes licensed, certified or contracted providers, their current or prospective employees and prospective adoptive parents as defined in RCW 26.33.020.~~

~~(2) Per RCW 74.39A.055, the department requires state and federal background checks on all long-term care workers for the elderly or persons with disabilities hired or contracted after January 1, 2012.~~

~~(a) This does not include long-term care workers qualified and contracted or hired on or before December 31, 2011.~~

~~(b) Parents are not exempt from the long-term care background check requirements.~~

~~(3) Per RCW 74.15.030, the department also requires background checks on other individuals who may have unsu-~~

~~pervised access to children or to individuals with a developmental disability in department licensed or contracted homes, or facilities which provide care. The department requires background checks on the following people:~~

~~(a) A volunteer or intern with regular or unsupervised access to children;~~

~~(b) Any person who regularly has unsupervised access to a child or an individual with a developmental disability;~~

~~(c) A relative other than a parent who may be caring for a child;~~

~~(d) A person who is at least sixteen years old, is residing in a foster home, relatives home, or child care home and is not a foster child.~~

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0130 Does the background check process apply to new and renewal licenses, certification, contracts, and authorizations to have unsupervised access to children or individuals with a developmental disability?

~~(1) For children's administration these regulations apply to all applications for new and renewal licenses, contracts, certifications, and authorizations to have unsupervised access to children ((and)) or individuals with a developmental disability that are processed by the ((department)) children's administration after the effective date of this chapter.~~

~~(2) For the division of developmental disabilities these regulations apply to any of the following that may involve unsupervised access to children and individuals with a developmental disability:~~

~~(a) Initial contracts, licenses or certifications and renewals as required by the applicable DDD background check renewal schedule and program regulations; and~~

~~(b) Any contract, license or certification renewal when there was a lapse of one day or more following expiration.~~

AMENDATORY SECTION (Amending WSR 09-06-028, filed 2/24/09, effective 3/6/09)

WAC 388-06-0150 What does the background check cover? (1) The department must review ~~((the following records))~~ criminal convictions and pending charges based on identifying information provided by you. The background check may include but is not limited to the following information sources:

~~(a) ((Criminal convictions and pending charges based on identifying information provided by you. However, if you have lived in Washington State for less than three years prior to the check, the department must conduct a fingerprint-based background check for you to have unsupervised access to children or to individuals with developmental disabilities)) Washington state patrol.~~

~~(b) ((If the))~~ Washington courts.

Department of corrections.

Department of health.

Civil adjudication proceedings.

Applicant's self-disclosure.

Out-of-state law enforcement and court records.

~~(2) Except as required in WAC 388-06-0150 (4)(b) and (5), children's administration and division of developmental~~

disabilities will conduct a fingerprint-based background check on any individual who has lived in Washington state for less than three years.

~~(3) Background ((check is being)) checks~~ conducted for children's administration ~~((, it must))~~ also include:

~~((+)) (a) A review of child protective services case files information or other applicable information system.~~

~~((+)) (b) Administrative hearing decisions related to any DSHS license that has been revoked, suspended, or denied.~~

~~((c) If the background check is being)) (4) In addition to the requirements in subsections (1) through (3) of this section, background checks~~ conducted by children's administration for placement of a child in out-of-home care, including foster homes, adoptive homes, relative placements, and placement with other suitable persons under chapter 13.34 RCW, ~~((the department must check the following in addition to the requirements above))~~ include the following for each person over eighteen years of age residing in the home:

~~((+)) (a) Child abuse and neglect registries in each state a person has lived in the five years prior to conducting the background check.~~

~~((+)) (b) Washington state patrol (WSP) and federal bureau of investigation (FBI) fingerprint based background checks regardless of how long you have resided in Washington.~~

~~((2)) (5) The ((department may also review:~~

~~(a) Any civil judgment, determination or disciplinary board final decisions of child abuse or neglect.~~

~~(b) Law enforcement records of convictions and pending charges in other states or locations if:~~

~~(i) You have lived in another state.~~

~~((ii) Reports from other credible sources indicating a need to investigate another state's records))~~ division of developmental disabilities requires fingerprint-based background checks for all long-term care workers as defined in RCW 74.39A.009(16) hired or contracted on or after January 1, 2012. These background checks must include a review of conviction records through the Washington state patrol, the federal bureau of investigation, and the national sex offender registry.

AMENDATORY SECTION (Amending WSR 09-06-028, filed 2/24/09, effective 3/6/09)

WAC 388-06-0160 Who pays for the background check? (1) Children's administration (CA) pays the DSHS general administrative costs for background checks for foster home applicants, CA relative and other suitable caregivers, and CA adoptive home applicants.

(2) Children's administration pays the WSP and FBI-fingerprint processing fees for foster home applicants, CA relative and other suitable caregivers, CA adoptive home applicants, and other adults ~~((+))~~ associated with the home who require ~~((fingerprinting))~~ background clearances under chapter 13.34 RCW.

(3) Children's administration does not pay ~~((fingerprinting))~~ WSP and FBI fingerprint processing fees or expenses for employees, contractors, or volunteers associated with

~~((any)) facilities other ((type of home or facility)) than foster homes.~~

(4) The division of developmental disabilities pays for background checks, including fingerprint-based background checks, for individuals seeking authorization to provide services to ~~((their))~~ clients of the division.

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0180 Are there other criminal convictions that will prohibit me from working with children or individuals with a developmental disability? The department must disqualify you from licensing, contracting, certification, or from having unsupervised access to children or to individuals with a developmental disability if it has been less than five years from a conviction for the following crimes:

(1) Any physical assault not included in WAC 388-06-0170;

(2) Any sex offense not included in WAC 388-06-0170;

(3) Any felony conviction not included in WAC 388-06-0170; or

(4) Felony violation of the following drug-related crimes:

(a) The imitation controlled substances act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW));

(b) The legend drug act (prescription drugs, see chapter 69.41 RCW);

(c) The precursor drug act (substances used in making controlled substances, see chapter 69.43 RCW);

(d) The uniform controlled substances act (illegal drugs or substances, see chapter 69.50 RCW); or

(e) Unlawfully manufacturing, delivering or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(5) Any federal or out-of-state conviction for an offense that under the laws of ~~((this))~~ Washington state would disqualify you for no less than five years from having unsupervised access to children or individuals with a developmental ~~((disabilities in your home or facility no less than five years from a conviction listed in this section))~~ disability.

AMENDATORY SECTION (Amending WSR 01-18-025, filed 8/27/01, effective 10/1/01)

WAC 388-06-0250 Is the background check information released to my employer or prospective employer?

(1) ~~((The department))~~ Children's administration will share with employers or approved care providers only that:

(a) You are disqualified; or

(b) You have not been disqualified by the background check.

(2) Division of developmental disabilities will release the source of the disqualifying crime or negative action and WSP rap sheet to authorized requesters as allowed by state law.

(3) The department will follow laws related to the release of criminal history records (chapters 10.97 and 43.43 RCW) and public disclosure (chapter 42.17 RCW) when releasing any information.

AMENDATORY SECTION (Amending WSR 01-15-019, filed 7/10/01, effective 8/10/01)

WAC 388-06-0525 **When are individuals eligible for the one hundred twenty-day provisional hire?** Individuals are eligible for the one hundred twenty-day provisional hire immediately. The signed background check application and ~~((two FBI fingerprint cards must be sent to the BCCU within forty-eight hours by the agency, entity or hiring individual))~~ fingerprinting process must be completed as required by the applicable DSHS program.

BACKGROUND CHECK CENTRAL UNIT

NEW SECTION

WAC 388-06-0700 **What definitions apply to WAC 388-06-0710 through 388-06-0720? "Authorized entity"** means a department of social and health services program, service provider, licensee, contractor, or other public or private agency that has permission from the department to conduct background checks through the background check central unit.

"Background check applicant" means an employee, volunteer, student, intern, licensee, service provider, contractor or other individual who is the subject of the background check and who will work in a position that:

- (1) May have unsupervised access to vulnerable adults, juveniles or children as described in WAC 388-06-0610; or
- (2) Is designated by the department as a sensitive position.

"Background check central unit" is the program responsible for conducting background checks for the department of social and health services.

- (1) The background check central unit is responsible for:
 - (a) Compiling background check information from external and internal data sources; and
 - (b) Providing information to the authorized entity who requested the background check.
- (2) The background check central unit does not:
 - (a) Make the final hiring, contracting, placement, or licensing decision for the department or authorized entity; or
 - (b) Determine what program, service provider, licensee, contractor, or other public or private agency qualifies as an authorized entity.

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

NEW SECTION

WAC 388-06-0710 **Who may submit a background check to the background check central unit?** An authorized entity may request a background check through the background check central unit when the authorized entity has:

- (1) A valid background check central unit account number;
- (2) A current department background authorization form filled out and signed by the applicant; and
- (3) Submitted the background check request under the applicable program requirements.

NEW SECTION

WAC 388-06-0720 **Who receives the results of a background check conducted by the background check central unit?** (1) The background check central unit follows laws related to the release of criminal history records (chapter 10.97 and 43.43 RCW), public disclosure (chapter 42.56 RCW); and other applicable laws when releasing background information.

(2) The authorized entity who submits a background check request receives a copy of the background check results.

(3) The background check applicant may request a copy of his or her background check results.

(4) As required in RCW 74.39A.055(2), the department will share the results of state and national background checks with the Washington department of health to satisfy its certification responsibilities under chapter 18.88B RCW.

WSR 10-16-084

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2010, 11:24 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Purpose: The department is amending existing sections and adding new sections to chapter 388-101 WAC, Certified community residential services and supports. The purpose of amending and adding to these rules is to implement chapters 74.39A and 18.88B RCW as codified from Initiative Measure No. 1029 and E2SHB 2284, chapter 361, Laws of 2007.

The department is proposing new sections WAC 388-101-3245 Background check—General, 388-101-3253 National fingerprint background checks—Required, 388-101-3255 Background checks—Provisional hire—Pending results, 388-101-3258 Training requirements for staff hired before January 1, 2011, and 388-101-3302 Certified community residential services and supports—General training requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-101-3000, 388-101-3050, 388-101-3220, and 388-101-3250.

Statutory Authority for Adoption: RCW 71A.12.080, chapter 74.39A RCW.

Adopted under notice filed as WSR 10-10-079 on May 3, 2010.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

A final cost-benefit analysis is available by contacting John Gaskell, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 438-7903, e-mail gaskejw@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 4, Repealed 0.

Date Adopted: July 29, 2010.

Susan N. Dreyfus
Secretary

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 10-17 issue of the Register.

WSR 10-16-085
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 30, 2010, 11:30 a.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Purpose: The purpose of this proposed rule making is to consider making clarifying changes and to implement chapters 74.39A and 18.88B RCW as codified from Initiative Measure No. 1029 and E2SHB 2284, chapter 361, Laws of 2007.

The department is proposing new sections WAC 388-78A-2461 Background check—General, 388-78A-2462 Background check—Washington state—Who is required to have, 388-78A-2463 Background check—National fingerprint checks—Who is required to have, 388-78A-2464 Background check—Process, 388-78A-2465 Background check—Results, 388-78A-2466 Background check—Valid for two years, 388-78A-2467 Background check—Sharing by health care facilities, 388-78A-2468 Background check—Conditional hire—Pending results, 388-78A-2469 Background check—Disclosure statement, 388-78A-2471 Background check—Confidentiality—Use restricted—Retention, and 388-78A-2474 Training and home care aide certification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-2450 Staff, 388-78A-2470 Criminal history disclosure and background checks, 388-78A-2490 Specialized training for developmental disabilities, 388-78A-2500 Specialized training for mental illness, 388-78A-2510 Specialized training for dementia, 388-78A-2550 Administrator training documentation, 388-78A-2750 Application process, and 388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required.

Statutory Authority for Adoption: Chapters 18.20 and 74.39A RCW.

Adopted under notice filed as WSR 10-10-119 on May 5, 2010.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

A final cost-benefit analysis is available by contacting Judy Johnson, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail johnsjml@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 7, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 11, Amended 8, Repealed 0.

Date Adopted: July 29, 2010.

Susan N. Dreyfus
Secretary

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 10-17 issue of the Register.

WSR 10-16-086
PERMANENT RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 30, 2010, 11:32 a.m., effective September 1, 2010]

Effective Date of Rule: September 1, 2010.

Purpose: The purpose of this proposal is to update the department's administrative rules with new administrative factors provided by the state actuary.

Citation of Existing Rules Affected by this Order: Amending WAC 415-02-177, 415-02-300, 415-02-310, 415-02-320, 415-02-340, 415-02-345, 415-02-350, 415-02-360, 415-02-380, 415-103-215, and 415-111-320.

Statutory Authority for Adoption: RCW 41.50.050(5).

Adopted under notice filed as WSR 10-13-149, 10-13-150, 10-13-151, 10-13-152, 10-13-154, and 10-13-155 on June 23, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 11, Repealed 0.

Date Adopted: July 30, 2010.

Steve Hill
Director

AMENDATORY SECTION (Amending WSR 06-16-043, filed 7/26/06, effective 8/26/06)

WAC 415-02-177 May I purchase additional service credit? (1) What is the option for purchasing additional service credit? The following statutes provide an option for eligible members to purchase additional service credit that provides a guaranteed, lifetime increase to their monthly retirement (~~(allowance)~~) benefit:

- (a) (~~(Section 5, chapter 214, Laws of 2006)~~) RCW 41.26.199 for LEOFF Plan 1 members;
- (b) RCW 41.26.432 for LEOFF Plan 2 members;
- (c) (~~(Section 1, chapter 214, Laws of 2006)~~) RCW 41.40.034 for PERS Plan 1, 2, and 3 members;
- (d) (~~(Section 4, chapter 214, Laws of 2006)~~) RCW 41.37.265 for PSERS Plan 2 members;
- (e) (~~(Section 3, chapter 214, Laws of 2006)~~) RCW 41.35.183 for SERS Plan 2 and 3 members;
- (f) (~~(Section 2, chapter 214, Laws of 2006)~~) RCW 41.32.066 for TRS Plan 1, 2, and 3 members; and
- (g) (~~(Section 6, chapter 214, Laws of 2006)~~) RCW 43.43.233 for WSPRS Plan 1 and 2 members.

(2) Am I eligible to purchase additional service credit?

(a) You may purchase additional service credit if you are eligible to retire from one or more of the following plans and you (~~(take your benefit as)~~) elect a monthly (~~(allowance)~~) benefit rather than a lump sum payment:

- (i) LEOFF Plan 1 or 2 under RCW 41.26.090 or 41.26.430;
- (ii) PERS Plan 1, 2 or 3 under RCW 41.40.180, 41.40.630, or 41.40.820;
- (iii) PSERS Plan 2 under RCW 41.37.210;
- (iv) SERS Plan 2 or 3 under RCW 41.35.420 or 41.35.680;

$$\begin{aligned}
 \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{AFC} \times \text{early retirement factor} \\
 &= 2\% \times 5 \text{ years} \times \$4000 \times ((-7300000)) \underline{.7240000} \\
 &= ((\$292)) \underline{\$289.60}
 \end{aligned}$$

~~(TRS Plan 3)~~ **Example 2 (TRS Plan 3):** Jane is a member of TRS Plan 3. She applies for retirement, effective the first month after her 62nd birthday. Her AFC is \$4000 per month. If she purchases sixty months of additional service credit, her monthly retirement (~~(allowance)~~) benefit will increase by ~~((\\$146))~~ \$144.80 per month, calculated as follows:

Additional service credit: 60 months ÷ 12 = 5 years
Early retirement factor (WAC 415-02-320(5)): ~~((-7300000))~~ .7240000

$$\begin{aligned}
 \text{Amount of increase} &= 1\% \times \text{additional service credit years} \times \text{AFC} \times \text{early retirement factor} \\
 &= 1\% \times 5 \text{ years} \times \$4000 \times ((-7300000)) \underline{.7240000} \\
 &= ((\$146)) \underline{\$144.80}
 \end{aligned}$$

~~(LEOFF Plan 2)~~ **Example 3 (LEOFF Plan 2):** Jim is a member of LEOFF Plan 2. He applies for retirement, effective the first month after his 53rd birthday. His FAS is \$4000 per month. If he purchases sixty months of additional service credit, his monthly retirement (~~(allowance)~~) benefit will increase by \$400 per month, calculated as follows:

Additional service credit: 60 months ÷ 12 = 5 years

(v) TRS Plan 1, 2, or 3 under RCW 41.32.480, 41.32.-765, or 41.32.875; or

(vi) WSPRS Plan 1 or 2 under RCW 43.43.250.

(b) If you retire as a result of a disability, you may purchase additional service credit if you meet the requirements in (a) of this section.

(3) How much additional service credit may I purchase? If you are eligible, you may purchase from one to sixty months of additional service credit in whole month increments.

(4) May I use the additional purchased service credit to qualify for normal retirement(~~(, or to qualify for the three percent reduction instead of the actuarial reduction for)) or an early retirement?~~ No. You may not use the purchased service credit to qualify for normal retirement or to qualify for (~~(a three percent reduction factor instead of an actuarial reduction for))~~ an early retirement.

(5) When must I apply to purchase additional service credit? You must submit your request to purchase additional service credit to the department at the same time you submit your application for retirement.

(6) How much will my monthly retirement (~~(allow-ance)) benefit increase if I purchase additional service credit?~~ The increase in your monthly retirement (~~(allow-ance)) benefit~~ will be calculated using the benefit formula for your system and plan, with a reduction for early retirement, if applicable. (~~(If your monthly allowance will be reduced for early retirement, the same early reduction factor will be used to calculate the increase due to the additional service credit.~~

PERS Plan 2) Example 1 (PERS Plan 2): John is a member of PERS Plan 2. He applies for retirement, effective the first month after his 62nd birthday. His AFC is \$4000 per month. If he purchases sixty months of additional service credit, his monthly retirement (~~(allowance)~~) benefit will increase by ~~((\\$292))~~ \$289.60 per month, calculated as follows:

Additional service credit: 60 months ÷ 12 = 5 years
Early retirement factor (WAC 415-02-320(5)): ~~((-7300000))~~ .7240000

$$\begin{aligned}
 \text{Amount of increase} &= 2\% \times \text{additional service credit years} \times \text{FAS} \\
 &= 2\% \times 5 \text{ years} \times \$4000 \\
 &= \$400
 \end{aligned}$$

(7) **How is the cost of the additional purchased service credit calculated?** The cost to purchase additional service credit is calculated by dividing the amount of the increase in subsection (6) of this section by the age-based annuity factor in WAC 415-02-340.

Example. In subsection (6) of this section, Example 1, it was determined that John's retirement ((allowance)) benefit would increase by ((~~\$292~~)) \$289.60 per month. The cost to purchase the five years of additional service credit would be ((~~\$43,558.68~~)) \$44,542.88, calculated as follows:

$$\begin{aligned}
 \text{Age-based annuity factor (WAC 415-02-340):} & \quad .0065016 \\
 \text{Cost} &= \text{Amount of increase} \div \text{age-based annuity factor} \\
 &= ((\del{\$292})) \text{ } \$289.60 \div ((\del{.0067036})) \text{ } .0065016 \\
 &= ((\del{\$43,558.68})) \text{ } \underline{\$44,542.88}
 \end{aligned}$$

(8) **How and when do I pay for the additional service credit?** The department will generate a bill to you for the cost of the additional service credit.

(a) Payment may be made with an eligible rollover, a direct rollover or a trustee-to-trustee transfer, if allowed by the transferring plan. ~~((You))~~ Payment may also ~~((use))~~ be made with after-tax dollars, such as ~~((those))~~ money from a personal savings account~~((s))~~. However, IRS regulations limit the amount of after-tax dollars you ~~((can use for this type of purchase))~~ may use to purchase additional service credit.

(b) Payment must be made in full within ninety days after the bill issue date.

(9) **If I choose a benefit option with a survivor feature, will my survivor beneficiary's monthly ((allowance)) benefit reflect the additional purchased service credit?** Yes. Depending upon the rules for your retirement system and plan and the benefit option you choose at retirement, your survivor beneficiary's monthly ((allowance)) benefit will be a percentage of the gross monthly retirement ((allowance)) benefit you were receiving at the time of your death. If you choose a benefit option with a survivor feature and your survivor beneficiary dies before you, your monthly retirement ((allowance)) benefit will increase to the amount it would have been had you not selected a survivor option.

(10) **Will I receive a cost of living adjustment (COLA) on the portion of my ((allowance)) benefit that is based on the additional purchased service credit?**

(a) For all systems and plans, ~~except ((PERS Plan 1 and TRS Plan 1))~~ as noted in (b) of this subsection, your COLA will be based on your gross monthly retirement ((allowance)) benefit, including the increase due to the purchased service credit.

(b) If you ~~((retired))~~ retire from PERS Plan 1 or TRS Plan 1 and you ~~((did not elect the COLA option))~~ do not elect the optional auto COLA, you will not receive a COLA on the additional purchased service credit amount.

(11) **If I purchase additional service credit and then return to work, how will my retirement ((allowance)) benefit be affected?**

(a) If you return to work ~~((and))~~ with an employer that participates with the department:

(i) Elect to return to membership - Your entire retirement ((allowance)) benefit is suspended, including the portion of

your retirement ((allowance)) benefit attributable to service credit purchased under this section ~~((will also be suspended. When your retirement allowance resumes, the portion attributable to service credit purchased under this section will also resume)).~~

(ii) Do not elect to return to membership - If your retirement benefit is suspended due to working over the hours allowed annually, the portion of your retirement benefit attributable to service credit purchased under this section will not be suspended.

(b) If you return to work with an employer that does not participate with the department, your retirement benefit and the portion of your retirement benefit attributable to service credit purchased under this section will not be suspended.

(12) **If I retire and purchase less than sixty months of additional service credit, may I purchase more at a later time?** If you retire and purchase less than sixty months of additional service credit, you may not purchase additional months of service credit from the same plan unless you return to membership and reretire from the same system and plan. You must meet the eligibility requirements provided in subsection (2) of this section at the time you reretire. You may not purchase more than a total of sixty months of service credit regardless of how many times you reretire from the same system and plan.

(13) **May I purchase service credit from more than one retirement plan?**

(a) If you are a dual member under chapter 415-113 WAC, Portability of public employment benefits, and you combine service credit to retire ~~((from two retirement plans))~~ as a dual member, you may purchase up to sixty months of additional service credit from each of your dual member plans.

(b) If you retire from more than one plan, but are not a dual member under chapter 415-113 WAC, you may purchase up to sixty months of additional service credit from each plan in which you meet the eligibility requirements in subsection (2) of this section.

(14) ~~((Will the money I paid to purchase the additional service credit be distributed to my beneficiary or estate if I die?))~~

(a) If you have a survivor beneficiary at the time of your death, your survivor beneficiary will receive a monthly allowance according to subsection (9) of this section.

(b) 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 (including the money you paid for additional service credit):

(i) ~~Plan 1 members:~~ The balance will be distributed according to RCW 41.26.160 and 41.26.161 (LEOFF), 41.40.188 (PERS), 41.32.530 (TRS), or WAC 415-103-215 (WSPRS):

(ii) ~~Plan 2 members and PSERS:~~ The balance will be distributed according to RCW 41.26.460 (LEOFF), 41.40.660 (PERS), 41.35.220 (SERS), 41.37.170 (PSERS), 41.32.785 or 41.32.790 (TRS), or 43.43.271 (WSPRS):

(iii) ~~Plan 3 members:~~ The balance will be retained by the Plan 3 trust fund. Money paid for additional service credit is posted directly to the Plan 3 trust fund to cover the increased cost of defined benefits, and is not distributable.)

How are the funds I paid to purchase the additional service credit treated upon my death (and the death of my survivor beneficiary, if applicable)?

(a) Plans 1 and 2. The amount paid to purchase the additional service credit is credited to your individual account as part of your accumulated contributions. Distribution of accumulated contributions after your death (and the death of your survivor beneficiary, if any) is governed by the statutes and rules applicable to your plan. See:

(i) WAC 415-108-326 for PERS Plan 1 and 2:

(ii) WAC 415-112-504(8) for TRS Plan 1:

(iii) WAC 415-112-505(7) for TRS Plan 2:

(iv) WAC 415-110-610(7) for SERS Plan 2:

(v) WAC 415-106-600(7) for PSERS Plan 2:

(vi) WAC 415-103-215 for WSPRS Plan 1:

(vii) WAC 415-103-225(7) for WSPRS Plan 2:

(viii) WAC 415-104-202 for LEOFF Plan 1: or

(ix) WAC 415-104-215(7) for LEOFF Plan 2.

(b) Plan 3. The amount paid to purchase the additional service credit is credited to the Plan 3 trust fund and not to your member account. There are no circumstances under which the amount will be distributed upon your death.

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

WAC 415-02-300 How does the department use actuarial tables, schedules, and factors? (1) The department uses actuarial tables, schedules, and factors ~~((to calculate optional retirement allowances))~~ for, but not limited to, benefit calculations, annuitizing benefits, and calculating cost to purchase service credit for members, retirees, and beneficiaries.

(2) The department adopted ~~((these))~~ tables, schedules, and factors upon the office of the state actuary's (OSA) recommendation, following OSA's investigation into the mortality, service, compensation, and other experience of retirement plan members, retirees, and beneficiaries.

(3) ~~((These))~~ The tables, schedules, and factors may be amended from time to time, based upon subsequent actuarial investigation.

(4) The department uses the tables, schedules, and factors:

(a) In effect at the time of the member's effective retirement date to calculate the member's retirement ((allowance)) benefit.

~~((5)) The department will use these tables, schedules, and factors to process any payments when there is a death in service.~~

(6) ~~The tables, schedules, and factors in this chapter apply to the calculation of retirement allowances for those who retire on or after September 1, 2002, (until subsequent amendment):)~~

(b) In effect at the time of the annuitizing to calculate an annuitized benefit.

(c) In effect at the time of purchase to determine a member's cost to purchase service credit.

AMENDATORY SECTION (Amending WSR 08-20-068, filed 9/25/08, effective 10/26/08)

WAC 415-02-310 How does the department use my age in calculating benefits? This section provides an overview of the several different ways in which the department uses age in calculating benefits. The department may use your age to determine your retirement date, early retirement factors to apply, survivor factors, or ~~((cost of living))~~ cost-of-living (COLA) adjustment factors.

(1) **Present value:** The department uses a rounding method to determine your age when calculating what your future lifetime monthly benefit is worth in present-day dollars. If the number of months in your age is under six months, the department will round down. If the number is six months or more, the department will round up. See WAC 415-02-340 for more information about the present value calculations.

Example 1:

At the time that the department is calculating Sharon's age in making a present value calculation, Sharon is 55 years, 5 months and 26 days old. The department will round down and use 55 as Sharon's age.

Example 2:

At the time that the department is calculating Donna's age in making a present value calculation, Donna is 54 years and 7 months old. The department will round up and use 55 as Donna's age.

(2) **Early retirement:** The department uses the difference between ~~((your "fully eligible retirement date" and your actual retirement date in calculating any actuarial reductions to your benefits))~~ the date you are eligible for normal retirement and your date of actual retirement to calculate any actuarial reduction to your benefit. See WAC 415-02-320 for more information about early retirement.

(a) **Step 1: ~~((Determine the fully eligible retirement date.))~~ The department determines the date you are eligible for normal retirement.**

(i) ~~((The department first calculates the date on which you would have been fully eligible to retire.~~

~~((ii))~~ **All plans** (except for LEOFF Plan 1, TRS Plan 1, WSPRS Plans 1 and 2, JRF and JRS): You can retire the first day of the month following your meeting the age requirement for retirement if you are otherwise eligible.

Example: Jake was born on May 12, ~~((1934))~~ 1941. On May 12, ~~((1999))~~ 2006, Jake ~~((reaches))~~ reached age 65 and ~~((has))~~ met the age requirement for retirement. Provided that he is otherwise eligible, Jake's retirement date is June 1, ~~((1999))~~ 2006.

~~((iii))~~ **(ii) LEOFF Plan 1, TRS Plan 1, WSPRS Plans 1 and 2, JRF, and JRS:** If a retirement date other than the first of the month is allowed, you can retire on the day you meet the age requirement, or the following day (depending on the plan).

Example: If Jake is a member of this type of plan, he could retire May 12th or 13th, ~~((1999))~~ 2006 (his birthday or the day after his birthday).

~~(b) Step 2: ((Determine the difference. The department next calculates the difference between your fully eligible retirement date and your actual retirement date by subtracting the actual retirement year and month from the fully eligible retirement year and month. (Days are not used in the calculation.))~~

~~(i) Example:~~

Fully eligible date: 06/01/99
 Minus actual retirement date: 08/01/95
 Difference: 3 years, 10 months

~~(ii) Example:~~

Fully eligible date: 05/25/99
 Minus actual retirement date: 08/01/95
 Difference: 3 years, 9 months

The department determines the difference between the date you are eligible for normal retirement and your date of actual retirement as follows:

(i) Example 1:

Date of eligibility for normal retirement: 06/01/06
Date of actual retirement: 08/01/02
Determination of full years: 08/01/02 to 07/31/05 is 3 years
Determination of full months: 08/01/05 to 05/31/06 is 10 months
 Difference is: 3 years, 10 months

(ii) Example 2:

Date of eligibility for normal retirement: 05/13/06
Date of actual retirement: 08/01/02
Determination of full years: 08/01/02 to 07/31/05 is 3 years
Determination of full months: 08/01/05 to 04/30/06 is 9 months
Additional days are not considered: 05/01/06 to 05/13/06 are not considered
 Difference is: 3 years, 9 months

(c) Step 3: Determine the early retirement factor. The department uses the difference calculated in step 2 to determine the early retirement factor ~~((ERF))~~ used to calculate your benefit as described in WAC 415-02-320.

(3) Optional COLA factor for PERS Plan 1 and TRS Plan 1. The department uses the rounding method described in the "present value" subsection in this section to calculate

your age when determining the optional COLA factor. See WAC 415-02-360 for a description of the optional COLA factor calculation.

(4) Calculating age to use in determining the survivor option factor. At retirement, if you select a survivor option, the department must calculate the difference between your age and your survivor beneficiary's age. See WAC 415-02-380 for more information about survivor options.

(a) Step 1: The department calculates your age and your survivor beneficiary's age at the time of your retirement.

(b) Step 2: The department rounds the ages, using the same method described in the "present value" subsection in this section.

(c) Step 3: The department subtracts your survivor beneficiary's age from your age.

Example:

Member's age:	60
Minus <u>survivor</u> beneficiary's age:	49
	11

Result: The department will use the survivor option factor for a survivor beneficiary who is 11 years younger than the member.

Example:

Member's age:	65
Minus <u>survivor</u> beneficiary's age:	67
	-2

Result: The department will use the survivor option factor for a survivor beneficiary who is two years older than the member.

(5) Terms used

- (a) JRF - Judicial retirement fund.
- (b) JRS - Judicial retirement system.
- (c) LEOFF - Law enforcement officers' and firefighters' retirement system.
- (d) PERS - Public employees' retirement system.
- (e) SERS - School employees' retirement system.
- (f) TRS - Teachers' retirement system.
- (g) WSPRS - Washington state patrol retirement system.

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

WAC 415-02-320 Early retirement factors. (1) What are early retirement factors ~~((ERF))~~? ~~((The department uses an early retirement factor (ERF) to actuarially reduce a member's or beneficiary's monthly allowance if the monthly allowance begins before the member meets the age requirement for an unreduced retirement benefit. This reduction offsets the cost of paying the monthly allowance for a longer period of time.))~~

~~((4))~~ Early retirement factors (ERFs) are used by the department to reduce a monthly retirement benefit when that payment begins before the member has qualified for normal retirement based on age and service. This reduction offsets the cost to the plan of paying the monthly benefit for a longer time.

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

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

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

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

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

	Early Retirement	Disability Retirement	Death Prior to Retirement
LEOFF Plan 1:	N/A	N/A	N/A
LEOFF Plan 2:	RCW 41.26.430	RCW 41.26.470	RCW 41.26.510
PERS Plan 1:	N/A	N/A	RCW 41.40.270
PERS Plan 2:	RCW 41.40.630	RCW 41.40.670	RCW 41.40.700
PERS Plan 3:	RCW 41.40.820	RCW 41.40.825	RCW 41.40.835 ((and 41.34.070))
PSERS:	N/A	RCW 41.37.230	RCW 41.37.250
SERS Plan 2:	RCW 41.35.420	RCW 41.35.440	RCW 41.35.460
SERS Plan 3:	RCW 41.35.680	RCW 41.35.690	RCW 41.35.710
TRS Plan 1:	N/A	N/A	RCW 41.32.520
TRS Plan 2:	RCW 41.32.765	RCW 41.32.790	RCW 41.32.805
TRS Plan 3:	RCW 41.32.875	RCW 41.32.880	RCW 41.32.895 ((and 41.34.070))
WSPRS Plan 1:	RCW 43.43.280	N/A	N/A
WSPRS Plan 2:	RCW 43.43.280	N/A	RCW 43.43.295

~~((2))~~ **(3) How does the department determine the number of years on which to base the ERF?** The calculation varies among plans:

~~((TRS Plan 1 only: The ERF used to calculate your beneficiary's monthly allowance if you die before retirement is based on the number of years between the age at which you die and the age at which you would have first become eligible to retire under RCW 41.32.480. See RCW 41.32.520.))~~ ERFs are based on the number of years between the age at which you retire, or die, and the age at which you would have qualified for normal retirement based on age and service.

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

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

The difference between Sandy's age now (56) and the age at which she would have qualified for normal retirement (age 65) is 8 years and 11 months. The corresponding ERF is 0.3987. Therefore, the department will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x 0.3987 (ERF). Sandy's monthly retirement benefit will be \$589.16.

(b) WSPRS Plan 2 only: The ERF used to calculate your ~~((beneficiary's))~~ survivor's monthly ~~((allowance))~~ benefit if you die before retirement is based on the number of years between the age at which you die and age fifty-five (55) or when you could have attained twenty-five (25) years of service, whichever is less. See RCW 43.43.295.

Example - early retirement: The survivor benefit, in this example, will also have a reduction applied for 100% joint and survivor option, based on the difference between John's age and his survivor's age.

John, a WSPRS Plan 2 member dies prior to retirement. John is age 40 and has 15 years of service at the time of his death. John's Average Final Salary (AFS) is \$4,000. John's surviving spouse is also age 40.

Since John would have attained 25 years of service before he would have attained age 55, the ERF used to calculate his survivor's benefit will be based on the 10 years it would have taken him to reach 25 years of service. The corresponding ERF for 10 years early retirement is 0.403. The corresponding joint and survivor (J&S) factor that will also be applied to the benefit is 0.889.

Therefore, the department will multiply John's AFS of \$4,000 x .02 x 15 (service credit years) x 0.403 (ERF) x 0.889 (J&S). John's survivor will receive a monthly benefit of \$429.92.

(c) ~~((All other ERFs are based on number of years between the age at which you retire, or die, and the age at~~

which you would have been eligible to retire with an unreduced retirement allowance.

(3) Examples:

(a) Early retirement:

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

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

The difference between Sandy's age now (56) and the age at which she would receive an unreduced monthly allowance (65) is 8 years and 11 months. The corresponding ERF is .4025. Therefore, the department will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x .4025 (ERF). Sandy's monthly retirement allowance will be \$594.77.

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

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

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

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

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

The department will multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x .8530 (ERF) x .913 (the Option 2 factor). Karen's monthly allowance will be \$1,144.65.)) TRS Plan 1 only: The ERF used to calculate your survivor's monthly benefit if you die before retirement is based on the number of years between the age at which you die and the age at which you would have first become eligible to retire under RCW 41.32.480. See RCW 41.32.520.

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

TRS Plan 1 provides an unreduced benefit (i.e., normal retirement) at age 55 with 25 years of service credit.

Robert's wife, Karen, will receive an actuarially reduced benefit based on the date Robert would have first qualified for an unreduced benefit (i.e., normal retirement). If Robert had continued in service, he would have met eligibility requirements in one year and 10 months, when he earned 25 years of service credit. The ERF for one year and 10 months is 0.8410.

Karen's monthly benefit will be further reduced by the Option 2 survivor factor, which is based on the age difference between her and Robert. Karen is age 58, two years older than Robert. The Option 2 survivor factor for a beneficiary two years older is 0.918 (see WAC 415-02-380(12)).

The department will multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x 0.8410 (ERF) x 0.918 (the Option 2 factor). Karen's monthly benefit will be \$1,134.73.

(4) Table - (~~Early retirement factors (ERF)~~ for LEOFF Plan 2, WSP Plan 2, PERS Plan 1, TRS Plan 1, and WSP Plan 1 and 2 vested/terminated members:)) This table contains the early retirement factors (ERFs) for members who retire from active service in PERS Plan 1, TRS Plan 1, and WSPRS Plan 2. The ERFs are effective September 1, 2010.

(Yrs- Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9933	.9866	.9799	.9732	.9665	.9598	.9531	.9464	.9397	.9330	.9263
1	.9200	.9133	.9066	.8999	.8932	.8865	.8798	.8731	.8664	.8597	.8530	.8463
2	.8400	.8333	.8266	.8199	.8132	.8065	.7998	.7931	.7864	.7797	.7730	.7663
3	.7600	.7538	.7516	.7474	.7432	.7390	.7348	.7306	.7264	.7222	.7180	.7138
4	.7100	.7058	.7016	.6974	.6932	.6890	.6848	.6806	.6764	.6722	.6680	.6638
5	.6600	.6558	.6516	.6474	.6432	.6390	.6348	.6306	.6264	.6222	.6180	.6138
6	.6100	.6058	.6016	.5974	.5932	.5890	.5848	.5806	.5764	.5722	.5680	.5638
7	.5600	.5558	.5516	.5474	.5432	.5390	.5348	.5306	.5264	.5222	.5180	.5138
8	.5100	.5067	.5034	.5001	.4968	.4935	.4902	.4869	.4836	.4803	.4770	.4737
9	.4700	.4667	.4634	.4601	.4568	.4535	.4502	.4469	.4436	.4403	.4370	.4337
10	.4300	.4267	.4234	.4201	.4168	.4135	.4102	.4069	.4036	.4003	.3970	.3937
11	.3900	.3867	.3834	.3801	.3768	.3735	.3702	.3669	.3636	.3603	.3570	.3537
12	.3500	.3467	.3434	.3401	.3368	.3335	.3302	.3269	.3236	.3203	.3170	.3137
13	.3100	.3083	.3066	.3049	.3032	.3015	.2998	.2981	.2964	.2947	.2930	.2913
14	.2900	.2883	.2866	.2849	.2832	.2815	.2798	.2781	.2764	.2747	.2730	.2713
15	.2700	.2683	.2666	.2649	.2632	.2615	.2598	.2581	.2564	.2547	.2530	.2513
16	.2500	.2483	.2466	.2449	.2432	.2415	.2398	.2381	.2364	.2347	.2330	.2313
17	.2300	.2283	.2266	.2249	.2232	.2215	.2198	.2181	.2164	.2147	.2130	.2113
18	.2100	.2092	.2084	.2076	.2068	.2060	.2052	.2044	.2036	.2028	.2020	.2012
19	.2000	.1992	.1984	.1976	.1968	.1960	.1952	.1944	.1936	.1928	.1920	.1912
20	.1900	.1892	.1884	.1876	.1868	.1860	.1852	.1844	.1836	.1828	.1820	.1812

(Yrs- Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
21	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
22	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
23	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
24	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
25	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
26	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
27	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
28	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.0000	.9924	.9848	.9772	.9696	.9620	.9544	.9468	.9392	.9316	.9240	.9164
1	.9090	.9022	.8954	.8886	.8818	.8750	.8682	.8614	.8546	.8478	.8410	.8342
2	.8270	.8209	.8148	.8087	.8026	.7965	.7904	.7843	.7782	.7721	.7660	.7599
3	.7540	.7485	.7430	.7375	.7320	.7265	.7210	.7155	.7100	.7045	.6990	.6935
4	.6880	.6830	.6780	.6730	.6680	.6630	.6580	.6530	.6480	.6430	.6380	.6330
5	.6280	.6235	.6190	.6145	.6100	.6055	.6010	.5965	.5920	.5875	.5830	.5785
6	.5740	.5698	.5656	.5614	.5572	.5530	.5488	.5446	.5404	.5362	.5320	.5278
7	.5240	.5203	.5166	.5129	.5092	.5055	.5018	.4981	.4944	.4907	.4870	.4833
8	.4800	.4767	.4734	.4701	.4668	.4635	.4602	.4569	.4536	.4503	.4470	.4437
9	.4400	.4369	.4338	.4307	.4276	.4245	.4214	.4183	.4152	.4121	.4090	.4059
10	.4030	.4002	.3974	.3946	.3918	.3890	.3862	.3834	.3806	.3778	.3750	.3722
11	.3690	.3665	.3640	.3615	.3590	.3565	.3540	.3515	.3490	.3465	.3440	.3415
12	.3390	.3367	.3344	.3321	.3298	.3275	.3252	.3229	.3206	.3183	.3160	.3137
13	.3110	.3088	.3066	.3044	.3022	.3000	.2978	.2956	.2934	.2912	.2890	.2868
14	.2850	.2831	.2812	.2793	.2774	.2755	.2736	.2717	.2698	.2679	.2660	.2641
15	.2620	.2603	.2586	.2569	.2552	.2535	.2518	.2501	.2484	.2467	.2450	.2433
16	.2410	.2393	.2376	.2359	.2342	.2325	.2308	.2291	.2274	.2257	.2240	.2223
17	.2210	.2195	.2180	.2165	.2150	.2135	.2120	.2105	.2090	.2075	.2060	.2045
18	.2030	.2017	.2004	.1991	.1978	.1965	.1952	.1939	.1926	.1913	.1900	.1887
19	.1870	.1857	.1844	.1831	.1818	.1805	.1792	.1779	.1766	.1753	.1740	.1727
20	.1710	.1699	.1688	.1677	.1666	.1655	.1644	.1633	.1622	.1611	.1600	.1589
21	.1580	.1569	.1558	.1547	.1536	.1525	.1514	.1503	.1492	.1481	.1470	.1459
22	.1450	.1440	.1430	.1420	.1410	.1400	.1390	.1380	.1370	.1360	.1350	.1340
23	.1330	.1322	.1314	.1306	.1298	.1290	.1282	.1274	.1266	.1258	.1250	.1242
24	.1230	.1222	.1214	.1206	.1198	.1190	.1182	.1174	.1166	.1158	.1150	.1142
25	.1130	.1123	.1116	.1109	.1102	.1095	.1088	.1081	.1074	.1067	.1060	.1053
26	.1040	.1037	.1034	.1031	.1028	.1025	.1022	.1019	.1016	.1013	.1010	.1007
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30+	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

(5) ~~Table - ((Early retirement factors (ERF)))~~ The following early retirement factors (ERFs) for PERS Plans 2 and 3, ~~((PSERS,))~~ SERS Plans 2 and 3, and TRS Plans 2 and 3 ~~(, and PERS Plan 1 vested/terminated members:))~~ are effective September 1, 2010.

((Yrs- Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9925	.9850	.9775	.9700	.9625	.9550	.9475	.9400	.9325	.9250	.9175
1	.9100	.9025	.8950	.8875	.8800	.8725	.8650	.8575	.8500	.8425	.8350	.8275
2	.8200	.8125	.8050	.7975	.7900	.7825	.7750	.7675	.7600	.7525	.7450	.7375
3	.7300	.7250	.7200	.7150	.7100	.7050	.7000	.6950	.6900	.6850	.6800	.6750
4	.6700	.6650	.6600	.6550	.6500	.6450	.6400	.6350	.6300	.6250	.6200	.6150
5	.6100	.6050	.6000	.5950	.5900	.5850	.5800	.5750	.5700	.5650	.5600	.5550
6	.5500	.5450	.5400	.5350	.5300	.5250	.5200	.5150	.5100	.5050	.5000	.4950
7	.4900	.4850	.4800	.4750	.4700	.4650	.4600	.4550	.4500	.4450	.4400	.4350
8	.4300	.4275	.4250	.4225	.4200	.4175	.4150	.4125	.4100	.4075	.4050	.4025
9	.4000	.3975	.3950	.3925	.3900	.3875	.3850	.3825	.3800	.3775	.3750	.3725
10	.3700	.3675	.3650	.3625	.3600	.3575	.3550	.3525	.3500	.3475	.3450	.3425
11	.3400	.3375	.3350	.3325	.3300	.3275	.3250	.3225	.3200	.3175	.3150	.3125
12	.3100	.3075	.3050	.3025	.3000	.2975	.2950	.2925	.2900	.2875	.2850	.2825
13	.2800	.2783	.2766	.2749	.2732	.2715	.2698	.2681	.2664	.2647	.2630	.2613
14	.2600	.2583	.2566	.2549	.2532	.2515	.2498	.2481	.2464	.2447	.2430	.2413
15	.2400	.2383	.2366	.2349	.2332	.2315	.2298	.2281	.2264	.2247	.2230	.2213
16	.2200	.2183	.2166	.2149	.2132	.2115	.2098	.2081	.2064	.2047	.2030	.2013
17	.2000	.1983	.1966	.1949	.1932	.1915	.1898	.1881	.1864	.1847	.1830	.1813
18	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
19	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
20	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
21	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
22	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
23	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
24	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
25	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
26	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
41	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
42	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
43	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
44	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
45	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

<u>Yrs Early</u>	<u>Month 0</u>	<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>	<u>Month 7</u>	<u>Month 8</u>	<u>Month 9</u>	<u>Month 10</u>	<u>Month 11</u>
<u>0</u>	<u>1.0000</u>	<u>.9913</u>	<u>.9826</u>	<u>.9739</u>	<u>.9652</u>	<u>.9565</u>	<u>.9478</u>	<u>.9391</u>	<u>.9304</u>	<u>.9217</u>	<u>.9130</u>	<u>.9043</u>
<u>1</u>	<u>.8960</u>	<u>.8884</u>	<u>.8808</u>	<u>.8732</u>	<u>.8656</u>	<u>.8580</u>	<u>.8504</u>	<u>.8428</u>	<u>.8352</u>	<u>.8276</u>	<u>.8200</u>	<u>.8124</u>
<u>2</u>	<u>.8050</u>	<u>.7983</u>	<u>.7916</u>	<u>.7849</u>	<u>.7782</u>	<u>.7715</u>	<u>.7648</u>	<u>.7581</u>	<u>.7514</u>	<u>.7447</u>	<u>.7380</u>	<u>.7313</u>
<u>3</u>	<u>.7240</u>	<u>.7180</u>	<u>.7120</u>	<u>.7060</u>	<u>.7000</u>	<u>.6940</u>	<u>.6880</u>	<u>.6820</u>	<u>.6760</u>	<u>.6700</u>	<u>.6640</u>	<u>.6580</u>

<u>Yrs Early</u>	<u>Month 0</u>	<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>	<u>Month 7</u>	<u>Month 8</u>	<u>Month 9</u>	<u>Month 10</u>	<u>Month 11</u>
<u>4</u>	<u>.6520</u>	<u>.6467</u>	<u>.6414</u>	<u>.6361</u>	<u>.6308</u>	<u>.6255</u>	<u>.6202</u>	<u>.6149</u>	<u>.6096</u>	<u>.6043</u>	<u>.5990</u>	<u>.5937</u>
<u>5</u>	<u>.5880</u>	<u>.5833</u>	<u>.5786</u>	<u>.5739</u>	<u>.5692</u>	<u>.5645</u>	<u>.5598</u>	<u>.5551</u>	<u>.5504</u>	<u>.5457</u>	<u>.5410</u>	<u>.5363</u>
<u>6</u>	<u>.5310</u>	<u>.5268</u>	<u>.5226</u>	<u>.5184</u>	<u>.5142</u>	<u>.5100</u>	<u>.5058</u>	<u>.5016</u>	<u>.4974</u>	<u>.4932</u>	<u>.4890</u>	<u>.4848</u>
<u>7</u>	<u>.4810</u>	<u>.4772</u>	<u>.4734</u>	<u>.4696</u>	<u>.4658</u>	<u>.4620</u>	<u>.4582</u>	<u>.4544</u>	<u>.4506</u>	<u>.4468</u>	<u>.4430</u>	<u>.4392</u>
<u>8</u>	<u>.4350</u>	<u>.4317</u>	<u>.4284</u>	<u>.4251</u>	<u>.4218</u>	<u>.4185</u>	<u>.4152</u>	<u>.4119</u>	<u>.4086</u>	<u>.4053</u>	<u>.4020</u>	<u>.3987</u>
<u>9</u>	<u>.3950</u>	<u>.3919</u>	<u>.3888</u>	<u>.3857</u>	<u>.3826</u>	<u>.3795</u>	<u>.3764</u>	<u>.3733</u>	<u>.3702</u>	<u>.3671</u>	<u>.3640</u>	<u>.3609</u>
<u>10</u>	<u>.3580</u>	<u>.3553</u>	<u>.3526</u>	<u>.3499</u>	<u>.3472</u>	<u>.3445</u>	<u>.3418</u>	<u>.3391</u>	<u>.3364</u>	<u>.3337</u>	<u>.3310</u>	<u>.3283</u>
<u>11</u>	<u>.3260</u>	<u>.3235</u>	<u>.3210</u>	<u>.3185</u>	<u>.3160</u>	<u>.3135</u>	<u>.3110</u>	<u>.3085</u>	<u>.3060</u>	<u>.3035</u>	<u>.3010</u>	<u>.2985</u>
<u>12</u>	<u>.2960</u>	<u>.2938</u>	<u>.2916</u>	<u>.2894</u>	<u>.2872</u>	<u>.2850</u>	<u>.2828</u>	<u>.2806</u>	<u>.2784</u>	<u>.2762</u>	<u>.2740</u>	<u>.2718</u>
<u>13</u>	<u>.2690</u>	<u>.2670</u>	<u>.2650</u>	<u>.2630</u>	<u>.2610</u>	<u>.2590</u>	<u>.2570</u>	<u>.2550</u>	<u>.2530</u>	<u>.2510</u>	<u>.2490</u>	<u>.2470</u>
<u>14</u>	<u>.2450</u>	<u>.2432</u>	<u>.2414</u>	<u>.2396</u>	<u>.2378</u>	<u>.2360</u>	<u>.2342</u>	<u>.2324</u>	<u>.2306</u>	<u>.2288</u>	<u>.2270</u>	<u>.2252</u>
<u>15</u>	<u>.2230</u>	<u>.2214</u>	<u>.2198</u>	<u>.2182</u>	<u>.2166</u>	<u>.2150</u>	<u>.2134</u>	<u>.2118</u>	<u>.2102</u>	<u>.2086</u>	<u>.2070</u>	<u>.2054</u>
<u>16</u>	<u>.2040</u>	<u>.2025</u>	<u>.2010</u>	<u>.1995</u>	<u>.1980</u>	<u>.1965</u>	<u>.1950</u>	<u>.1935</u>	<u>.1920</u>	<u>.1905</u>	<u>.1890</u>	<u>.1875</u>
<u>17</u>	<u>.1860</u>	<u>.1846</u>	<u>.1832</u>	<u>.1818</u>	<u>.1804</u>	<u>.1790</u>	<u>.1776</u>	<u>.1762</u>	<u>.1748</u>	<u>.1734</u>	<u>.1720</u>	<u>.1706</u>
<u>18</u>	<u>.1690</u>	<u>.1678</u>	<u>.1666</u>	<u>.1654</u>	<u>.1642</u>	<u>.1630</u>	<u>.1618</u>	<u>.1606</u>	<u>.1594</u>	<u>.1582</u>	<u>.1570</u>	<u>.1558</u>
<u>19</u>	<u>.1550</u>	<u>.1538</u>	<u>.1526</u>	<u>.1514</u>	<u>.1502</u>	<u>.1490</u>	<u>.1478</u>	<u>.1466</u>	<u>.1454</u>	<u>.1442</u>	<u>.1430</u>	<u>.1418</u>
<u>20</u>	<u>.1410</u>	<u>.1400</u>	<u>.1390</u>	<u>.1380</u>	<u>.1370</u>	<u>.1360</u>	<u>.1350</u>	<u>.1340</u>	<u>.1330</u>	<u>.1320</u>	<u>.1310</u>	<u>.1300</u>
<u>21</u>	<u>.1290</u>	<u>.1281</u>	<u>.1272</u>	<u>.1263</u>	<u>.1254</u>	<u>.1245</u>	<u>.1236</u>	<u>.1227</u>	<u>.1218</u>	<u>.1209</u>	<u>.1200</u>	<u>.1191</u>
<u>22</u>	<u>.1180</u>	<u>.1172</u>	<u>.1164</u>	<u>.1156</u>	<u>.1148</u>	<u>.1140</u>	<u>.1132</u>	<u>.1124</u>	<u>.1116</u>	<u>.1108</u>	<u>.1100</u>	<u>.1092</u>
<u>23</u>	<u>.1080</u>	<u>.1074</u>	<u>.1068</u>	<u>.1062</u>	<u>.1056</u>	<u>.1050</u>	<u>.1044</u>	<u>.1038</u>	<u>.1032</u>	<u>.1026</u>	<u>.1020</u>	<u>.1014</u>
<u>24</u>	<u>.1010</u>	<u>.1009</u>	<u>.1008</u>	<u>.1007</u>	<u>.1006</u>	<u>.1005</u>	<u>.1004</u>	<u>.1003</u>	<u>.1002</u>	<u>.1001</u>	<u>.1000</u>	<u>.1000</u>
<u>25</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>
<u>26</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>
<u>27</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>
<u>28</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>
<u>29</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>
<u>30+</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>	<u>.1000</u>

(6) Table - The following table contains early retirement factors (ERFs) for members who do not retire from active service in PERS Plan 1, PSERS Plan 2, and WSPRS Plans 1 and 2. The ERFs are effective September 1, 2010.

<u>Yrs Early</u>	<u>Month 0</u>	<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>	<u>Month 7</u>	<u>Month 8</u>	<u>Month 9</u>	<u>Month 10</u>	<u>Month 11</u>
<u>0</u>	<u>1.0000</u>	<u>.9918</u>	<u>.9836</u>	<u>.9754</u>	<u>.9672</u>	<u>.9590</u>	<u>.9508</u>	<u>.9426</u>	<u>.9344</u>	<u>.9262</u>	<u>.9180</u>	<u>.9098</u>
<u>1</u>	<u>.9010</u>	<u>.8938</u>	<u>.8866</u>	<u>.8794</u>	<u>.8722</u>	<u>.8650</u>	<u>.8578</u>	<u>.8506</u>	<u>.8434</u>	<u>.8362</u>	<u>.8290</u>	<u>.8218</u>
<u>2</u>	<u>.8140</u>	<u>.8075</u>	<u>.8010</u>	<u>.7945</u>	<u>.7880</u>	<u>.7815</u>	<u>.7750</u>	<u>.7685</u>	<u>.7620</u>	<u>.7555</u>	<u>.7490</u>	<u>.7425</u>
<u>3</u>	<u>.7360</u>	<u>.7302</u>	<u>.7244</u>	<u>.7186</u>	<u>.7128</u>	<u>.7070</u>	<u>.7012</u>	<u>.6954</u>	<u>.6896</u>	<u>.6838</u>	<u>.6780</u>	<u>.6722</u>
<u>4</u>	<u>.6660</u>	<u>.6608</u>	<u>.6556</u>	<u>.6504</u>	<u>.6452</u>	<u>.6400</u>	<u>.6348</u>	<u>.6296</u>	<u>.6244</u>	<u>.6192</u>	<u>.6140</u>	<u>.6088</u>
<u>5</u>	<u>.6040</u>	<u>.5994</u>	<u>.5948</u>	<u>.5902</u>	<u>.5856</u>	<u>.5810</u>	<u>.5764</u>	<u>.5718</u>	<u>.5672</u>	<u>.5626</u>	<u>.5580</u>	<u>.5534</u>
<u>6</u>	<u>.5490</u>	<u>.5448</u>	<u>.5406</u>	<u>.5364</u>	<u>.5322</u>	<u>.5280</u>	<u>.5238</u>	<u>.5196</u>	<u>.5154</u>	<u>.5112</u>	<u>.5070</u>	<u>.5028</u>
<u>7</u>	<u>.4990</u>	<u>.4953</u>	<u>.4916</u>	<u>.4879</u>	<u>.4842</u>	<u>.4805</u>	<u>.4768</u>	<u>.4731</u>	<u>.4694</u>	<u>.4657</u>	<u>.4620</u>	<u>.4583</u>
<u>8</u>	<u>.4540</u>	<u>.4506</u>	<u>.4472</u>	<u>.4438</u>	<u>.4404</u>	<u>.4370</u>	<u>.4336</u>	<u>.4302</u>	<u>.4268</u>	<u>.4234</u>	<u>.4200</u>	<u>.4166</u>
<u>9</u>	<u>.4130</u>	<u>.4100</u>	<u>.4070</u>	<u>.4040</u>	<u>.4010</u>	<u>.3980</u>	<u>.3950</u>	<u>.3920</u>	<u>.3890</u>	<u>.3860</u>	<u>.3830</u>	<u>.3800</u>
<u>10</u>	<u>.3770</u>	<u>.3743</u>	<u>.3716</u>	<u>.3689</u>	<u>.3662</u>	<u>.3635</u>	<u>.3608</u>	<u>.3581</u>	<u>.3554</u>	<u>.3527</u>	<u>.3500</u>	<u>.3473</u>
<u>11</u>	<u>.3440</u>	<u>.3415</u>	<u>.3390</u>	<u>.3365</u>	<u>.3340</u>	<u>.3315</u>	<u>.3290</u>	<u>.3265</u>	<u>.3240</u>	<u>.3215</u>	<u>.3190</u>	<u>.3165</u>
<u>12</u>	<u>.3140</u>	<u>.3118</u>	<u>.3096</u>	<u>.3074</u>	<u>.3052</u>	<u>.3030</u>	<u>.3008</u>	<u>.2986</u>	<u>.2964</u>	<u>.2942</u>	<u>.2920</u>	<u>.2898</u>
<u>13</u>	<u>.2870</u>	<u>.2849</u>	<u>.2828</u>	<u>.2807</u>	<u>.2786</u>	<u>.2765</u>	<u>.2744</u>	<u>.2723</u>	<u>.2702</u>	<u>.2681</u>	<u>.2660</u>	<u>.2639</u>
<u>14</u>	<u>.2620</u>	<u>.2602</u>	<u>.2584</u>	<u>.2566</u>	<u>.2548</u>	<u>.2530</u>	<u>.2512</u>	<u>.2494</u>	<u>.2476</u>	<u>.2458</u>	<u>.2440</u>	<u>.2422</u>
<u>15</u>	<u>.2400</u>	<u>.2383</u>	<u>.2366</u>	<u>.2349</u>	<u>.2332</u>	<u>.2315</u>	<u>.2298</u>	<u>.2281</u>	<u>.2264</u>	<u>.2247</u>	<u>.2230</u>	<u>.2213</u>
<u>16</u>	<u>.2190</u>	<u>.2175</u>	<u>.2160</u>	<u>.2145</u>	<u>.2130</u>	<u>.2115</u>	<u>.2100</u>	<u>.2085</u>	<u>.2070</u>	<u>.2055</u>	<u>.2040</u>	<u>.2025</u>
<u>17</u>	<u>.2010</u>	<u>.1996</u>	<u>.1982</u>	<u>.1968</u>	<u>.1954</u>	<u>.1940</u>	<u>.1926</u>	<u>.1912</u>	<u>.1898</u>	<u>.1884</u>	<u>.1870</u>	<u>.1856</u>
<u>18</u>	<u>.1840</u>	<u>.1828</u>	<u>.1816</u>	<u>.1804</u>	<u>.1792</u>	<u>.1780</u>	<u>.1768</u>	<u>.1756</u>	<u>.1744</u>	<u>.1732</u>	<u>.1720</u>	<u>.1708</u>
<u>19</u>	<u>.1690</u>	<u>.1678</u>	<u>.1666</u>	<u>.1654</u>	<u>.1642</u>	<u>.1630</u>	<u>.1618</u>	<u>.1606</u>	<u>.1594</u>	<u>.1582</u>	<u>.1570</u>	<u>.1558</u>
<u>20</u>	<u>.1550</u>	<u>.1539</u>	<u>.1528</u>	<u>.1517</u>	<u>.1506</u>	<u>.1495</u>	<u>.1484</u>	<u>.1473</u>	<u>.1462</u>	<u>.1451</u>	<u>.1440</u>	<u>.1429</u>
<u>21</u>	<u>.1420</u>	<u>.1410</u>	<u>.1400</u>	<u>.1390</u>	<u>.1380</u>	<u>.1370</u>	<u>.1360</u>	<u>.1350</u>	<u>.1340</u>	<u>.1330</u>	<u>.1320</u>	<u>.1310</u>
<u>22</u>	<u>.1300</u>	<u>.1291</u>	<u>.1282</u>	<u>.1273</u>	<u>.1264</u>	<u>.1255</u>	<u>.1246</u>	<u>.1237</u>	<u>.1228</u>	<u>.1219</u>	<u>.1210</u>	<u>.1201</u>
<u>23</u>	<u>.1190</u>	<u>.1183</u>	<u>.1176</u>	<u>.1169</u>	<u>.1162</u>	<u>.1155</u>	<u>.1148</u>	<u>.1141</u>	<u>.1134</u>	<u>.1127</u>	<u>.1120</u>	<u>.1113</u>

<u>Yrs Early</u>	<u>Month 0</u>	<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>	<u>Month 7</u>	<u>Month 8</u>	<u>Month 9</u>	<u>Month 10</u>	<u>Month 11</u>
24	.1100	.1093	.1086	.1079	.1072	.1065	.1058	.1051	.1044	.1037	.1030	.1023
25	.1020	.1018	.1016	.1014	.1012	.1010	.1008	.1006	.1004	.1002	.1000	.1000
26	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30+	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

(7) **Table** - This table contains the early retirement factors (ERFs) for members who retire from active service in LEOFF Plan 2. The ERFs are effective January 1, 2010.

<u>Yrs Early</u>	<u>Month 0</u>	<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>	<u>Month 7</u>	<u>Month 8</u>	<u>Month 9</u>	<u>Month 10</u>	<u>Month 11</u>
0	1.0000	.9925	.9850	.9775	.9700	.9625	.9550	.9475	.9400	.9325	.9250	.9175
1	.9100	.9033	.8966	.8899	.8832	.8765	.8698	.8631	.8564	.8497	.8430	.8363
2	.8300	.8239	.8178	.8117	.8056	.7995	.7934	.7873	.7812	.7751	.7690	.7629
3	.7570	.7515	.7460	.7405	.7350	.7295	.7240	.7185	.7130	.7075	.7020	.6965
4	.6910	.6860	.6810	.6760	.6710	.6660	.6610	.6560	.6510	.6460	.6410	.6360
5	.6310	.6265	.6220	.6175	.6130	.6085	.6040	.5995	.5950	.5905	.5860	.5815
6	.5770	.5728	.5686	.5644	.5602	.5560	.5518	.5476	.5434	.5392	.5350	.5308
7	.5270	.5233	.5196	.5159	.5122	.5085	.5048	.5011	.4974	.4937	.4900	.4863
8	.4830	.4796	.4762	.4728	.4694	.4660	.4626	.4592	.4558	.4524	.4490	.4456
9	.4420	.4389	.4358	.4327	.4296	.4265	.4234	.4203	.4172	.4141	.4110	.4079
10	.4050	.4022	.3994	.3966	.3938	.3910	.3882	.3854	.3826	.3798	.3770	.3742
11	.3710	.3685	.3660	.3635	.3610	.3585	.3560	.3535	.3510	.3485	.3460	.3435
12	.3410	.3387	.3364	.3341	.3318	.3295	.3272	.3249	.3226	.3203	.3180	.3157
13	.3130	.3108	.3086	.3064	.3042	.3020	.2998	.2976	.2954	.2932	.2910	.2888
14	.2870	.2851	.2832	.2813	.2794	.2775	.2756	.2737	.2718	.2699	.2680	.2661
15	.2640	.2622	.2604	.2586	.2568	.2550	.2532	.2514	.2496	.2478	.2460	.2442
16	.2420	.2404	.2388	.2372	.2356	.2340	.2324	.2308	.2292	.2276	.2260	.2244
17	.2230	.2215	.2200	.2185	.2170	.2155	.2140	.2125	.2110	.2095	.2080	.2065
18	.2050	.2036	.2022	.2008	.1994	.1980	.1966	.1952	.1938	.1924	.1910	.1896
19	.1880	.1868	.1856	.1844	.1832	.1820	.1808	.1796	.1784	.1772	.1760	.1748
20	.1730	.1718	.1706	.1694	.1682	.1670	.1658	.1646	.1634	.1622	.1610	.1598
21	.1590	.1580	.1570	.1560	.1550	.1540	.1530	.1520	.1510	.1500	.1490	.1480
22	.1470	.1460	.1450	.1440	.1430	.1420	.1410	.1400	.1390	.1380	.1370	.1360
23	.1350	.1342	.1334	.1326	.1318	.1310	.1302	.1294	.1286	.1278	.1270	.1262
24	.1250	.1242	.1234	.1226	.1218	.1210	.1202	.1194	.1186	.1178	.1170	.1162
25	.1150	.1143	.1136	.1129	.1122	.1115	.1108	.1101	.1094	.1087	.1080	.1073
26	.1060	.1055	.1050	.1045	.1040	.1035	.1030	.1025	.1020	.1015	.1010	.1005
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30+	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

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

- (a) Determine what a future lifetime monthly benefit is worth in present-day dollars;
- (b) Determine the equivalent value of a lump sum when compared with monthly payments; ~~((and))~~

(c) Determine the cost of purchasing additional service credit as described in WAC 415-02-177(7); and

(d) For TRS Plan 1 only: ~~((Reduce))~~ Determine the reduction in the monthly retirement ~~((allowance))~~ benefit if some or all of the ~~((funds))~~ accumulated contributions in a member's individual account are ~~((taken in a lump sum payment))~~ withdrawn at retirement pursuant to RCW 41.32.498.

(2) **What type of information is in this table?** The information in this table ~~((reflects))~~ is based on the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan, and all reflect an assumed rate of return of 8.0%.~~((²))~~

³The younger a person is, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. The amount of monthly lifetime benefit that a present-day dollar buys increases as the remaining life expectancy of the recipient decreases.

(3)) The younger a person is at retirement, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. The amount of monthly lifetime benefit that a present-day dollar buys increases as the remaining life expectancy of the recipient decreases.

(a) Example:

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she would receive if she accepted a lump sum payment instead. Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns that (((\$0.0072458)) \$0.0072458) per month for life ((is equivalent to)) has a present day cash value of one dollar ((in cash)) (\$1.00) for this system, plan, and age class. Celina divides \$45.00 by

((0.0072458)) 0.0069798 and learns that her lump sum payment would be (((\$6,210.49)) \$6,447.18.

(b) Example:

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do and still receive a monthly ((allowance)) benefit). From the row in the table for age 58 in the TRS Plan 1 column, Fred learns that (((\$0.0077573)) \$0.0077298 per month for life ((is the equivalent to)) has a present day cash value of one dollar ((in cash)) (\$1.00) for this system, plan, and age class. Fred multiplies \$124,934.00 by ((0.0077573)) 0.0077298, and learns that his monthly retirement ((allowance)) benefit will be reduced by (((\$969.15)) \$965.71 per month if he withdraws his account balance.

((4)) (3) Table(*) - Monthly benefit per \$1.00 of accumulation for defined benefit plans. The rates contained in this table are effective:

(Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
20	0.0039835	0.0043310	0.0065444	0.0043102	0.0043248	0.0042786	0.0065267	0.0042774	0.0043319
21	0.0039997	0.0043459	0.0065518	0.0043243	0.0043395	0.0042911	0.0065329	0.0042897	0.0043469
22	0.0040168	0.0043615	0.0065598	0.0043390	0.0043549	0.0043042	0.0065396	0.0043027	0.0043626
23	0.0040347	0.0043780	0.0065684	0.0043546	0.0043711	0.0043181	0.0065468	0.0043165	0.0043791
24	0.0040535	0.0043955	0.0065778	0.0043710	0.0043882	0.0043327	0.0065546	0.0043309	0.0043966
25	0.0040734	0.0044139	0.0065878	0.0043884	0.0044063	0.0043481	0.0065630	0.0043462	0.0044150
26	0.0040943	0.0044333	0.0065987	0.0044067	0.0044255	0.0043644	0.0065720	0.0043622	0.0044346
27	0.0041163	0.0044539	0.0066105	0.0044261	0.0044457	0.0043816	0.0065818	0.0043792	0.0044552
28	0.0041396	0.0044757	0.0066232	0.0044466	0.0044671	0.0043997	0.0065924	0.0043971	0.0044771
29	0.0041641	0.0044988	0.0066370	0.0044682	0.0044897	0.0044189	0.0066038	0.0044161	0.0045002
30	0.0041899	0.0045231	0.0066517	0.0044911	0.0045136	0.0044391	0.0066162	0.0044361	0.0045246
31	0.0042171	0.0045488	0.0066676	0.0045152	0.0045388	0.0044605	0.0066295	0.0044572	0.0045503
32	0.0042456	0.0045758	0.0066845	0.0045405	0.0045653	0.0044830	0.0066438	0.0044795	0.0045774
33	0.0042755	0.0046042	0.0067025	0.0045672	0.0045932	0.0045067	0.0066592	0.0045031	0.0046059
34	0.0043069	0.0046340	0.0067217	0.0045952	0.0046225	0.0045316	0.0066756	0.0045278	0.0046358
35	0.0043398	0.0046654	0.0067421	0.0046247	0.0046533	0.0045578	0.0066930	0.0045539	0.0046672
36	0.0043745	0.0046984	0.0067639	0.0046558	0.0046857	0.0045854	0.0067116	0.0045812	0.0047004
37	0.0044109	0.0047333	0.0067873	0.0046886	0.0047200	0.0046145	0.0067315	0.0046101	0.0047353
38	0.0044494	0.0047701	0.0068123	0.0047233	0.0047562	0.0046452	0.0067527	0.0046404	0.0047723
39	0.0044900	0.0048091	0.0068393	0.0047600	0.0047945	0.0046777	0.0067754	0.0046725	0.0048114
40	0.0045330	0.0048505	0.0068682	0.0047988	0.0048351	0.0047120	0.0067998	0.0047065	0.0048529
41	0.0045784	0.0048944	0.0068994	0.0048400	0.0048782	0.0047483	0.0068261	0.0047423	0.0048969
42	0.0046266	0.0049409	0.0069329	0.0048837	0.0049239	0.0047868	0.0068543	0.0047803	0.0049436
43	0.0046777	0.0049904	0.0069690	0.0049300	0.0049724	0.0048275	0.0068846	0.0048206	0.0049932
44	0.0047319	0.0050430	0.0070078	0.0049791	0.0050240	0.0048706	0.0069172	0.0048632	0.0050460
45	0.0047894	0.0050989	0.0070495	0.0050312	0.0050787	0.0049163	0.0069523	0.0049084	0.0051021
46	0.0048504	0.0051584	0.0070945	0.0050866	0.0051370	0.0049647	0.0069900	0.0049562	0.0051617
47	0.0049153	0.0052218	0.0071429	0.0051455	0.0051990	0.0050161	0.0070305	0.0050070	0.0052253
48	0.0049844	0.0052894	0.0071953	0.0052082	0.0052652	0.0050707	0.0070740	0.0050609	0.0052932
49	0.0050581	0.0053617	0.0072519	0.0052752	0.0053358	0.0051287	0.0071210	0.0051183	0.0053657
50	0.0051368	0.0054390	0.0073132	0.0053466	0.0054114	0.0051905	0.0071717	0.0051793	0.0054432
51	0.0052210	0.0055218	0.0073796	0.0054231	0.0054923	0.0052564	0.0072265	0.0052444	0.0055264
52	0.0053104	0.0056098	0.0074510	0.0055044	0.0055783	0.0053265	0.0072858	0.0053139	0.0056147
53	0.0054060	0.0057042	0.0075283	0.0055914	0.0056704	0.0054014	0.0073500	0.0053881	0.0057094
54	0.0055084	0.0058054	0.0076121	0.0056846	0.0057692	0.0054813	0.0074191	0.0054671	0.0058110
55	0.0056182	0.0059141	0.0077029	0.0057845	0.0058752	0.0055668	0.0074939	0.0055515	0.0059201
56	0.0057354	0.0060302	0.0078008	0.0058912	0.0059885	0.0056581	0.0075749	0.0056420	0.0060367

(Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
57	0.0058601	0.0061539	0.0079058	0.0060049	0.0061091	0.0057557	0.0076627	0.0057388	0.0061608
58	0.0059937	0.0062865	0.0080192	0.0061265	0.0062384	0.0058600	0.0077573	0.0058422	0.0062940
59	0.0061368	0.0064287	0.0081415	0.0062566	0.0063769	0.0059712	0.0078589	0.0059524	0.0064368
60	0.0062900	0.0065812	0.0082732	0.0063959	0.0065253	0.0060901	0.0079685	0.0060703	0.0065898
61	0.0064540	0.0067444	0.0084149	0.0065448	0.0066842	0.0062172	0.0080866	0.0061963	0.0067538
62	0.0066294	0.0069191	0.0085668	0.0067036	0.0068540	0.0063529	0.0082138	0.0063311	0.0069292
63	0.0068167	0.0071058	0.0087294	0.0068729	0.0070354	0.0064976	0.0083506	0.0064751	0.0071168
64	0.0070165	0.0073050	0.0089030	0.0070531	0.0072287	0.0066517	0.0084970	0.0066285	0.0073169
65	0.0072307	0.0075186	0.0090893	0.0072458	0.0074359	0.0068158	0.0086537	0.0067919	0.0075315
66	0.0074600	0.0077474	0.0092891	0.0074517	0.0076576	0.0069903	0.0088208	0.0069657	0.0077614
67	0.0077052	0.0079921	0.0095028	0.0076715	0.0078946	0.0071765	0.0090000	0.0071514	0.0080073
68	0.0079692	0.0082556	0.0097332	0.0079076	0.0081496	0.0073755	0.0091921	0.0073497	0.0082721
69	0.0082539	0.0085400	0.0099823	0.0081620	0.0084247	0.0075879	0.0093974	0.0075612	0.0085580
70	0.0085622	0.0088479	0.0102523	0.0084366	0.0087223	0.0078162	0.0096186	0.0077883	0.0088676
71	0.0088938	0.0091793	0.0105419	0.0087308	0.0090421	0.0080615	0.0098577	0.0080327	0.0092008
72	0.0092539	0.0095393	0.0108558	0.0090487	0.0093889	0.0083261	0.0101166	0.0082964	0.0095628
73	0.0096446	0.0099300	0.0111955	0.0093919	0.0097647	0.0086093	0.0103939	0.0085784	0.0099559
74	0.0100684	0.0103538	0.0115628	0.0097624	0.0101717	0.0089142	0.0106939	0.0088826	0.0103824
75	0.0105280	0.0108135	0.0119604	0.0101627	0.0106127	0.0092422	0.0110180	0.0092104	0.0108451
76	0.0110267	0.0113124	0.0123914	0.0105960	0.0110908	0.0095951	0.0113678	0.0095637	0.0113472
77	0.0115688	0.0118547	0.0128599	0.0110662	0.0116103	0.0099757	0.0117460	0.0099450	0.0118933
78	0.0121597	0.0124460	0.0133705	0.0115778	0.0121762	0.0103875	0.0121558	0.0103575	0.0124885
79	0.0128051	0.0130919	0.0139278	0.0121352	0.0127939	0.0108344	0.0126012	0.0108049	0.0131389
80	0.0135111	0.0137984	0.0145368	0.0127433	0.0134689	0.0113202	0.0130863	0.0112914	0.0138505
81	0.0142843	0.0145725	0.0152030	0.0134074	0.0142077	0.0118492	0.0136157	0.0118211	0.0146303
82	0.0151240	0.0154130	0.0159279	0.0141293	0.0150101	0.0124242	0.0141938	0.0123986	0.0154769
83	0.0160353	0.0163252	0.0167162	0.0149136	0.0158811	0.0130497	0.0148256	0.0130286	0.0163958
84	0.0170241	0.0173149	0.0175726	0.0157650	0.0168262	0.0137302	0.0155137	0.0137139	0.0173927
85	0.0180966	0.0183884	0.0185016	0.0166876	0.0178509	0.0144701	0.0162628	0.0144589	0.0184740
86	0.0192583	0.0195513	0.0195059	0.0176841	0.0189598	0.0152736	0.0170771	0.0152680	0.0196456
87	0.0205119	0.0208062	0.0205851	0.0187541	0.0201546	0.0161432	0.0179605	0.0161446	0.0209102
88	0.0218550	0.0221507	0.0217347	0.0198932	0.0214321	0.0170791	0.0189147	0.0170905	0.0222656
89	0.0232781	0.0235752	0.0229444	0.0210916	0.0227826	0.0180779	0.0199388	0.0181048	0.0237021
90	0.0247625	0.0250609	0.0241977	0.0223336	0.0241882	0.0191323	0.0210275	0.0191823	0.0252008
91	0.0262789	0.0265782	0.0254717	0.0235975	0.0256220	0.0202301	0.0221705	0.0203134	0.0267317
92	0.0278427	0.0281429	0.0267640	0.0248804	0.0270932	0.0213620	0.0233525	0.0214834	0.0283116
93	0.0294384	0.0297392	0.0280581	0.0261661	0.0285859	0.0225126	0.0245532	0.0226729	0.0299249
94	0.0310505	0.0313517	0.0293389	0.0274402	0.0300847	0.0236656	0.0257646	0.0238739	0.0315562
95	0.0326651	0.0329665	0.0305940	0.0286908	0.0315762	0.0248057	0.0269704	0.0250708	0.0331914
96	0.0342704	0.0345719	0.0318149	0.0299099	0.0330499	0.0259197	0.0281559	0.0262493	0.0348186
97	0.0358572	0.0361585	0.0329987	0.0310951	0.0344988	0.0269980	0.0293096	0.0273986	0.0364281
98	0.0374173	0.0377185	0.0341503	0.0322517	0.0359196	0.0280348	0.0304239	0.0285118	0.0380114
99	0.0389423	0.0392433	0.0352857	0.0333956	0.0373129	0.0290309	0.0314979	0.0295884	0.0395582

⁴This table is based on the 1995-2000 actuarial experience study monthly benefit per \$1.00 of accumulation defined benefit (DB) single life pension:-) (a) January 1, 2010, for LEOFF Plan 2.

(b) September 1, 2010, for LEOFF Plan 1, PSERS Plan 2, PERS Plans 1, 2, and 3, SERS Plans 2 and 3, TRS Plans 1, 2, and 3, and WSPRS Plans 1 and 2.

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	PSERS	SERS 2/3	TRS 1	TRS 2/3	WSPRS 1/2
20	.0039630	.0042990	.0066256	.0044560	.0044926	.0043681	.0067741	.0043601	.0043122
21	.0039783	.0043125	.0066400	.0044786	.0045172	.0043857	.0067970	.0043765	.0043261
22	.0039944	.0043266	.0066556	.0045024	.0045432	.0044042	.0068200	.0043935	.0043409
23	.0040113	.0043414	.0066725	.0045277	.0045708	.0044238	.0068425	.0044110	.0043563
24	.0040290	.0043571	.0066909	.0045527	.0045970	.0044446	.0068636	.0044289	.0043727
25	.0040476	.0043735	.0067108	.0045775	.0046219	.0044665	.0068824	.0044471	.0043899
26	.0040672	.0043908	.0067323	.0046023	.0046458	.0044898	.0068973	.0044650	.0044081
27	.0040879	.0044091	.0067558	.0046271	.0046688	.0045144	.0069111	.0044835	.0044273

<u>Age</u>	<u>LEOFF 1</u>	<u>LEOFF 2</u>	<u>PERS 1</u>	<u>PERS 2/3</u>	<u>PSERS</u>	<u>SERS 2/3</u>	<u>TRS 1</u>	<u>TRS 2/3</u>	<u>WSPRS 1/2</u>
<u>28</u>	<u>.0041096</u>	<u>.0044283</u>	<u>.0067812</u>	<u>.0046522</u>	<u>.0046911</u>	<u>.0045404</u>	<u>.0069240</u>	<u>.0045024</u>	<u>.0044475</u>
<u>29</u>	<u>.0041325</u>	<u>.0044486</u>	<u>.0068089</u>	<u>.0046765</u>	<u>.0047126</u>	<u>.0045658</u>	<u>.0069358</u>	<u>.0045218</u>	<u>.0044690</u>
<u>30</u>	<u>.0041567</u>	<u>.0044701</u>	<u>.0068389</u>	<u>.0047004</u>	<u>.0047338</u>	<u>.0045907</u>	<u>.0069464</u>	<u>.0045417</u>	<u>.0044917</u>
<u>31</u>	<u>.0041821</u>	<u>.0044927</u>	<u>.0068716</u>	<u>.0047243</u>	<u>.0047552</u>	<u>.0046155</u>	<u>.0069558</u>	<u>.0045622</u>	<u>.0045156</u>
<u>32</u>	<u>.0042089</u>	<u>.0045166</u>	<u>.0069070</u>	<u>.0047485</u>	<u>.0047771</u>	<u>.0046406</u>	<u>.0069647</u>	<u>.0045835</u>	<u>.0045409</u>
<u>33</u>	<u>.0042369</u>	<u>.0045416</u>	<u>.0069454</u>	<u>.0047740</u>	<u>.0048004</u>	<u>.0046662</u>	<u>.0069736</u>	<u>.0046056</u>	<u>.0045674</u>
<u>34</u>	<u>.0042663</u>	<u>.0045679</u>	<u>.0069870</u>	<u>.0048003</u>	<u>.0048250</u>	<u>.0046915</u>	<u>.0069837</u>	<u>.0046292</u>	<u>.0045953</u>
<u>35</u>	<u>.0042972</u>	<u>.0045956</u>	<u>.0070321</u>	<u>.0048278</u>	<u>.0048512</u>	<u>.0047169</u>	<u>.0069950</u>	<u>.0046542</u>	<u>.0046246</u>
<u>36</u>	<u>.0043296</u>	<u>.0046246</u>	<u>.0070452</u>	<u>.0048564</u>	<u>.0048790</u>	<u>.0047428</u>	<u>.0070072</u>	<u>.0046806</u>	<u>.0046555</u>
<u>37</u>	<u>.0043637</u>	<u>.0046552</u>	<u>.0070575</u>	<u>.0048864</u>	<u>.0049084</u>	<u>.0047694</u>	<u>.0070212</u>	<u>.0047088</u>	<u>.0046879</u>
<u>38</u>	<u>.0043996</u>	<u>.0046874</u>	<u>.0070688</u>	<u>.0049179</u>	<u>.0049396</u>	<u>.0047969</u>	<u>.0070369</u>	<u>.0047387</u>	<u>.0047222</u>
<u>39</u>	<u>.0044374</u>	<u>.0047214</u>	<u>.0070789</u>	<u>.0049517</u>	<u>.0049727</u>	<u>.0048272</u>	<u>.0070543</u>	<u>.0047705</u>	<u>.0047584</u>
<u>40</u>	<u>.0044774</u>	<u>.0047574</u>	<u>.0070877</u>	<u>.0049878</u>	<u>.0050077</u>	<u>.0048606</u>	<u>.0070735</u>	<u>.0048043</u>	<u>.0047968</u>
<u>41</u>	<u>.0045196</u>	<u>.0047956</u>	<u>.0070940</u>	<u>.0050264</u>	<u>.0050448</u>	<u>.0048971</u>	<u>.0070945</u>	<u>.0048402</u>	<u>.0048374</u>
<u>42</u>	<u>.0045644</u>	<u>.0048361</u>	<u>.0070990</u>	<u>.0050678</u>	<u>.0050842</u>	<u>.0049369</u>	<u>.0071156</u>	<u>.0048778</u>	<u>.0048805</u>
<u>43</u>	<u>.0046118</u>	<u>.0048791</u>	<u>.0070989</u>	<u>.0051123</u>	<u>.0051264</u>	<u>.0049803</u>	<u>.0071367</u>	<u>.0049171</u>	<u>.0049263</u>
<u>44</u>	<u>.0046620</u>	<u>.0049248</u>	<u>.0070984</u>	<u>.0051581</u>	<u>.0051690</u>	<u>.0050256</u>	<u>.0071581</u>	<u>.0049584</u>	<u>.0049750</u>
<u>45</u>	<u>.0047153</u>	<u>.0049733</u>	<u>.0070975</u>	<u>.0052058</u>	<u>.0052129</u>	<u>.0050731</u>	<u>.0071796</u>	<u>.0050016</u>	<u>.0050267</u>
<u>46</u>	<u>.0047719</u>	<u>.0050249</u>	<u>.0070965</u>	<u>.0052558</u>	<u>.0052584</u>	<u>.0051232</u>	<u>.0072015</u>	<u>.0050470</u>	<u>.0050817</u>
<u>47</u>	<u>.0048320</u>	<u>.0050797</u>	<u>.0070915</u>	<u>.0053071</u>	<u>.0053044</u>	<u>.0051753</u>	<u>.0072216</u>	<u>.0050943</u>	<u>.0051402</u>
<u>48</u>	<u>.0048959</u>	<u>.0051382</u>	<u>.0071400</u>	<u>.0053597</u>	<u>.0053509</u>	<u>.0052297</u>	<u>.0072393</u>	<u>.0051435</u>	<u>.0052026</u>
<u>49</u>	<u>.0049640</u>	<u>.0052005</u>	<u>.0071924</u>	<u>.0054123</u>	<u>.0053965</u>	<u>.0052834</u>	<u>.0072541</u>	<u>.0051948</u>	<u>.0052691</u>
<u>50</u>	<u>.0050366</u>	<u>.0052671</u>	<u>.0072490</u>	<u>.0054649</u>	<u>.0054413</u>	<u>.0053369</u>	<u>.0072655</u>	<u>.0052480</u>	<u>.0053403</u>
<u>51</u>	<u>.0051142</u>	<u>.0053389</u>	<u>.0073101</u>	<u>.0055179</u>	<u>.0054854</u>	<u>.0053893</u>	<u>.0072727</u>	<u>.0053034</u>	<u>.0054164</u>
<u>52</u>	<u>.0051972</u>	<u>.0054158</u>	<u>.0073762</u>	<u>.0055712</u>	<u>.0055289</u>	<u>.0054418</u>	<u>.0072741</u>	<u>.0053604</u>	<u>.0054980</u>
<u>53</u>	<u>.0052853</u>	<u>.0054978</u>	<u>.0074471</u>	<u>.0056258</u>	<u>.0055733</u>	<u>.0054938</u>	<u>.0073367</u>	<u>.0054189</u>	<u>.0055849</u>
<u>54</u>	<u>.0053797</u>	<u>.0055858</u>	<u>.0075233</u>	<u>.0056745</u>	<u>.0056596</u>	<u>.0055433</u>	<u>.0074042</u>	<u>.0054793</u>	<u>.0056779</u>
<u>55</u>	<u>.0054807</u>	<u>.0056802</u>	<u>.0076058</u>	<u>.0057184</u>	<u>.0057498</u>	<u>.0055902</u>	<u>.0074767</u>	<u>.0055411</u>	<u>.0057777</u>
<u>56</u>	<u>.0055889</u>	<u>.0057814</u>	<u>.0076921</u>	<u>.0058127</u>	<u>.0058440</u>	<u>.0056775</u>	<u>.0075550</u>	<u>.0056278</u>	<u>.0058848</u>
<u>57</u>	<u>.0057044</u>	<u>.0058893</u>	<u>.0077823</u>	<u>.0059112</u>	<u>.0059501</u>	<u>.0057690</u>	<u>.0076393</u>	<u>.0057206</u>	<u>.0059992</u>
<u>58</u>	<u>.0058273</u>	<u>.0060042</u>	<u>.0078773</u>	<u>.0060140</u>	<u>.0060619</u>	<u>.0058646</u>	<u>.0077298</u>	<u>.0058208</u>	<u>.0061211</u>
<u>59</u>	<u>.0059589</u>	<u>.0061272</u>	<u>.0079792</u>	<u>.0061247</u>	<u>.0061827</u>	<u>.0059661</u>	<u>.0078266</u>	<u>.0059269</u>	<u>.0062516</u>
<u>60</u>	<u>.0060997</u>	<u>.0062589</u>	<u>.0080922</u>	<u>.0062396</u>	<u>.0063106</u>	<u>.0060720</u>	<u>.0079310</u>	<u>.0060395</u>	<u>.0063915</u>
<u>61</u>	<u>.0062505</u>	<u>.0064002</u>	<u>.0082202</u>	<u>.0063666</u>	<u>.0064504</u>	<u>.0061903</u>	<u>.0080462</u>	<u>.0061608</u>	<u>.0065415</u>
<u>62</u>	<u>.0064118</u>	<u>.0065513</u>	<u>.0083578</u>	<u>.0065016</u>	<u>.0065977</u>	<u>.0063169</u>	<u>.0081703</u>	<u>.0062902</u>	<u>.0067019</u>
<u>63</u>	<u>.0065841</u>	<u>.0067129</u>	<u>.0085052</u>	<u>.0066506</u>	<u>.0067558</u>	<u>.0064550</u>	<u>.0083036</u>	<u>.0064296</u>	<u>.0068736</u>
<u>64</u>	<u>.0067682</u>	<u>.0068853</u>	<u>.0086629</u>	<u>.0068077</u>	<u>.0069257</u>	<u>.0066012</u>	<u>.0084463</u>	<u>.0065775</u>	<u>.0070570</u>
<u>65</u>	<u>.0069647</u>	<u>.0070694</u>	<u>.0088312</u>	<u>.0069798</u>	<u>.0071083</u>	<u>.0067597</u>	<u>.0085990</u>	<u>.0067357</u>	<u>.0072527</u>
<u>66</u>	<u>.0071751</u>	<u>.0072670</u>	<u>.0090119</u>	<u>.0071671</u>	<u>.0073064</u>	<u>.0069302</u>	<u>.0087617</u>	<u>.0069054</u>	<u>.0074626</u>
<u>67</u>	<u>.0074005</u>	<u>.0074781</u>	<u>.0092055</u>	<u>.0073673</u>	<u>.0075182</u>	<u>.0071120</u>	<u>.0089361</u>	<u>.0070866</u>	<u>.0076873</u>
<u>68</u>	<u>.0076417</u>	<u>.0077043</u>	<u>.0094125</u>	<u>.0075807</u>	<u>.0077444</u>	<u>.0073062</u>	<u>.0091231</u>	<u>.0072802</u>	<u>.0079279</u>
<u>69</u>	<u>.0079015</u>	<u>.0079491</u>	<u>.0096357</u>	<u>.0078101</u>	<u>.0079879</u>	<u>.0075136</u>	<u>.0093229</u>	<u>.0074865</u>	<u>.0081872</u>
<u>70</u>	<u>.0081820</u>	<u>.0082138</u>	<u>.0098771</u>	<u>.0080572</u>	<u>.0082505</u>	<u>.0077363</u>	<u>.0095381</u>	<u>.0077080</u>	<u>.0084672</u>
<u>71</u>	<u>.0084859</u>	<u>.0085025</u>	<u>.0101389</u>	<u>.0083241</u>	<u>.0085349</u>	<u>.0079758</u>	<u>.0097709</u>	<u>.0079465</u>	<u>.0087708</u>
<u>72</u>	<u>.0088138</u>	<u>.0088151</u>	<u>.0104201</u>	<u>.0086103</u>	<u>.0088406</u>	<u>.0082342</u>	<u>.0100231</u>	<u>.0082039</u>	<u>.0090984</u>
<u>73</u>	<u>.0091701</u>	<u>.0091561</u>	<u>.0107251</u>	<u>.0089197</u>	<u>.0091722</u>	<u>.0085108</u>	<u>.0102934</u>	<u>.0084793</u>	<u>.0094545</u>
<u>74</u>	<u>.0095574</u>	<u>.0095288</u>	<u>.0110556</u>	<u>.0092540</u>	<u>.0095316</u>	<u>.0088090</u>	<u>.0105863</u>	<u>.0087767</u>	<u>.0098417</u>
<u>75</u>	<u>.0099786</u>	<u>.0099363</u>	<u>.0114135</u>	<u>.0096154</u>	<u>.0099213</u>	<u>.0091299</u>	<u>.0109028</u>	<u>.0090974</u>	<u>.0102629</u>
<u>76</u>	<u>.0104363</u>	<u>.0103798</u>	<u>.0118015</u>	<u>.0100065</u>	<u>.0103437</u>	<u>.0094759</u>	<u>.0112453</u>	<u>.0094437</u>	<u>.0107207</u>
<u>77</u>	<u>.0109340</u>	<u>.0108658</u>	<u>.0122231</u>	<u>.0104305</u>	<u>.0108023</u>	<u>.0098495</u>	<u>.0116161</u>	<u>.0098178</u>	<u>.0112186</u>
<u>78</u>	<u>.0114761</u>	<u>.0113957</u>	<u>.0126816</u>	<u>.0108908</u>	<u>.0113009</u>	<u>.0102538</u>	<u>.0120181</u>	<u>.0102226</u>	<u>.0117609</u>
<u>79</u>	<u>.0120673</u>	<u>.0119743</u>	<u>.0131812</u>	<u>.0113914</u>	<u>.0118439</u>	<u>.0106928</u>	<u>.0124555</u>	<u>.0106622</u>	<u>.0123525</u>
<u>80</u>	<u>.0127133</u>	<u>.0126071</u>	<u>.0137267</u>	<u>.0119372</u>	<u>.0124365</u>	<u>.0111699</u>	<u>.0129318</u>	<u>.0111400</u>	<u>.0129990</u>
<u>81</u>	<u>.0134199</u>	<u>.0132991</u>	<u>.0143230</u>	<u>.0125327</u>	<u>.0130838</u>	<u>.0116897</u>	<u>.0134518</u>	<u>.0116607</u>	<u>.0137063</u>
<u>82</u>	<u>.0141935</u>	<u>.0140556</u>	<u>.0149754</u>	<u>.0131831</u>	<u>.0137915</u>	<u>.0122554</u>	<u>.0140201</u>	<u>.0122286</u>	<u>.0144806</u>
<u>83</u>	<u>.0150329</u>	<u>.0148749</u>	<u>.0156858</u>	<u>.0138907</u>	<u>.0145603</u>	<u>.0128713</u>	<u>.0146417</u>	<u>.0128485</u>	<u>.0153209</u>

<u>Age</u>	<u>LEOFF 1</u>	<u>LEOFF 2</u>	<u>PERS 1</u>	<u>PERS 2/3</u>	<u>PSERS</u>	<u>SERS 2/3</u>	<u>TRS 1</u>	<u>TRS 2/3</u>	<u>WSPRS 1/2</u>
<u>84</u>	<u>.0159449</u>	<u>.0157725</u>	<u>.0164602</u>	<u>.0146610</u>	<u>.0153963</u>	<u>.0135431</u>	<u>.0153203</u>	<u>.0135243</u>	<u>.0162339</u>
<u>85</u>	<u>.0169344</u>	<u>.0167437</u>	<u>.0173034</u>	<u>.0154990</u>	<u>.0163048</u>	<u>.0142750</u>	<u>.0160601</u>	<u>.0142601</u>	<u>.0172243</u>
<u>86</u>	<u>.0180074</u>	<u>.0178057</u>	<u>.0182194</u>	<u>.0164082</u>	<u>.0172909</u>	<u>.0150708</u>	<u>.0168660</u>	<u>.0150605</u>	<u>.0182984</u>
<u>87</u>	<u>.0191721</u>	<u>.0189719</u>	<u>.0192109</u>	<u>.0173915</u>	<u>.0183603</u>	<u>.0159338</u>	<u>.0177414</u>	<u>.0159287</u>	<u>.0194643</u>
<u>88</u>	<u>.0204278</u>	<u>.0202253</u>	<u>.0202755</u>	<u>.0184464</u>	<u>.0195120</u>	<u>.0168612</u>	<u>.0186859</u>	<u>.0168647</u>	<u>.0207214</u>
<u>89</u>	<u>.0217668</u>	<u>.0215551</u>	<u>.0214081</u>	<u>.0195682</u>	<u>.0207399</u>	<u>.0178513</u>	<u>.0197002</u>	<u>.0178688</u>	<u>.0220619</u>
<u>90</u>	<u>.0231832</u>	<u>.0229787</u>	<u>.0225995</u>	<u>.0207480</u>	<u>.0220372</u>	<u>.0188950</u>	<u>.0207759</u>	<u>.0189334</u>	<u>.0234798</u>
<u>91</u>	<u>.0246573</u>	<u>.0244483</u>	<u>.0238330</u>	<u>.0219700</u>	<u>.0233859</u>	<u>.0199836</u>	<u>.0219061</u>	<u>.0200515</u>	<u>.0249552</u>
<u>92</u>	<u>.0261621</u>	<u>.0259752</u>	<u>.0250904</u>	<u>.0232169</u>	<u>.0247641</u>	<u>.0211073</u>	<u>.0230763</u>	<u>.0212095</u>	<u>.0264610</u>
<u>93</u>	<u>.0277078</u>	<u>.0275207</u>	<u>.0263675</u>	<u>.0244841</u>	<u>.0261746</u>	<u>.0222518</u>	<u>.0242665</u>	<u>.0223884</u>	<u>.0280075</u>
<u>94</u>	<u>.0292794</u>	<u>.0291108</u>	<u>.0276431</u>	<u>.0257513</u>	<u>.0275992</u>	<u>.0233979</u>	<u>.0254667</u>	<u>.0235783</u>	<u>.0295796</u>
<u>95</u>	<u>.0308761</u>	<u>.0307651</u>	<u>.0289073</u>	<u>.0270087</u>	<u>.0290311</u>	<u>.0245376</u>	<u>.0266650</u>	<u>.0247675</u>	<u>.0311768</u>
<u>96</u>	<u>.0324718</u>	<u>.0323798</u>	<u>.0301473</u>	<u>.0282442</u>	<u>.0304507</u>	<u>.0256481</u>	<u>.0278402</u>	<u>.0259359</u>	<u>.0327726</u>
<u>97</u>	<u>.0340569</u>	<u>.0340193</u>	<u>.0313572</u>	<u>.0294522</u>	<u>.0318500</u>	<u>.0267305</u>	<u>.0289917</u>	<u>.0270827</u>	<u>.0343576</u>
<u>98</u>	<u>.0356440</u>	<u>.0357060</u>	<u>.0325325</u>	<u>.0306287</u>	<u>.0332303</u>	<u>.0277699</u>	<u>.0300994</u>	<u>.0281894</u>	<u>.0359444</u>
<u>99</u>	<u>.0372127</u>	<u>.0373073</u>	<u>.0336697</u>	<u>.0317712</u>	<u>.0345762</u>	<u>.0287711</u>	<u>.0311701</u>	<u>.0292630</u>	<u>.0375126</u>

AMENDATORY SECTION (Amending WSR 03-24-051, filed 11/26/03, effective 1/1/04)

WAC 415-02-345 TRS Plan 1 Option 1 benefit factors. (1) **What is a TRS Plan 1 Option 1 benefit factor?** At the time of retirement, a TRS Plan 1 member may choose to receive an Option 1, standard ((allowance)) benefit, which is a slightly reduced lifetime monthly benefit. This option allows the final unpaid monthly benefit and any remaining balance of contributions to be paid in a lump sum to the retiree's estate or named beneficiary at the time of the retiree's

death. The reduction to the monthly benefit is based on an Option 1 factor and is applied against the annuity portion of the monthly benefit. The factor that is used is determined by the age of the member at the time of retirement. For more information about the Option 1, standard ((allowance)) benefit, see RCW 41.32.530 (1)(a).

(2) **((Option 1 benefit factor table.)) Table -** The following Option 1 benefit factors are effective September 1, 2010.

<u>((Age</u>	<u>Factor</u>	<u>Reduction</u>		<u>Age</u>	<u>Factor</u>	<u>Reduction</u>
<u>20</u>	<u>99.8876%</u>	<u>0.1%</u>		<u>50</u>	<u>99.1060%</u>	<u>0.9%</u>
<u>21</u>	<u>99.8851%</u>	<u>0.1%</u>		<u>51</u>	<u>99.0237%</u>	<u>1.0%</u>
<u>22</u>	<u>99.8825%</u>	<u>0.1%</u>		<u>52</u>	<u>98.9288%</u>	<u>1.1%</u>
<u>23</u>	<u>99.8794%</u>	<u>0.1%</u>		<u>53</u>	<u>98.8184%</u>	<u>1.2%</u>
<u>24</u>	<u>99.8757%</u>	<u>0.1%</u>		<u>54</u>	<u>98.6970%</u>	<u>1.3%</u>
<u>25</u>	<u>99.8710%</u>	<u>0.1%</u>		<u>55</u>	<u>98.5566%</u>	<u>1.4%</u>
<u>26</u>	<u>99.8650%</u>	<u>0.1%</u>		<u>56</u>	<u>98.3876%</u>	<u>1.6%</u>
<u>27</u>	<u>99.8575%</u>	<u>0.1%</u>		<u>57</u>	<u>98.1977%</u>	<u>1.8%</u>
<u>28</u>	<u>99.8480%</u>	<u>0.2%</u>		<u>58</u>	<u>97.9853%</u>	<u>2.0%</u>
<u>29</u>	<u>99.8362%</u>	<u>0.2%</u>		<u>59</u>	<u>97.7388%</u>	<u>2.3%</u>
<u>30</u>	<u>99.8220%</u>	<u>0.2%</u>		<u>60</u>	<u>97.4759%</u>	<u>2.5%</u>
<u>31</u>	<u>99.8053%</u>	<u>0.2%</u>		<u>61</u>	<u>97.1849%</u>	<u>2.8%</u>
<u>32</u>	<u>99.7858%</u>	<u>0.2%</u>		<u>62</u>	<u>96.8657%</u>	<u>3.1%</u>
<u>33</u>	<u>99.7638%</u>	<u>0.2%</u>		<u>63</u>	<u>96.5199%</u>	<u>3.5%</u>
<u>34</u>	<u>99.7413%</u>	<u>0.3%</u>		<u>64</u>	<u>96.1340%</u>	<u>3.9%</u>
<u>35</u>	<u>99.7184%</u>	<u>0.3%</u>		<u>65</u>	<u>95.7405%</u>	<u>4.3%</u>
<u>36</u>	<u>99.6951%</u>	<u>0.3%</u>		<u>66</u>	<u>95.3342%</u>	<u>4.7%</u>
<u>37</u>	<u>99.6712%</u>	<u>0.3%</u>		<u>67</u>	<u>94.8664%</u>	<u>5.1%</u>
<u>38</u>	<u>99.6461%</u>	<u>0.4%</u>		<u>68</u>	<u>94.4041%</u>	<u>5.6%</u>
<u>39</u>	<u>99.6195%</u>	<u>0.4%</u>		<u>69</u>	<u>93.9285%</u>	<u>6.1%</u>
<u>40</u>	<u>99.5908%</u>	<u>0.4%</u>		<u>70</u>	<u>93.3893%</u>	<u>6.6%</u>
<u>41</u>	<u>99.5597%</u>	<u>0.4%</u>		<u>71</u>	<u>92.8393%</u>	<u>7.2%</u>
<u>42</u>	<u>99.5255%</u>	<u>0.5%</u>		<u>72</u>	<u>92.2534%</u>	<u>7.7%</u>

<u>(Age</u>	<u>Factor</u>	<u>Reduction</u>		<u>Age</u>	<u>Factor</u>	<u>Reduction</u>
43	99.4881%	0.5%		73	91.5922%	8.4%
44	99.4474%	0.6%		74	90.9422%	9.1%
45	99.4018%	0.6%		75	90.2102%	9.8%
46	99.3542%	0.6%		76	89.4917%	10.5%
47	99.2994%	0.7%		77	88.7582%	11.2%
48	99.2421%	0.8%		78	85.9377%	14.1%
49	99.1781%	0.8%		79	85.8097%	14.2%
				80	86.1255%	13.9%))

<u>Age</u>	<u>Factor</u>	<u>Reduction</u>		<u>Age</u>	<u>Factor</u>	<u>Reduction</u>
<u>20</u>	<u>99.3233%</u>	<u>0.7%</u>		<u>50</u>	<u>98.5277%</u>	<u>1.5%</u>
<u>21</u>	<u>99.1906%</u>	<u>0.8%</u>		<u>51</u>	<u>98.8267%</u>	<u>1.2%</u>
<u>22</u>	<u>99.0506%</u>	<u>0.9%</u>		<u>52</u>	<u>99.2279%</u>	<u>0.8%</u>
<u>23</u>	<u>98.9113%</u>	<u>1.1%</u>		<u>53</u>	<u>99.1329%</u>	<u>0.9%</u>
<u>24</u>	<u>98.7803%</u>	<u>1.2%</u>		<u>54</u>	<u>99.0247%</u>	<u>1.0%</u>
<u>25</u>	<u>98.6679%</u>	<u>1.3%</u>		<u>55</u>	<u>98.9011%</u>	<u>1.1%</u>
<u>26</u>	<u>98.5907%</u>	<u>1.4%</u>		<u>56</u>	<u>98.7584%</u>	<u>1.2%</u>
<u>27</u>	<u>98.5248%</u>	<u>1.5%</u>		<u>57</u>	<u>98.5936%</u>	<u>1.4%</u>
<u>28</u>	<u>98.4698%</u>	<u>1.5%</u>		<u>58</u>	<u>98.4070%</u>	<u>1.6%</u>
<u>29</u>	<u>98.4281%</u>	<u>1.6%</u>		<u>59</u>	<u>98.1990%</u>	<u>1.8%</u>
<u>30</u>	<u>98.4011%</u>	<u>1.6%</u>		<u>60</u>	<u>97.9599%</u>	<u>2.0%</u>
<u>31</u>	<u>98.3898%</u>	<u>1.6%</u>		<u>61</u>	<u>98.0472%</u>	<u>2.0%</u>
<u>32</u>	<u>98.3880%</u>	<u>1.6%</u>		<u>62</u>	<u>97.7597%</u>	<u>2.2%</u>
<u>33</u>	<u>98.3919%</u>	<u>1.6%</u>		<u>63</u>	<u>97.4355%</u>	<u>2.6%</u>
<u>34</u>	<u>98.3889%</u>	<u>1.6%</u>		<u>64</u>	<u>97.0756%</u>	<u>2.9%</u>
<u>35</u>	<u>98.3802%</u>	<u>1.6%</u>		<u>65</u>	<u>96.6774%</u>	<u>3.3%</u>
<u>36</u>	<u>98.3656%</u>	<u>1.6%</u>		<u>66</u>	<u>96.2422%</u>	<u>3.8%</u>
<u>37</u>	<u>98.3360%</u>	<u>1.7%</u>		<u>67</u>	<u>96.1337%</u>	<u>3.9%</u>
<u>38</u>	<u>98.2896%</u>	<u>1.7%</u>		<u>68</u>	<u>96.0251%</u>	<u>4.0%</u>
<u>39</u>	<u>98.2246%</u>	<u>1.8%</u>		<u>69</u>	<u>95.5281%</u>	<u>4.5%</u>
<u>40</u>	<u>98.1380%</u>	<u>1.9%</u>		<u>70</u>	<u>94.9709%</u>	<u>5.0%</u>
<u>41</u>	<u>98.0401%</u>	<u>2.0%</u>		<u>71</u>	<u>94.3415%</u>	<u>5.7%</u>
<u>42</u>	<u>97.9596%</u>	<u>2.0%</u>		<u>72</u>	<u>94.2358%</u>	<u>5.8%</u>
<u>43</u>	<u>97.8978%</u>	<u>2.1%</u>		<u>73</u>	<u>94.1300%</u>	<u>5.9%</u>
<u>44</u>	<u>97.8557%</u>	<u>2.1%</u>		<u>74</u>	<u>93.3902%</u>	<u>6.6%</u>
<u>45</u>	<u>97.8346%</u>	<u>2.2%</u>		<u>75</u>	<u>92.5634%</u>	<u>7.4%</u>
<u>46</u>	<u>97.8359%</u>	<u>2.2%</u>		<u>76</u>	<u>92.5038%</u>	<u>7.5%</u>
<u>47</u>	<u>97.8815%</u>	<u>2.1%</u>		<u>77</u>	<u>92.4441%</u>	<u>7.6%</u>
<u>48</u>	<u>97.9786%</u>	<u>2.0%</u>		<u>78</u>	<u>91.4887%</u>	<u>8.5%</u>
<u>49</u>	<u>98.3106%</u>	<u>1.7%</u>		<u>79</u>	<u>90.4121%</u>	<u>9.6%</u>
				<u>80</u>	<u>90.4374%</u>	<u>9.6%</u>

AMENDATORY SECTION (Amending WSR 08-20-068, filed 9/25/08, effective 10/26/08)

WAC 415-02-350 What are cost-of-living adjustments (COLA) and how are they calculated? (1) What is a cost-of-living adjustment (COLA)? The value of a retiree's, beneficiary's, or ex-spouse's monthly ((allowance)) benefit may change in the years after retirement because of

inflation or other factors. A COLA automatically adjusts benefits based on the cost of living changes.

(2) What retirement plans include COLAs? With one exception, all retirement plans administered by the department provide one or more of the types of COLAs listed in subsection (3) of this section. The judges retirement fund (chapter 2.12 RCW) does not provide a COLA.

RETIREMENT SYSTEM	PLAN	COLA TYPE	STATUTE
JUDICIAL		Base	RCW 2.10.170
LEOFF	Plan 1	Base	RCW 41.26.240
LEOFF	Plan 2	Base	RCW 41.26.440
PSERS		Base	RCW 41.37.160
PERS	Plan 1	Uniform	RCW 41.40.197
PERS	Plan 1	Optional ((Auto))	RCW 41.40.188 (1)(c)
PERS	Plan 2	Base	RCW 41.40.640
PERS	Plan 3	Base	RCW 41.40.840
SERS	Plans 2 and 3	Base	RCW 41.35.210
TRS	Plan 1	Uniform	RCW 41.32.489
TRS	Plan 1	Optional ((Auto))	RCW 41.32.530 (1)(d)
TRS	Plan 2	Base	RCW 41.32.770
TRS	Plan 3	Base	RCW 41.32.845
WSPRS	Plans 1 and 2	Base	RCW 43.43.260

(3) What are the types of COLAs?

(a) ~~(Auto)~~ Optional COLA

The ~~(auto)~~ optional COLA (~~(, if offered under your plan,))~~ is an option you may select at retirement. If you choose this option, your monthly retirement ~~((allowance))~~ benefit will be actuarially reduced at retirement, and you will receive an automatic adjustment in your monthly retirement ~~((allowance))~~ benefit each year for the rest of your life. The ~~((auto))~~ optional COLA has no age requirement and is limited to a maximum of three percent of your monthly ~~((allow-
ance))~~ benefit.

(b) Base COLA

The base COLA is applied in July (April for LEOFF Plan 1) of each year and adjusts the benefit based on the change in the Consumer Price Index for the Seattle-Tacoma-Bremerton, Washington area for all plans except the Judicial Retirement System which is based on the U.S. City Average. Base COLAs are limited to a maximum of three percent of the monthly ~~((allowance))~~ benefit for all affected plans except LEOFF Plan 1. During a calendar year, the base COLA is payable to:

- (i) Retirees who have been retired for at least one year by July 1st of each year (April 1st for LEOFF Plan 1); and
- (ii) Beneficiaries or eligible ex-spouses who receive benefit payments from an account that, by July 1st, has paid a monthly benefit for at least one year (April 1st for LEOFF Plan 1).

(c) Uniform COLA

The uniform COLA is an annual adjustment to the benefit, based on years of service. The annual adjustment for the uniform COLA is independent from any other COLA. During a calendar year, it is payable to:

- (i) Retirees who, by July 1st, have received a retirement benefit for at least one year and who, by December 31st, will have reached age sixty-six or older;
- (ii) Beneficiaries and eligible ex-spouses who receive benefit payments from an account that, by July 1st, has paid a monthly benefit for at least one year and who, by December 31st, will have reached age sixty-six or older; and

(ii) Retirees, beneficiaries, or eligible ex-spouses of any age whose retirement benefit is calculated under the minimum formula.

(4) Who is responsible for determining the amount of the COLA? The office of the state actuary (OSA) bases the percentages of the COLAs on the Consumer Price Index. The Index is based on wages earned by urban wage earners and clerical workers in the Seattle-Tacoma-Bremerton, Washington area. OSA provides this information to the department annually.

AMENDATORY SECTION (Amending WSR 08-20-068, filed 9/25/08, effective 10/26/08)

WAC 415-02-360 What is the optional cost-of-living adjustment (COLA) for PERS Plan 1 and TRS Plan 1? ~~(1) ((At the time of retirement, if you are a PERS Plan 1 or TRS Plan 1 member, you can choose initially reduced retirement payment benefits that will provide you with annual cost of living adjustments in the future.))~~ PERS Plan 1 and TRS Plan 1 members can choose to receive an initially reduced retirement benefit in order to receive an annual cost-of-living adjustment in the future. With this optional COLA, the member's monthly retirement benefit is actuarially reduced at the time of retirement. Thereafter, the monthly benefit of the member (and subsequently their beneficiary) is adjusted annually, based on changes in the consumer price index (CPI) for the Seattle-Tacoma-Bremerton, Washington area, up to the statutory maximum. For more information, see:

PERS Plan 1: RCW 41.40.188 (1)~~((e))~~ ~~(c)~~; WAC 415-108-326

TRS Plan 1: RCW 41.32.530 (1)(d); WAC 415-112-504
~~(2) ((By opting to receive a lower dollar amount at the beginning of your retirement, you will receive a progressively higher amount as the payments continue.~~

~~(3))~~ **Examples**

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

~~Ernie, a TRS Plan 1 member, retires at age 55 with 30 years of service and chooses the COLA option. TRS Plan 1 provides two percent (.02) of average final compensation (AFC) per year of service. At the time he retires, Ernie's AFC~~

is \$4,295.33. As shown in the "Plan 1 Optional COLA" table below, Ernie would receive 0.7408 of his normal retirement benefit as the starting amount of the COLA-protected benefit. TRS would calculate the benefit as follows: 30.00 (years of service credit) x .02 x \$4,295.33 (AFC) = \$2,577.20 (monthly benefit without the COLA option). TRS would then multiply \$2,577.20 x .7408 = \$1,909.19 (the COLA-protected starting benefit Ernie would receive).

(b) Example (b):

Tina is a PERS Plan 1 member with 30 years of service credit at age 52 and eight months. Because she has reached 30 years of service, there is no reduction for an early retirement. However, Tina chooses the optional COLA. Tina would receive .7388 of her normal retirement benefit as the starting amount of the COLA-protected benefit. Her normal retirement benefit is \$2,295.00; her COLA-reduced benefit will be \$1,695.55.

(4)) Ernie is a member of TRS Plan 1. He retires at age 55 with 30 years of service and chooses the Single Life Option (no survivor beneficiary). His average final compensation (AFC) is \$4,295.33 per month.

(i) If he **does not** choose the optional COLA, his monthly benefit will be \$2,577.20 (2% x 30 x \$4,295.33).

(ii) If he **does** choose the optional COLA, his initial monthly benefit will be reduced to \$1,909.19, based on the factor in the table in subsection (3) of this section (.7396 x \$2,577.20). This monthly amount may increase each year with changes in the CPI.

Regardless whether or not Ernie chooses the optional COLA, he will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.

(b) Tina is a member of PERS Plan 1. She retires with 30 years of service credit at age 52 and 8 months. Because she has 30 years of service, there is no reduction for an early retirement. Tina chooses the Single Life Option (no survivor beneficiary). Her average final compensation (AFC) is \$3,825.00 per month.

(i) If she **does not** choose the optional COLA, her monthly benefit will be \$2,295.00 (2% x 30 x \$3,825.00).

(ii) If she **does** choose the optional COLA, her initial monthly benefit will be reduced to \$1,692.56, based on the factor in the table in subsection (3) of this section (.7375 x \$2,295.00). This monthly amount may increase each year with changes in the CPI.

Regardless whether or not Tina chooses the optional COLA, she will begin to receive the uniform COLA at age 66, consistent with all statutory requirements.

(3) Table(~~—The optional cost of living adjustment (COLA)~~ table is based on the 1995-2000 actuarial experience study).

Use these factors to convert (~~from standard option~~) monthly benefit payments (any retirement option) without ((a)) the optional COLA to the same retirement option with ((a)) the optional COLA. The following factors are effective September 1, 2010.

((Plan 1 Optional COLA

Age	PERS 1 Factor	TRS 1 Factor		Age	PERS 1 Factor	TRS 1 Factor
20	0.6586	0.6554		61	0.7778	0.7662
21	0.6600	0.6566		62	0.7825	0.7708
22	0.6615	0.6580		63	0.7873	0.7754
23	0.6630	0.6593		64	0.7922	0.7801
24	0.6645	0.6607		65	0.7972	0.7849
25	0.6661	0.6622		66	0.8022	0.7897
26	0.6678	0.6638		67	0.8073	0.7946
27	0.6696	0.6654		68	0.8124	0.7996
28	0.6714	0.6670		69	0.8176	0.8046
29	0.6732	0.6687		70	0.8229	0.8097
30	0.6752	0.6705		71	0.8282	0.8149
31	0.6772	0.6723		72	0.8335	0.8201
32	0.6793	0.6742		73	0.8389	0.8253
33	0.6814	0.6762		74	0.8443	0.8306
34	0.6836	0.6783		75	0.8497	0.8359
35	0.6859	0.6804		76	0.8551	0.8413
36	0.6883	0.6826		77	0.8605	0.8467
37	0.6908	0.6849		78	0.8659	0.8521
38	0.6933	0.6872		79	0.8713	0.8575
39	0.6960	0.6896		80	0.8766	0.8628
40	0.6987	0.6921		81	0.8819	0.8682
41	0.7015	0.6947		82	0.8871	0.8735
42	0.7044	0.6974		83	0.8922	0.8788

((Plan 1 Optional COLA

Age	PERS 1 Factor	TRS 1 Factor		Age	PERS 1 Factor	TRS 1 Factor
43	0.7074	0.7002		84	0.8971	0.8840
44	0.7105	0.7031		85	0.9020	0.8891
45	0.7137	0.7060		86	0.9066	0.8941
46	0.7170	0.7091		87	0.9111	0.8989
47	0.7204	0.7122		88	0.9153	0.9036
48	0.7238	0.7154		89	0.9192	0.9080
49	0.7274	0.7188		90	0.9230	0.9123
50	0.7311	0.7222		91	0.9264	0.9162
51	0.7349	0.7256		92	0.9296	0.9200
52	0.7388	0.7293		93	0.9326	0.9234
53	0.7427	0.7331		94	0.9353	0.9266
54	0.7468	0.7369		95	0.9378	0.9296
55	0.7510	0.7408		96	0.9401	0.9323
56	0.7552	0.7448		97	0.9423	0.9348
57	0.7595	0.7489		98	0.9444	0.9372
58	0.7640	0.7531		99	0.9464	0.9394
59	0.7685	0.7574				
60	0.7731	0.7618))				

Plan 1 Optional COLA Factors

Age	PERS 1	TRS 1		Age	PERS 1	TRS 1
<u>20</u>	<u>.6636</u>	<u>.6664</u>		<u>61</u>	<u>.7713</u>	<u>.7648</u>
<u>21</u>	<u>.6650</u>	<u>.6675</u>		<u>62</u>	<u>.7760</u>	<u>.7693</u>
<u>22</u>	<u>.6665</u>	<u>.6687</u>		<u>63</u>	<u>.7807</u>	<u>.7739</u>
<u>23</u>	<u>.6680</u>	<u>.6698</u>		<u>64</u>	<u>.7855</u>	<u>.7786</u>
<u>24</u>	<u>.6695</u>	<u>.6710</u>		<u>65</u>	<u>.7904</u>	<u>.7833</u>
<u>25</u>	<u>.6711</u>	<u>.6722</u>		<u>66</u>	<u>.7953</u>	<u>.7881</u>
<u>26</u>	<u>.6727</u>	<u>.6734</u>		<u>67</u>	<u>.8003</u>	<u>.7930</u>
<u>27</u>	<u>.6743</u>	<u>.6746</u>		<u>68</u>	<u>.8054</u>	<u>.7980</u>
<u>28</u>	<u>.6760</u>	<u>.6759</u>		<u>69</u>	<u>.8105</u>	<u>.8030</u>
<u>29</u>	<u>.6777</u>	<u>.6772</u>		<u>70</u>	<u>.8157</u>	<u>.8081</u>
<u>30</u>	<u>.6794</u>	<u>.6786</u>		<u>71</u>	<u>.8210</u>	<u>.8133</u>
<u>31</u>	<u>.6811</u>	<u>.6800</u>		<u>72</u>	<u>.8263</u>	<u>.8185</u>
<u>32</u>	<u>.6828</u>	<u>.6815</u>		<u>73</u>	<u>.8317</u>	<u>.8238</u>
<u>33</u>	<u>.6845</u>	<u>.6831</u>		<u>74</u>	<u>.8370</u>	<u>.8291</u>
<u>34</u>	<u>.6862</u>	<u>.6847</u>		<u>75</u>	<u>.8425</u>	<u>.8344</u>
<u>35</u>	<u>.6879</u>	<u>.6864</u>		<u>76</u>	<u>.8479</u>	<u>.8398</u>
<u>36</u>	<u>.6897</u>	<u>.6881</u>		<u>77</u>	<u>.8533</u>	<u>.8452</u>
<u>37</u>	<u>.6915</u>	<u>.6900</u>		<u>78</u>	<u>.8588</u>	<u>.8506</u>
<u>38</u>	<u>.6934</u>	<u>.6918</u>		<u>79</u>	<u>.8642</u>	<u>.8560</u>
<u>39</u>	<u>.6954</u>	<u>.6938</u>		<u>80</u>	<u>.8696</u>	<u>.8614</u>
<u>40</u>	<u>.6975</u>	<u>.6959</u>		<u>81</u>	<u>.8750</u>	<u>.8668</u>
<u>41</u>	<u>.6997</u>	<u>.6980</u>		<u>82</u>	<u>.8803</u>	<u>.8722</u>
<u>42</u>	<u>.7020</u>	<u>.7002</u>		<u>83</u>	<u>.8856</u>	<u>.8775</u>
<u>43</u>	<u>.7045</u>	<u>.7024</u>		<u>84</u>	<u>.8907</u>	<u>.8828</u>
<u>44</u>	<u>.7071</u>	<u>.7048</u>		<u>85</u>	<u>.8957</u>	<u>.8879</u>

<u>Age</u>	<u>PERS 1</u>	<u>TRS 1</u>		<u>Age</u>	<u>PERS 1</u>	<u>TRS 1</u>
<u>45</u>	<u>.7099</u>	<u>.7073</u>		<u>86</u>	<u>.9006</u>	<u>.8929</u>
<u>46</u>	<u>.7129</u>	<u>.7098</u>		<u>87</u>	<u>.9053</u>	<u>.8978</u>
<u>47</u>	<u>.7161</u>	<u>.7125</u>		<u>88</u>	<u>.9098</u>	<u>.9025</u>
<u>48</u>	<u>.7194</u>	<u>.7153</u>		<u>89</u>	<u>.9141</u>	<u>.9070</u>
<u>49</u>	<u>.7229</u>	<u>.7183</u>		<u>90</u>	<u>.9181</u>	<u>.9113</u>
<u>50</u>	<u>.7264</u>	<u>.7214</u>		<u>91</u>	<u>.9218</u>	<u>.9153</u>
<u>51</u>	<u>.7300</u>	<u>.7247</u>		<u>92</u>	<u>.9253</u>	<u>.9191</u>
<u>52</u>	<u>.7337</u>	<u>.7282</u>		<u>93</u>	<u>.9286</u>	<u>.9226</u>
<u>53</u>	<u>.7375</u>	<u>.7319</u>		<u>94</u>	<u>.9316</u>	<u>.9258</u>
<u>54</u>	<u>.7414</u>	<u>.7357</u>		<u>95</u>	<u>.9343</u>	<u>.9288</u>
<u>55</u>	<u>.7454</u>	<u>.7396</u>		<u>96</u>	<u>.9369</u>	<u>.9316</u>
<u>56</u>	<u>.7494</u>	<u>.7435</u>		<u>97</u>	<u>.9392</u>	<u>.9342</u>
<u>57</u>	<u>.7536</u>	<u>.7476</u>		<u>98</u>	<u>.9415</u>	<u>.9365</u>
<u>58</u>	<u>.7579</u>	<u>.7518</u>		<u>99</u>	<u>.9436</u>	<u>.9388</u>
<u>59</u>	<u>.7623</u>	<u>.7560</u>				
<u>60</u>	<u>.7668</u>	<u>.7604</u>				

AMENDATORY SECTION (Amending WSR 06-18-009, filed 8/24/06, effective 9/24/06)

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

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

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

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

LEOFF Plan 1:	RCW 41.26.164	WAC 415-104-202
LEOFF Plan 2:	RCW 41.26.460	WAC 415-104-215
PERS Plan 1:	RCW 41.40.188	WAC 415-108-326
PERS Plan 2:	RCW 41.40.660	WAC 415-108-326
PERS Plan 3:	RCW 41.40.845	WAC 415-108-326
PSERS:	RCW 41.37.170	WAC 415-106-600
SERS Plans 2 and 3:	RCW 41.35.220	WAC 415-110-610
TRS Plan 1:	RCW 41.32.530	WAC 415-112-504
TRS Plan 2:	RCW 41.32.785	WAC 415-112-505
TRS Plan 3:	RCW 41.32.851	WAC 415-112-505
WSPRS Plan 1:	RCW 43.43.278	WAC 415-103-215
WSPRS Plan 2:	RCW 43.43.271	WAC 415-103-225

(4) **Will selecting a benefit option with a survivor feature affect my monthly retirement ((allowance)) benefit?**

Yes. Your monthly retirement ((allowance)) benefit will be actuarially reduced to offset the cost of the survivor feature.

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

(a) **Example:**

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her survivor beneficiary. This means, if Kendra dies before Steve, Steve will receive a monthly ((allowance)) benefit equal to half the amount Kendra was receiving. Steve is 30 years younger than Kendra. The department will calculate the adjustment to Kendra's monthly retirement ((allowance)) benefit by using the survivor option factor table ("member older") in subsection (6) of this section. With a 30-year age difference (member's age minus beneficiary's age), the value corresponding to PERS Plan 2 and Option 3 is ((0.753)) 0.776. This value, ((0.753)) 0.776, is multiplied against the amount Kendra would have received under Option 1 (no survivor feature). Kendra's monthly retirement ((allowance)) benefit will be reduced to about ((75%)) 77% of her Option 1 level.

(b) **Example:**

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

("member younger") in subsection ((~~9~~)) (11) of this section. With a 5-year age difference (member's age minus beneficiary's age), the value corresponding to LEOFF Plan 2 and Option 2 is ((~~0.894~~)) 0.898. This value, ((~~0.894~~)) 0.898, will be multiplied against the amount Mark would have received under Option 1 (no survivor feature). Mark's monthly retirement ((~~allowance~~)) benefit will be reduced to about ((~~89~~ percent)) 90% of his Option 1 level.

(6) ~~Table - Member older (PERS and SERS).~~ The following factors are effective September 1, 2010.

~~((Survivor option factor table: Member older than beneficiary~~

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

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

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

~~Survivor option factor table: Member younger than beneficiary~~

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

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

(8) Table—Member older (PSERS)

Survivor option factor table: Member older than beneficiary

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

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
0	0.832	0.908	0.881
1	0.825	0.904	0.876
2	0.819	0.9	0.872
3	0.812	0.897	0.867
4	0.806	0.893	0.862
5	0.8	0.889	0.857
6	0.793	0.885	0.852
7	0.787	0.881	0.847
8	0.787	0.877	0.842
9	0.775	0.873	0.838
10	0.769	0.869	0.833
11	0.763	0.865	0.828
12	0.757	0.862	0.824
13	0.751	0.858	0.819
14	0.746	0.855	0.815
15	0.741	0.851	0.811
16	0.736	0.848	0.807
17	0.731	0.844	0.803
18	0.726	0.841	0.799
19	0.721	0.838	0.795
20	0.717	0.835	0.791
21	0.712	0.832	0.788

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

(9) Table—Member younger (PSERS)

Survivor option factor table: Member younger than beneficiary

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

Age Difference	Option 2 100%	Option 3 50%	Option 4 66 2/3 %
-20	0.94	0.969	0.959

Age Difference	Option 2-100%	Option 3-50%	Option 4-66 2/3 %
-19	0.936	0.967	0.956
-18	0.932	0.965	0.954
-17	0.928	0.962	0.951
-16	0.923	0.96	0.947
-15	0.919	0.958	0.944
-14	0.914	0.955	0.941
-13	0.909	0.952	0.937
-12	0.904	0.949	0.934
-11	0.899	0.947	0.93
-10	0.893	0.944	0.926
-9	0.887	0.94	0.922
-8	0.882	0.937	0.918

Age Difference	Option 2-100%	Option 3-50%	Option 4-66 2/3 %
-7	0.876	0.934	0.914
-6	0.87	0.93	0.909
-5	0.864	0.927	0.905
-4	0.858	0.923	0.9
-3	0.851	0.92	0.896
-2	0.845	0.916	0.891
-1	0.838	0.912	0.886

~~(10) Table Member older (LEOFF Plan 2 and WSPRS Plan 2)~~

Survivor option factor table: Member older than beneficiary

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

Age Difference	LEOFF 2 Option 2-100%	LEOFF 2 Option 3-50%	LEOFF 2 Option 4-66 2/3%	WSP 2 Option 2-100%	WSP 2 Option 3-50%	WSP 2 Option 4-66 2/3%
0	0.870	0.930	0.909	0.870	0.930	0.909
1	0.865	0.927	0.905	0.865	0.927	0.905
2	0.860	0.924	0.902	0.860	0.924	0.902
3	0.855	0.922	0.898	0.855	0.922	0.898
4	0.850	0.919	0.894	0.850	0.919	0.894
5	0.845	0.916	0.891	0.845	0.916	0.891
6	0.840	0.913	0.887	0.840	0.913	0.887
7	0.835	0.910	0.883	0.835	0.910	0.883
8	0.830	0.907	0.880	0.830	0.907	0.880
9	0.825	0.904	0.876	0.825	0.904	0.876
10	0.821	0.902	0.873	0.821	0.902	0.873
11	0.816	0.899	0.870	0.816	0.899	0.870
12	0.812	0.896	0.866	0.812	0.896	0.866
13	0.808	0.894	0.863	0.808	0.894	0.863
14	0.803	0.891	0.860	0.803	0.891	0.860
15	0.799	0.888	0.857	0.799	0.888	0.857
16	0.795	0.886	0.854	0.795	0.886	0.854
17	0.792	0.884	0.851	0.792	0.884	0.851
18	0.788	0.881	0.848	0.788	0.881	0.848
19	0.784	0.879	0.845	0.784	0.879	0.845
20	0.781	0.877	0.842	0.781	0.877	0.842
21	0.777	0.875	0.840	0.777	0.875	0.840
22	0.774	0.873	0.837	0.774	0.873	0.837
23	0.771	0.871	0.835	0.771	0.871	0.835
24	0.768	0.869	0.832	0.768	0.869	0.832
25	0.765	0.867	0.830	0.765	0.867	0.830
26	0.763	0.865	0.828	0.763	0.865	0.828
27	0.760	0.864	0.826	0.760	0.864	0.826
28	0.757	0.862	0.824	0.757	0.862	0.824
29	0.755	0.860	0.822	0.755	0.860	0.822
30	0.753	0.859	0.820	0.753	0.859	0.820
31	0.750	0.857	0.818	0.750	0.857	0.818
32	0.748	0.856	0.817	0.748	0.856	0.817
33	0.746	0.855	0.815	0.746	0.855	0.815
34	0.744	0.853	0.814	0.744	0.853	0.814
35	0.742	0.852	0.812	0.742	0.852	0.812
36	0.741	0.851	0.811	0.741	0.851	0.811

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
37	0.739	0.850	0.809	0.739	0.850	0.809
38	0.737	0.849	0.808	0.737	0.849	0.808
39	0.736	0.848	0.807	0.736	0.848	0.807
40	0.734	0.847	0.806	0.734	0.847	0.806

(11) Table – Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factor table: Member younger than beneficiary

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

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

(12) Table – Member younger (TRS)

Survivor option factor table: Member younger than beneficiary

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

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-20	0.968	0.984	0.979	0.952	0.975	0.967
-19	0.966	0.983	0.977	0.949	0.974	0.965
-18	0.964	0.982	0.976	0.945	0.972	0.963
-17	0.962	0.981	0.974	0.942	0.970	0.960
-16	0.960	0.979	0.973	0.938	0.968	0.958
-15	0.957	0.978	0.971	0.934	0.966	0.955
-14	0.955	0.977	0.969	0.929	0.963	0.952
-13	0.952	0.976	0.968	0.925	0.961	0.949
-12	0.950	0.974	0.966	0.921	0.959	0.946
-11	0.947	0.973	0.964	0.916	0.956	0.942
-10	0.944	0.971	0.962	0.911	0.953	0.939
-9	0.942	0.970	0.960	0.906	0.951	0.935
-8	0.939	0.968	0.958	0.900	0.948	0.931
-7	0.936	0.967	0.956	0.895	0.945	0.927
-6	0.933	0.965	0.954	0.889	0.941	0.923
-5	0.927	0.962	0.950	0.884	0.938	0.919
-4	0.923	0.960	0.947	0.877	0.934	0.914

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-3	0.918	0.957	0.944	0.865	0.928	0.906
-2	0.913	0.955	0.941	0.855	0.922	0.899
-1	0.907	0.951	0.936	0.839	0.912	0.887
0	0.898	0.946	0.930	0.815	0.898	0.869

(13) ~~Table~~ **Member older (TRS)**

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

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

(14) ~~Table~~ **Member younger (LEOFF Plan 1)**

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

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

(15) Table—Member older (LEOFF Plan 1)

Survivor option factor table: Member older than beneficiary

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

Age Difference	Option 2-100%	Option 3-50%	Option 4-66 2/3%
0	0.878	0.935	0.915
1	0.873	0.932	0.912
2	0.868	0.930	0.908
3	0.864	0.927	0.905
4	0.859	0.924	0.901
5	0.854	0.921	0.898
6	0.849	0.918	0.894
7	0.844	0.915	0.890
8	0.839	0.913	0.887

Age Difference	Option 2-100%	Option 3-50%	Option 4-66 2/3%
9	0.835	0.910	0.883
10	0.830	0.907	0.880
11	0.826	0.905	0.877
12	0.821	0.902	0.873
13	0.817	0.899	0.870
14	0.813	0.897	0.867
15	0.809	0.894	0.864
16	0.805	0.892	0.861
17	0.801	0.889	0.858
18	0.797	0.887	0.855
19	0.793	0.885	0.852
20	0.790	0.882	0.849
21	0.786	0.880	0.847
22	0.783	0.878	0.844
23	0.780	0.876	0.841
24	0.777	0.874	0.839
25	0.774	0.872	0.837
26	0.771	0.871	0.834
27	0.768	0.869	0.832
28	0.765	0.867	0.830
29	0.763	0.865	0.828
30	0.760	0.864	0.826
31	0.758	0.862	0.824
32	0.756	0.861	0.823
33	0.753	0.859	0.821
34	0.751	0.858	0.819
35	0.749	0.857	0.818
36	0.747	0.855	0.816
37	0.745	0.854	0.815
38	0.744	0.853	0.813
39	0.742	0.852	0.812
40	0.740	0.851	0.810))

Survivor option factor table: Member older than beneficiary

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

Age Difference	<u>PERS 1</u> Opt. 2 100%	<u>PERS 1</u> Opt. 3 50%	<u>PERS 1</u> Opt. 4 66 2/3%	<u>PERS 2/3</u> Opt. 2 100%	<u>PERS 2/3</u> Opt. 3 50%	<u>PERS 2/3</u> Opt. 4 66 2/3%	<u>SERS 2/3</u> Opt. 2 100%	<u>SERS 2/3</u> Opt. 3 50%	<u>SERS 2/3</u> Opt. 4 66 2/3%
0	0.882	0.937	0.918	0.807	0.893	0.862	0.802	0.890	0.859
1	0.875	0.933	0.913	0.793	0.885	0.852	0.780	0.877	0.842
2	0.870	0.930	0.909	0.783	0.878	0.844	0.761	0.864	0.827
3	0.866	0.928	0.906	0.775	0.873	0.838	0.753	0.859	0.821
4	0.862	0.926	0.903	0.767	0.868	0.832	0.746	0.854	0.815
5	0.858	0.924	0.901	0.760	0.863	0.826	0.738	0.849	0.809
6	0.854	0.922	0.898	0.752	0.859	0.820	0.731	0.845	0.803
7	0.851	0.919	0.895	0.745	0.854	0.814	0.724	0.840	0.797
8	0.848	0.917	0.893	0.738	0.849	0.809	0.717	0.835	0.792

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
9	0.844	0.916	0.890	0.732	0.845	0.803	0.710	0.831	0.786
10	0.841	0.914	0.888	0.725	0.840	0.798	0.704	0.826	0.781
11	0.838	0.912	0.886	0.718	0.836	0.793	0.697	0.822	0.776
12	0.835	0.910	0.883	0.712	0.832	0.788	0.691	0.817	0.771
13	0.832	0.908	0.881	0.706	0.828	0.783	0.686	0.813	0.766
14	0.829	0.907	0.879	0.700	0.824	0.778	0.680	0.809	0.761
15	0.826	0.905	0.877	0.695	0.820	0.774	0.675	0.806	0.757
16	0.824	0.904	0.875	0.690	0.816	0.769	0.670	0.802	0.752
17	0.822	0.902	0.874	0.684	0.813	0.765	0.665	0.799	0.748
18	0.820	0.901	0.872	0.680	0.809	0.761	0.660	0.795	0.744
19	0.818	0.900	0.871	0.675	0.806	0.757	0.655	0.792	0.740
20	0.816	0.898	0.869	0.670	0.803	0.753	0.651	0.789	0.737
21	0.814	0.897	0.868	0.666	0.799	0.749	0.647	0.786	0.733
22	0.812	0.896	0.867	0.662	0.796	0.746	0.643	0.783	0.730
23	0.811	0.895	0.865	0.658	0.793	0.742	0.639	0.780	0.726
24	0.809	0.895	0.864	0.654	0.791	0.739	0.635	0.777	0.723
25	0.808	0.894	0.863	0.650	0.788	0.736	0.632	0.774	0.720
26	0.807	0.893	0.862	0.646	0.785	0.733	0.628	0.772	0.717
27	0.806	0.892	0.861	0.643	0.783	0.730	0.625	0.769	0.714
28	0.804	0.892	0.860	0.640	0.780	0.727	0.622	0.767	0.711
29	0.803	0.891	0.860	0.637	0.778	0.724	0.619	0.764	0.709
30	0.802	0.890	0.859	0.634	0.776	0.722	0.616	0.762	0.706
31	0.801	0.890	0.858	0.631	0.773	0.719	0.613	0.760	0.704
32	0.800	0.889	0.857	0.628	0.771	0.717	0.611	0.758	0.702
33	0.799	0.888	0.856	0.625	0.769	0.714	0.608	0.756	0.699
34	0.798	0.888	0.856	0.623	0.767	0.712	0.606	0.754	0.697
35	0.797	0.887	0.855	0.620	0.766	0.710	0.603	0.752	0.695
36	0.796	0.887	0.854	0.618	0.764	0.708	0.601	0.751	0.693
37	0.796	0.886	0.854	0.616	0.762	0.706	0.599	0.749	0.691
38	0.795	0.886	0.853	0.613	0.760	0.704	0.597	0.747	0.689
39	0.794	0.885	0.853	0.611	0.759	0.702	0.595	0.746	0.687
40	0.793	0.885	0.852	0.609	0.757	0.700	0.593	0.744	0.686

(7) **Table - Member younger (PERS and SERS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

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

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-20	0.961	0.980	0.974	0.945	0.972	0.963	0.953	0.976	0.968
-19	0.959	0.979	0.972	0.942	0.970	0.960	0.950	0.974	0.966
-18	0.956	0.978	0.971	0.938	0.968	0.958	0.947	0.973	0.964
-17	0.954	0.976	0.969	0.934	0.966	0.955	0.943	0.971	0.962
-16	0.951	0.975	0.967	0.929	0.963	0.952	0.940	0.969	0.959
-15	0.948	0.973	0.965	0.925	0.961	0.949	0.936	0.967	0.956
-14	0.945	0.972	0.963	0.920	0.959	0.945	0.932	0.965	0.953
-13	0.942	0.970	0.961	0.916	0.956	0.942	0.927	0.962	0.950
-12	0.939	0.969	0.959	0.910	0.953	0.938	0.923	0.960	0.947
-11	0.936	0.967	0.957	0.905	0.950	0.935	0.918	0.957	0.944
-10	0.933	0.965	0.954	0.900	0.947	0.931	0.914	0.955	0.941
-9	0.930	0.964	0.952	0.894	0.944	0.927	0.909	0.952	0.937
-8	0.926	0.962	0.950	0.888	0.941	0.923	0.903	0.949	0.933
-7	0.923	0.960	0.947	0.882	0.937	0.918	0.898	0.946	0.930

<u>Age Difference</u>	<u>PERS 1 Opt. 2 100%</u>	<u>PERS 1 Opt. 3 50%</u>	<u>PERS 1 Opt. 4 66 2/3%</u>	<u>PERS 2/3 Opt. 2 100%</u>	<u>PERS 2/3 Opt. 3 50%</u>	<u>PERS 2/3 Opt. 4 66 2/3%</u>	<u>SERS 2/3 Opt. 2 100%</u>	<u>SERS 2/3 Opt. 3 50%</u>	<u>SERS 2/3 Opt. 4 66 2/3%</u>
-6	0.919	0.958	0.945	0.876	0.934	0.914	0.893	0.943	0.926
-5	0.916	0.956	0.942	0.870	0.930	0.909	0.887	0.940	0.922
-4	0.912	0.954	0.940	0.864	0.927	0.905	0.880	0.936	0.917
-3	0.907	0.951	0.936	0.853	0.921	0.897	0.868	0.929	0.908
-2	0.901	0.948	0.932	0.843	0.915	0.890	0.862	0.926	0.903
-1	0.892	0.943	0.925	0.826	0.905	0.877	0.841	0.913	0.888
0	0.882	0.937	0.918	0.807	0.893	0.862	0.802	0.890	0.859

(8) **Table - Member older (PSERS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

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

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
0	0.813	0.897	0.867
1	0.806	0.892	0.861
2	0.798	0.888	0.856
3	0.791	0.883	0.850
4	0.784	0.879	0.845
5	0.776	0.874	0.839
6	0.769	0.870	0.833
7	0.762	0.865	0.828
8	0.755	0.861	0.822
9	0.748	0.856	0.817
10	0.742	0.852	0.812
11	0.735	0.847	0.806
12	0.729	0.843	0.801
13	0.723	0.839	0.796
14	0.717	0.835	0.791
15	0.711	0.831	0.787
16	0.706	0.827	0.782
17	0.700	0.824	0.778
18	0.695	0.820	0.774
19	0.690	0.817	0.770
20	0.686	0.814	0.766
21	0.681	0.810	0.762
22	0.677	0.807	0.759
23	0.673	0.804	0.755
24	0.669	0.802	0.752
25	0.665	0.799	0.749
26	0.662	0.796	0.746
27	0.658	0.794	0.743
28	0.655	0.791	0.740
29	0.652	0.789	0.737
30	0.649	0.787	0.735

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
31	0.646	0.785	0.732
32	0.643	0.783	0.730
33	0.641	0.781	0.728
34	0.638	0.779	0.726
35	0.636	0.777	0.724
36	0.633	0.776	0.722
37	0.631	0.774	0.720
38	0.629	0.772	0.718
39	0.627	0.771	0.716
40	0.625	0.769	0.714

(9) **Table - Member younger (PSERS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

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

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-20	0.934	0.966	0.955
-19	0.930	0.963	0.952
-18	0.925	0.961	0.949
-17	0.921	0.959	0.946
-16	0.916	0.956	0.942
-15	0.911	0.953	0.939
-14	0.905	0.950	0.935
-13	0.900	0.947	0.931
-12	0.894	0.944	0.927
-11	0.888	0.941	0.922
-10	0.882	0.937	0.918
-9	0.876	0.934	0.913
-8	0.869	0.930	0.909
-7	0.862	0.926	0.904
-6	0.856	0.922	0.899
-5	0.849	0.918	0.894
-4	0.842	0.914	0.889
-3	0.835	0.910	0.883
-2	0.827	0.906	0.878

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
<u>-1</u>	<u>0.820</u>	<u>0.901</u>	<u>0.872</u>
<u>0</u>	<u>0.813</u>	<u>0.897</u>	<u>0.867</u>

Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

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

(10) Table - Member older (LEOFF Plan 2 and WSPRS Plans 1 and 2). The following factors for LEOFF

<u>Age Difference</u>	<u>WSP 1 Option B 100%</u>	<u>WSP 2 Option 2 100%</u>	<u>WSP 2 Option 3 50%</u>	<u>WSP 2 Option 4 66 2/3%</u>	<u>LEOFF 2 Option 2 100%</u>	<u>LEOFF 2 Option 3 50%</u>	<u>LEOFF 2 Option 4 66 2/3%</u>
0	0.953	0.889	0.941	0.923	0.881	0.937	0.918
1	0.950	0.884	0.938	0.920	0.876	0.934	0.914
2	0.947	0.879	0.936	0.916	0.871	0.931	0.910
3	0.944	0.874	0.933	0.913	0.866	0.928	0.906
4	0.941	0.870	0.930	0.909	0.861	0.925	0.903
5	0.938	0.865	0.928	0.906	0.855	0.922	0.899
6	0.934	0.860	0.925	0.902	0.850	0.919	0.895
7	0.931	0.855	0.922	0.899	0.845	0.916	0.891
8	0.928	0.851	0.919	0.895	0.840	0.913	0.887
9	0.925	0.846	0.917	0.892	0.835	0.910	0.883
10	0.921	0.842	0.914	0.889	0.830	0.907	0.880
11	0.918	0.837	0.911	0.885	0.825	0.904	0.876
12	0.915	0.833	0.909	0.882	0.820	0.901	0.872
13	0.912	0.829	0.906	0.879	0.815	0.898	0.869
14	0.909	0.824	0.904	0.876	0.811	0.895	0.865
15	0.906	0.820	0.901	0.873	0.806	0.893	0.862
16	0.903	0.816	0.899	0.870	0.802	0.890	0.858
17	0.900	0.812	0.896	0.867	0.797	0.887	0.855
18	0.898	0.809	0.894	0.864	0.793	0.885	0.852
19	0.895	0.805	0.892	0.861	0.789	0.882	0.849
20	0.892	0.801	0.890	0.858	0.785	0.880	0.846
21	0.890	0.798	0.888	0.856	0.782	0.877	0.843
22	0.887	0.795	0.886	0.853	0.778	0.875	0.840
23	0.885	0.791	0.884	0.851	0.774	0.873	0.837
24	0.882	0.788	0.882	0.848	0.771	0.871	0.835
25	0.880	0.785	0.880	0.846	0.768	0.869	0.832
26	0.878	0.782	0.878	0.844	0.765	0.867	0.830
27	0.876	0.780	0.876	0.842	0.762	0.865	0.827
28	0.874	0.777	0.875	0.839	0.759	0.863	0.825
29	0.872	0.775	0.873	0.837	0.756	0.861	0.823
30	0.871	0.772	0.871	0.836	0.753	0.859	0.821
31	0.869	0.770	0.870	0.834	0.751	0.858	0.819
32	0.868	0.767	0.868	0.832	0.748	0.856	0.817
33	0.866	0.765	0.867	0.830	0.746	0.854	0.815
34	0.865	0.763	0.866	0.829	0.743	0.853	0.813
35	0.864	0.761	0.864	0.827	0.741	0.851	0.811
36	0.863	0.759	0.863	0.826	0.739	0.850	0.810
37	0.862	0.758	0.862	0.824	0.737	0.849	0.808
38	0.861	0.756	0.861	0.823	0.735	0.848	0.807
39	0.860	0.754	0.860	0.822	0.734	0.846	0.805
40	0.859	0.753	0.859	0.820	0.732	0.845	0.804

(11) Table - Member younger (LEOFF Plan 2 and WSPRS Plans 1 and 2). The following factors for LEOFF Plan 2 are effective January 1, 2010; WSPRS Plans 1 and 2 are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

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

<u>Age Difference</u>	<u>WSP 1 Option B 100%</u>	<u>WSP 2 Option 2 100%</u>	<u>WSP 2 Option 3 50%</u>	<u>WSP 2 Option 4 66 2/3%</u>	<u>LEOFF 2 Option 2 100%</u>	<u>LEOFF 2 Option 3 50%</u>	<u>LEOFF 2 Option 4 66 2/3%</u>
-20	0.993	0.962	0.981	0.975	0.961	0.980	0.974
-19	0.992	0.960	0.979	0.973	0.958	0.979	0.972
-18	0.991	0.957	0.978	0.971	0.955	0.977	0.970
-17	0.990	0.954	0.977	0.969	0.952	0.976	0.968
-16	0.989	0.952	0.975	0.967	0.949	0.974	0.966
-15	0.987	0.949	0.974	0.965	0.946	0.972	0.963
-14	0.986	0.945	0.972	0.963	0.943	0.971	0.961
-13	0.984	0.942	0.970	0.961	0.939	0.969	0.959
-12	0.983	0.939	0.968	0.958	0.936	0.967	0.956
-11	0.981	0.935	0.967	0.956	0.932	0.965	0.953
-10	0.979	0.931	0.965	0.953	0.928	0.963	0.951
-9	0.977	0.928	0.962	0.951	0.924	0.960	0.948
-8	0.975	0.924	0.960	0.948	0.919	0.958	0.945
-7	0.972	0.920	0.958	0.945	0.915	0.956	0.942
-6	0.970	0.916	0.956	0.942	0.911	0.953	0.939
-5	0.967	0.911	0.954	0.939	0.906	0.951	0.935
-4	0.965	0.907	0.951	0.936	0.901	0.948	0.932
-3	0.962	0.902	0.949	0.933	0.896	0.945	0.928
-2	0.959	0.898	0.946	0.930	0.891	0.943	0.925
-1	0.956	0.893	0.944	0.926	0.886	0.940	0.921
0	0.953	0.889	0.941	0.923	0.881	0.937	0.918

(12) **Table - Member younger (TRS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

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

<u>Age Difference</u>	<u>TRS 1 Option 2 100%</u>	<u>TRS 1 Option 3 50%</u>	<u>TRS 1 Option 4 66 2/3%</u>	<u>TRS 2/3 Option 2 100%</u>	<u>TRS 2/3 Option 3 50%</u>	<u>TRS 2/3 Option 4 66 2/3%</u>
-20	0.969	0.984	0.979	0.956	0.977	0.970
-19	0.967	0.983	0.978	0.953	0.976	0.968
-18	0.965	0.982	0.976	0.949	0.974	0.966
-17	0.963	0.981	0.975	0.946	0.972	0.963
-16	0.961	0.980	0.973	0.942	0.970	0.961
-15	0.958	0.979	0.972	0.939	0.968	0.958
-14	0.956	0.977	0.970	0.935	0.966	0.955
-13	0.953	0.976	0.968	0.930	0.964	0.953
-12	0.951	0.975	0.967	0.926	0.962	0.950
-11	0.948	0.973	0.965	0.922	0.959	0.946
-10	0.946	0.972	0.963	0.917	0.957	0.943
-9	0.943	0.971	0.961	0.912	0.954	0.940
-8	0.940	0.969	0.959	0.907	0.951	0.936
-7	0.937	0.968	0.957	0.902	0.949	0.933
-6	0.934	0.966	0.955	0.897	0.946	0.929
-5	0.931	0.964	0.953	0.891	0.943	0.925
-4	0.928	0.963	0.951	0.886	0.939	0.921
-3	0.925	0.961	0.949	0.880	0.936	0.917
-2	0.918	0.957	0.944	0.865	0.928	0.906
-1	0.912	0.954	0.940	0.851	0.920	0.896
0	0.903	0.949	0.933	0.831	0.908	0.880

(13) **Table - Member older (TRS).** The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

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

<u>Age Difference</u>	<u>TRS 1 Option 2 100%</u>	<u>TRS 1 Option 3 50%</u>	<u>TRS 1 Option 4 66 2/3%</u>	<u>TRS 2/3 Option 2 100%</u>	<u>TRS 2/3 Option 3 50%</u>	<u>TRS 2/3 Option 4 66 2/3%</u>
0	0.903	0.949	0.933	0.831	0.908	0.880
1	0.896	0.945	0.928	0.815	0.898	0.869
2	0.891	0.942	0.924	0.803	0.891	0.859
3	0.887	0.940	0.922	0.795	0.886	0.853
4	0.884	0.939	0.920	0.789	0.882	0.848
5	0.881	0.937	0.918	0.782	0.877	0.843
6	0.878	0.935	0.915	0.775	0.873	0.838
7	0.875	0.933	0.913	0.768	0.869	0.833
8	0.872	0.932	0.911	0.762	0.865	0.827
9	0.870	0.930	0.909	0.755	0.861	0.822
10	0.867	0.929	0.907	0.749	0.856	0.817
11	0.865	0.928	0.906	0.743	0.852	0.812
12	0.863	0.926	0.904	0.737	0.849	0.808
13	0.860	0.925	0.902	0.731	0.845	0.803
14	0.858	0.924	0.901	0.726	0.841	0.799
15	0.856	0.923	0.899	0.720	0.837	0.794
16	0.854	0.921	0.898	0.715	0.834	0.790
17	0.853	0.920	0.897	0.710	0.830	0.786
18	0.851	0.919	0.895	0.705	0.827	0.782
19	0.849	0.919	0.894	0.701	0.824	0.778
20	0.848	0.918	0.893	0.696	0.821	0.775
21	0.847	0.917	0.892	0.692	0.818	0.771
22	0.845	0.916	0.891	0.688	0.815	0.768
23	0.844	0.915	0.890	0.684	0.812	0.764
24	0.843	0.915	0.889	0.680	0.809	0.761
25	0.842	0.914	0.889	0.676	0.807	0.758
26	0.841	0.913	0.888	0.673	0.804	0.755
27	0.840	0.913	0.887	0.669	0.802	0.752
28	0.839	0.912	0.887	0.666	0.800	0.750
29	0.838	0.912	0.886	0.663	0.797	0.747
30	0.837	0.911	0.885	0.660	0.795	0.744
31	0.837	0.911	0.885	0.657	0.793	0.742
32	0.836	0.911	0.884	0.655	0.791	0.740
33	0.835	0.910	0.884	0.652	0.789	0.737
34	0.835	0.910	0.883	0.649	0.787	0.735
35	0.834	0.910	0.883	0.647	0.786	0.733
36	0.834	0.909	0.882	0.645	0.784	0.731
37	0.833	0.909	0.882	0.643	0.782	0.730
38	0.832	0.909	0.882	0.641	0.781	0.728
39	0.832	0.908	0.881	0.639	0.779	0.726
40	0.831	0.908	0.881	0.637	0.778	0.724

(14) Table - Member younger (LEOFF Plan 1). The following factors are effective September 1, 2010.

Survivor option factor table: Member younger than beneficiary

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

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-20	0.959	0.979	0.972
-19	0.957	0.978	0.971
-18	0.954	0.976	0.969
-17	0.951	0.975	0.967

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-16	0.948	0.973	0.965
-15	0.945	0.972	0.962
-14	0.941	0.970	0.960
-13	0.938	0.968	0.958
-12	0.934	0.966	0.955
-11	0.931	0.964	0.953
-10	0.927	0.962	0.950
-9	0.923	0.960	0.947
-8	0.919	0.958	0.944

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3 %</u>
-7	0.915	0.955	0.941
-6	0.910	0.953	0.938
-5	0.906	0.951	0.935
-4	0.901	0.948	0.932
-3	0.897	0.945	0.929
-2	0.892	0.943	0.925
-1	0.887	0.940	0.922
0	0.882	0.937	0.918

(15) **Table - Member older (LEOFF Plan 1).** The following factors are effective September 1, 2010.

Survivor option factor table: Member older than beneficiary

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

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3%</u>
0	0.882	0.937	0.918
1	0.877	0.935	0.915
2	0.872	0.932	0.911
3	0.867	0.929	0.907
4	0.862	0.926	0.904
5	0.857	0.923	0.900
6	0.852	0.920	0.896
7	0.847	0.917	0.892
8	0.842	0.914	0.889
9	0.837	0.911	0.885
10	0.832	0.908	0.882
11	0.827	0.906	0.878
12	0.823	0.903	0.874
13	0.818	0.900	0.871
14	0.814	0.897	0.868
15	0.809	0.895	0.864
16	0.805	0.892	0.861
17	0.801	0.889	0.858
18	0.797	0.887	0.855
19	0.793	0.884	0.851

Original Purchase Price x Factor = Single Life Annuity Payment Amount

Factors - The following factors are effective September 1, 2010.

<u>Age</u>	<u>PERS Plan 3</u>	<u>SERS Plan 3</u>	<u>TRS Plan 3</u>
20	.0042981	.0042752	.0042735
21	.0043115	.0042875	.0042857
22	.0043255	.0043004	.0042985
23	.0043403	.0043140	.0043119

<u>Age Difference</u>	<u>Option 2 100%</u>	<u>Option 3 50%</u>	<u>Option 4 66 2/3%</u>
20	0.789	0.882	0.849
21	0.785	0.880	0.846
22	0.781	0.877	0.843
23	0.778	0.875	0.840
24	0.774	0.873	0.837
25	0.771	0.871	0.835
26	0.768	0.869	0.832
27	0.765	0.867	0.830
28	0.762	0.865	0.828
29	0.759	0.863	0.825
30	0.756	0.861	0.823
31	0.754	0.860	0.821
32	0.751	0.858	0.819
33	0.749	0.856	0.817
34	0.746	0.855	0.815
35	0.744	0.853	0.814
36	0.742	0.852	0.812
37	0.740	0.851	0.810
38	0.738	0.849	0.809
39	0.736	0.848	0.807
40	0.734	0.847	0.806

NEW SECTION

WAC 415-02-390 Total allocation portfolio (TAP) annuity factors. If you are a Plan 3 member of the public employees' retirement system (PERS), school employees' retirement system (SERS) or teachers' retirement system (TRS) and you have funds in the Washington state investment board (WSIB) investment program, you may use those funds to purchase a life annuity that is administered by the state of Washington when you become eligible to withdraw funds from your Plan 3 account. See WAC 415-111-320 for more information about purchasing a TAP annuity.

(1) **How is the monthly TAP annuity payment determined?** Your single life annuity payment amount is based on the original purchase price and the annuity factor for your age at the time of purchase.

<u>Age</u>	<u>PERS Plan 3</u>	<u>SERS Plan 3</u>	<u>TRS Plan 3</u>
24	.0043559	.0043283	.0043260
25	.0043722	.0043433	.0043409
26	.0043894	.0043591	.0043565
27	.0044074	.0043758	.0043729
28	.0044264	.0043932	.0043901
29	.0044464	.0044116	.0044083

Age	PERS Plan 3	SERS Plan 3	TRS Plan 3
30	.0044674	.0044309	.0044273
31	.0044894	.0044512	.0044473
32	.0045144	.0044726	.0044683
33	.0045389	.0044966	.0044921
34	.0045646	.0045203	.0045154
35	.0045915	.0045451	.0045398
36	.0046197	.0045712	.0045655
37	.0046492	.0045986	.0045923
38	.0046800	.0046274	.0046205
39	.0047124	.0046576	.0046501
40	.0047507	.0046893	.0046812
41	.0047868	.0047226	.0047139
42	.0048246	.0047618	.0047524
43	.0048641	.0047989	.0047890
44	.0049054	.0048379	.0048274
45	.0049486	.0048787	.0048677
46	.0050025	.0049215	.0049101
47	.0050508	.0049664	.0049545
48	.0051015	.0050216	.0050086
49	.0051544	.0050719	.0050584
50	.0052099	.0051246	.0051107
51	.0052819	.0051798	.0051654
52	.0053441	.0052375	.0052227
53	.0054090	.0053119	.0052956
54	.0054761	.0053765	.0053597
55	.0055453	.0054440	.0054263
56	.0056425	.0055148	.0054972
57	.0057222	.0056100	.0055713
58	.0058050	.0056893	.0056717
59	.0058914	.0057719	.0057554
60	.0060024	.0058574	.0058425
61	.0061134	.0059677	.0059332
62	.0062157	.0060779	.0060501
63	.0063231	.0061801	.0061669
64	.0064666	.0062857	.0062734
65	.0066102	.0064271	.0064146
66	.0067381	.0065685	.0065558
67	.0069142	.0066932	.0066812
68	.0070904	.0068650	.0068527
69	.0072409	.0070367	.0070243
70	.0074580	.0071836	.0071720
71	.0076750	.0073948	.0073831
72	.0078537	.0076060	.0075943
73	.0081241	.0077801	.0077698
74	.0083945	.0080424	.0080323
75	.0086079	.0083046	.0082949
76	.0089494	.0085123	.0085049

Age	PERS Plan 3	SERS Plan 3	TRS Plan 3
77	.0092910	.0088426	.0088361
78	.0095472	.0091729	.0091674
79	.0099864	.0094231	.0094204
80	.0104255	.0098473	.0098460
81	.0107358	.0102714	.0102716
82	.0113112	.0105753	.0105794
83	.0118866	.0111296	.0111364
84	.0122633	.0116840	.0116935
85	.0130303	.0120540	.0120687
86	.0137973	.0124197	.0124401
87	.0142547	.0131966	.0132228
88	.0146958	.0139735	.0140056
89	.0157858	.0144064	.0144471
90	.0168759	.0154392	.0154931
91	.0173946	.0164719	.0165391
92	.0178765	.0169752	.0170558
93	.0194101	.0174443	.0175370
94	.0209437	.0178745	.0179796
95	.0215135	.0193483	.0194888
96	.0220376	.0208221	.0209980
97	.0225187	.0213149	.0215118
98	.0229620	.0217660	.0219824
99	.0233764	.0221845	.0224187

(2) **Can I choose a joint life annuity option?** When you purchase your annuity, you can choose a joint life annuity option that will provide a lifetime monthly payment to another person upon your death. Your joint life annuity payment amount is a reduction from the single life annuity payment amount and will depend on the survivorship percentage you choose and the age of you and your joint annuitant at the time of the annuity purchase.

AMENDATORY SECTION (Amending WSR 02-23-037, filed 11/13/02, effective 1/1/03)

WAC 415-103-215 What are the WSPRS Plan 1 retirement benefit options? This section only applies to members commissioned before January 1, 2003 ((~~WSPRS Plan 1~~)).

(1) When retiring for service, a married member can choose either Option A (historic retirement option) under RCW 43.43.260 and 43.43.270 or Option B under RCW 43.43.278. Both options include a survivor feature that entitles the eligible surviving spouse and any eligible children to receive a monthly ((~~allowance~~)) benefit after the retiree dies.

(2) **Option A (historic retirement option and survivor benefit).** The department pays the retiree a monthly retirement ((~~allowance~~)) benefit in accordance with RCW 43.43.260 (Benefits). The department pays survivor benefits in accordance with RCW 43.43.270 (Retirement allowances).

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement ((~~allowance~~)) benefit equal to the gross monthly ((~~allow-~~

~~ance))~~ benefit then payable to the retiree, or ~~((an allowance))~~ a benefit equal to fifty percent of the average final salary (AFS) used to determine the retiree's benefit, whichever is less.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each child shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement. The combined benefits to the surviving spouse and all children cannot exceed sixty percent of the retiree's AFS.

(3) **Option B (actuarially equivalent retirement option and survivor benefit).** The department pays the retiree a monthly retirement ~~((allowance))~~ benefit that is actuarially reduced ~~((by three percent))~~ from the benefit calculated under Option A. The department pays survivor benefits in accordance with RCW 43.43.278 using actuarial factors in WAC 415-02-380 (10) and (11).

(a) **Surviving spouse.** When the retiree dies, the department pays the retiree's surviving spouse a monthly retirement ~~((allowance))~~ benefit equal to the gross monthly ~~((allowance))~~ benefit then payable to the retiree.

(b) **Surviving children when there is a surviving spouse.** If the retiree has a surviving spouse and surviving unmarried children under the age of eighteen years, each surviving unmarried child under the age of eighteen years shall be entitled to a benefit equal to five percent of the retiree's average final salary (AFS) at retirement.

(4) **Benefits included in Option A and Option B.**

(a) **Cost-of-living adjustment.** The retiree's annual adjustment every July is based upon the provisions in RCW 43.43.260(5). The annual adjustment applies to the eligible surviving spouse and any eligible children, who receive a monthly ~~((allowance))~~ benefit after the retiree dies.

(b) **Surviving spouse eligibility.** To be eligible for ~~((an allowance))~~ a benefit, the surviving spouse of a retiree must either:

(i) Have been married to the retiree prior to his or her retirement and continuously thereafter until the retiree's death; or

(ii) Have been married to the retiree for at least two years prior to the retiree's death.

(c) **Remarriage of surviving spouse.** If a surviving spouse who is receiving benefits under this subsection marries another member of WSPRS and that retiree dies before the spouse, the spouse will receive only the higher of the two survivors' ~~((allowances))~~ benefits for which he or she qualifies. The surviving spouse cannot receive more than one survivor ~~((allowance))~~ benefit at a time under this subsection.

(d) **Surviving children when there is no surviving spouse.** If there is no surviving spouse or the surviving spouse dies, the unmarried child or children under the age of eighteen years shall be entitled to a benefit equal to thirty percent of the retiree's AFS for one child and an additional ten percent of AFS for each additional child. The combined benefits to the surviving children cannot exceed sixty percent of the retiree's AFS. Benefit payments under this subsection will be divided equally among the children.

(e) **End of benefits.** All benefits end when the surviving spouse dies or the youngest unmarried child reaches age eighteen, whichever occurs last.

(f) **Distribution of remaining contributions.** Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department designated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (f)(i) of this subsection is living or in existence at the time of the retiree's death.

(5) **Pop-up provision.**

(a) This subsection only applies to members retiring on or after July 1, 2000, who select Option B.

(b) If the retiree and spouse divorce, or if the spouse dies before the retiree, the retiree's monthly retirement ~~((allowance))~~ benefit increases, effective the first day of the following month, to:

(i) The amount that the retiree would have received had the retiree chosen Option A at retirement; plus

(ii) Any cost of living adjustments (COLA) the retiree received prior to the divorce or the spouse's death.

(c) Pop-up recalculation example:

Option B: Bob ~~((retired))~~ retires on ~~((August 1, 2000))~~ September 1, 2010. His Option A monthly benefit ~~((would have been))~~ is \$3,000. He ~~((selected))~~ selects Option B so that his spouse, Linda, will receive his monthly ~~((allowance))~~ benefit and COLA after he dies. Bob is 5 years younger than Linda. As a result, ~~((his monthly allowance was reduced by three percent from \$3,000, the Option A, historic retirement and survivor benefit, to \$2,910. Bob's COLA for 2001 was \$87.30 (three percent of \$2,910) and for 2002 was \$89.92 (three percent of \$2,997.30)))~~ the department will calculate the adjustment to Bob's monthly retirement benefit by using the survivor option factor found in WAC 415-02-380(11). With a -5 year age difference, the value corresponding to WSP Plan 1 Option B is 0.967. This value, 0.967, will be multiplied against the \$3,000 Option A benefit amount. Bob's Option B monthly benefit amount will be \$2,901. Bob receives his first COLA on July 1, 2012, in the amount of \$87.03. Bob's monthly benefit amount with the COLA is \$2,988.03.

Linda ~~((died))~~ dies in September ~~((2002))~~ 2012. Under the "pop-up" provision, Bob's monthly benefit increased in October ~~((2002))~~ 2012 to a total of ~~(((\$3,177.22))~~ \$3,087.03. His new benefit amount includes the \$3,000 he would have received had he originally chosen Option A, plus the ~~((total of the COLAs))~~ COLA he received in ~~((2001 (\$87.30) and 2002 (\$89.92). On July 1, 2003, Bob's COLA will be based on the average consumer price index to a maximum of three percent. See RCW 43.43.260(5))~~ 2012 (\$87.03).

(d) If a retiree whose benefit increases under this subsection dies and there is no eligible child, all benefit payments end. Any remaining balance of the retiree's accumulated contributions will be paid to:

(i) The person(s), trust, organization, or retiree's estate specified by the retiree on the appropriate department design-

nated form, duly executed and properly on file with the department on or before the retiree's death; or

(ii) To the retiree's legal representative, if no person or entity designated in (d)(i) of this subsection is living or in existence at the time of the retiree's death.

(6) For more information see chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating retirement (~~allowances~~) benefits.

(7) Terms used in this section:

"Pop-up" - see WAC 415-02-030.

AMENDATORY SECTION (Amending WSR 05-24-050, filed 12/1/05, effective 1/1/06)

WAC 415-111-320 May I purchase a life annuity with my Plan 3 defined contribution account? Any time after you become eligible to withdraw funds from your Plan 3 account, you may use part or all of your funds to purchase a life annuity according to this section. To purchase a Total Allocation Portfolio (TAP) Annuity that is administered by the state of Washington you must use funds that are in the Washington state investment board (WSIB) investment program. To purchase an annuity through an insurance company that is offered by the self-directed investment program, you must use funds that are in the self-directed investment program.

(1) **What is a life annuity?** A life annuity is a contract that provides a guaranteed income for the rest of your life in exchange for a lump-sum dollar amount you pay up front. The contract specifies the amount you pay to purchase the annuity, the amount you will receive each month, and any other terms and conditions.

(a) **A single life annuity** is based on your lifetime. It provides guaranteed payments for as long as you live. The payments stop upon your death.

(b) **A joint life annuity** is based on two lifetimes, yours and another person that you choose (referred to as your joint annuitant). It provides guaranteed payments (~~for as long as you live, and then for as long as your joint annuitant lives~~) to you during your lifetime, and then, if your joint annuitant survives you, to your joint annuitant for the remainder of his/her lifetime. The payments stop when both you and your joint annuitant die.

(c) A ~~((term-certain))~~ term-certain—**Single life annuity** is based on your lifetime. It provides you with regular payments for as long as you live. It also guarantees the payments for a specific, predetermined period of time (~~((term-certain))~~ term-certain). If you die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

(d) A ~~((term-certain))~~ term-certain—**Joint life annuity** is based on two lifetimes, yours and your joint annuitant's. It provides regular payments for as long as you or your joint annuitant lives. It also guarantees those payments for a specific, predetermined period of time (~~((term-certain))~~ term-certain). If you and your joint annuitant should both die before the specified period of time, payments will continue to your beneficiary for the balance of the specified period.

Example ~~((Term-certain))~~ term-certain—Joint life annuity:

John purchased a 20-year ~~((term-certain))~~ term-certain joint life annuity. He received monthly payments until his death 10 years later. Upon John's death, Mary, John's joint annuitant, will receive payments for the duration of her life.

- If Mary lives for 5 years after John's death, upon her death the annuity will make payments to John's beneficiary for 5 years, the remainder of the 20-year term.
- If Mary lives for 15 years after John's death, upon her death the annuity will cease. The annuity will have paid benefits for 25 years, five years beyond the 20-year guaranteed period.

(2) **Are the life annuities offered by each investment program different?** The life annuities offered through the WSIB investment program and the self-directed investment program have distinct features and options. Each program may offer some or all of the annuities described in subsection (1) of this section. Minimum purchase price, payment frequency, survivorship percentages, length of ~~((term-certain))~~ term-certain annuities, and other optional features differ between programs as well.

(3) **How is the original purchase price of the life annuity determined?** You will choose how much of your defined contribution funds to use as your original purchase price. The minimum purchase price depends on the type of annuity you purchase: The minimum purchase price for a TAP annuity is twenty-five thousand dollars and the minimum purchase price for an annuity through a self-directed investment program insurance company is five thousand dollars.

The minimum purchase price for a life annuity is subject to change.

(4) **How are the monthly annuity payments calculated?** The amount of your monthly annuity payment ((amount)) is based on various actuarial assumptions, including without limitation, assumptions about life expectancy and anticipated investment returns. The amount of your monthly annuity payment will vary depending on:

- The original purchase price;
- Your age;
- The age of your joint annuitant((s)) (if any);
- ~~((Assumptions about life expectancy;~~
- ~~(e)))~~ The survivorship percentage you select on a joint annuity (if any); and
- ~~((f) Anticipated investment returns; and~~
- ~~(g) The specific features of the annuity you select, such as, but not limited to, COLAs or refunds of any undistributed balance upon death.~~

~~(4))~~ (e) Other features of your specific annuity, including, but not limited to, COLAs or refunds of undistributed balances upon your death.

For more information about the factors used in calculating a TAP annuity, see WAC 415-02-390. For more information about the factors used in calculating an annuity through a self-directed investment program insurance company, contact the Plan 3 record keeper.

(5) **May I ~~((change my mind after I purchase an annuity))~~ cancel my purchase of an annuity contract?**

Your contract will specify a period of time in which you can (~~rescind~~) cancel your decision to purchase the annuity. Once the rescission period expires, your decision is irrevocable.

~~((5))~~ ~~May I change the terms of the annuity?~~ **(6) Can the terms of the annuity be changed after the rescission period expires?** You may not make any changes after the rescission period unless your annuity contract explicitly states otherwise. Some (~~policies~~) contracts allow you to make changes in specific circumstances. For instance, you may make changes to an annuity purchased through the Washington state investment board investment program only as follows:

(a) If you name someone other than your spouse as the joint annuitant, you may convert to a single life annuity at any time after your payments begin. This option may only be used once and is irrevocable.

(b) If you marry after purchasing a single life annuity, you may convert to a joint life annuity and name your new spouse as (~~survivor~~) joint annuitant, provided that:

(i) Your monthly (~~benefit~~) annuity payment is not subject to (~~(a) property (settlement agreement from a court decree of dissolution or) division pursuant to a dissolution order (definition of dissolution order in RCW 41.50.500 includes orders of legal separation);~~

(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 marriage; and

(iii) You provide satisfactory proof of your new marriage and your new spouse's birth date. (~~This option may only be used once and is irrevocable.~~

~~((6))~~ **(7) What are the tax consequences of a life annuity?**

(a) You, your joint annuitant or your beneficiary may be liable for federal and/or state taxes on payments from your annuity in the year in which they are received. You will receive an annual statement indicating the taxable portion of your annuity payments.

(b) For a TAP annuity, if you do not submit a tax withholding Form W-4P to the department before your first payment, taxes will be withheld according to Internal Revenue Service requirements, using a filing status of married with three exemptions.

(c) The department does not:

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

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

(iii) Represent or guarantee (~~that~~) any particular federal or state income, payroll, personal property or other tax consequence (~~will occur~~) because of (~~its nontaxable~~) the department's determination of the taxable status of a distribution; or

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

~~((7))~~ **(8) How do I purchase a life annuity?**

(a) The forms required to purchase an annuity and the applicable directions are available on the department's web site or upon request from the department, and include:

(i) Plan 3 Request for Payment of Defined Contributions Funds Form;

(ii) Plan 3 Annuity Payment Request Form;
(iii) Spousal consent form, if married;
(iv) Proof of your birth date;
(v) Proof of your joint annuitant's birth date, if applicable; and

(vi) Tax withholding Form W-4P.

(b) You may transfer funds from one investment program to the other in order to have sufficient funds in the appropriate investment program to cover the cost of the annuity purchase.

~~((8))~~ **(9) What if there is an error in my contract?** Carefully examine your contract upon receipt. If there is an error or omission, you must report the error or omission immediately according to the instructions in your contract.

WSR 10-16-096

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 30, 2010, 3:08 p.m., effective September 1, 2010]

Effective Date of Rule: September 1, 2010.

Purpose: The department is amending sections of chapter 388-448 WAC and WAC 388-400-0025, to comply with the changes outlined in E2SHB 2782, chapter 8, Laws of 2010, as signed by the governor on March 29, 2010.

These amendments will replace the general assistance program with disability lifeline, add a benefit month limit, amend treatment and referral requirements; and add chemical dependency treatment as a condition of eligibility for disability lifeline clients who are assessed as chemically dependent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-400-0025, 388-448-0010, 388-448-0130, 388-448-0140, 388-448-0150 and 388-448-0160; and new sections WAC 388-448-0220 How does alcohol or drug dependence affect my eligibility for disability lifeline? and 388-448-0250 Are there limits on the number of months I may receive disability lifeline benefits?

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.51 [74.04.510], 74.08.090, 74.08A.100, and 74.04.770.

Other Authority: RCW 74.04.0005 [74.04.005], E2SHB 2782, chapter 8, Laws of 2010, as signed by the governor on March 29, 2010.

Adopted under notice filed as WSR 10-13-147 on June 23, 2010.

Changes Other than Editing from Proposed to Adopted Version: The department modified the rules in:

- WAC 388-400-0025 (2)(h), to clarify interim assistance is the monetary value of benefits subsequently duplicated by supplemental security income.
- WAC 388-448-0010(4), to clarify that the evaluation should be completed following the progressive evaluation process.
- WAC 388-448-0250, to change two references to the "social security administration (SSA)" to "fed-

eral supplemental security income (SSI)" disability standard.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 6, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 6, Repealed 0.

Date Adopted: July 30, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-13-043, filed 6/15/06, effective 7/17/06)

WAC 388-400-0025 Who is eligible for (~~general assistance-unemployable~~) disability lifeline benefits? (1) Effective March 29, 2010, the "general assistance" program was replaced by "disability lifeline." Any reference in Washington Administrative Code (WAC) to general assistance also applies to disability lifeline.

(2) You (~~can get general assistance-unemployable (GAU)~~) are eligible for disability lifeline (DL) benefits if you:

(a) Are incapacitated as required under WAC (~~388-448-0010~~) 388-448-0001 through 388-448-0120;

(b) Are at least eighteen years old or, if under eighteen, a member of a married couple;

(c) Are in financial need according to (~~GAU~~) DL income and resource rules in chapters 388-450, 388-470 and 388-488 WAC. We determine who is in your assistance unit according to WAC 388-408-0010;

(d) Meet the (~~general assistance~~) disability lifeline citizenship/alien status requirements under WAC 388-424-0015(2);

(e) Provide a Social Security number as required under WAC 388-476-0005;

(f) Reside in the state of Washington as required under WAC 388-468-0005;

(g) Undergo (~~an~~) referrals for assessment, treatment (and referral assessment), or to other agencies as provided under WAC 388-448-0130 through 388-448-0150;

(h) (~~Assign~~) Sign an interim assistance reimbursement authorization to agree to repay the monetary value of general assistance or disability lifeline benefits subsequently duplicated by supplemental security income benefits as (provided) described under WACs 388-448-0200, 388-448-0210 and 388-474-0020;

(i) Report changes of circumstances as required under WAC 388-418-0005; and

(j) Complete a mid-certification review and provide proof of any changes as required under WAC 388-418-0011.

~~((2))~~ (3) You (~~cannot get GAU~~) aren't eligible for disability lifeline benefits if you:

(a) (~~You~~) Have received general assistance or disability lifeline benefits for more than the maximum number of months as defined in WAC 388-448-0250.

(b) Are eligible for temporary assistance for needy families (TANF) benefits(~~;~~).

~~((b) You)~~ (c) Are eligible for state family assistance (SFA) benefits (~~unless you are not eligible under WAC 388-400-0010;~~).

~~((e) You have the ability to, but)~~ (d) Refuse or fail to meet a TANF or SFA eligibility rule(~~;~~).

~~((d) You)~~ (e) Refuse or fail to participate in drug or alcohol treatment as required in WAC 388-448-0220.

(f) Are eligible for supplemental security income (SSI) benefits(~~;~~).

~~((e) You)~~ (g) Are an ineligible spouse of an SSI recipient(~~or~~).

~~((f) Social Security Administration (SSA) denied your application for benefits or terminated your benefits for failing to follow a SSI program rule or application requirement.~~

(3) We determine who is in your assistance unit according to WAC 388-408-0010) (h) Failed to follow a social security administration (SSA) program rule or application requirement and SSA denied or terminated your benefits.

(4) If you reside in a public institution and meet all other requirements, your eligibility for DL depends on the type of institution. A "public institution" is an institution that is supported by public funds, and a governmental unit either is responsible for it or exercises administrative control over it. (~~If you live in a public institution, you may be eligible for GAU depending on the type of institution you are in.)~~

(a) (~~If you reside in a public institution and are otherwise eligible for GAU,~~) You may be eligible for (general assistance) disability lifeline if you are:

(i) A patient in a public medical institution; or

(ii) A patient in a public mental institution and (~~are~~):

(A) Sixty-five years of age or older; or

(B) Twenty years of age or younger.

(b) You (~~are not~~) aren't eligible for (~~GAU~~) DL when you are in the custody of or confined in a public institution such as a state penitentiary or county jail including placement:

(i) In a work release program; or

(ii) Outside of the institution including home detention.

AMENDATORY SECTION (Amending WSR 04-07-140, filed 3/22/04, effective 5/1/04)

WAC 388-448-0010 How do we decide if you are incapacitated? When you apply for (~~GA~~) disability lifeline program benefits, you must provide medical evidence to us to show that you are unable to work.

If you are gainfully employed at the time of your application for (~~GA~~) DL, we deny incapacity. "**Gainful employment**" means you are performing, in a regular and predictable manner, an activity usually done for pay or profit.

(1) We ~~((do not))~~ don't consider work to be gainful employment when you are working:

(a) Under special conditions that go beyond the employer providing reasonable accommodation, such as in a sheltered workshop we have approved; or

(b) Occasionally or part-time because your impairment limits the hours you are able to work compared to unimpaired workers in the same job as verified by your employer.

(2) We ~~((decide))~~ determine if you are incapacitated when:

(a) You apply for ~~((GA))~~ disability lifeline benefits ~~((We may waive this decision if we use the criteria in WAC 388-448-0001 except the PEP to determine you are incapacitated))~~;

(b) You become employed;

(c) You obtain work skills by completing a training program; or

(d) We ~~((get))~~ receive new information that indicates you may be employable.

(3) Unless you meet the other incapacity criteria in WAC 388-448-0001, we decide incapacity by applying the progressive evaluation process (PEP) to the medical evidence that you provide that meets WAC 388-448-0030. The PEP is the sequence of seven steps described in WAC 388-448-0035 through 388-448-0110.

(4) ~~((You are not eligible for GA benefits if you are incapacitated only because of alcoholism or drug addiction.))~~ If you have a physical or mental impairment and you are impaired by alcohol or drug addiction and do not meet the other incapacity criteria in WAC 388-448-0001, we decide if you are eligible for ~~((general assistance))~~ disability lifeline by applying the progressive evaluation process described in WAC 388-448-0035 through WAC 388-448-0110. ((If you qualify for both GA and the ADATSA Shelter program, you may choose either program.)) You aren't eligible for DL benefits if you are incapacitated primarily because of alcoholism or drug addiction.

(5) In determining incapacity, we consider only your ability to perform basic work-related activities. "Basic work-related activities" are activities that anyone would be required to perform in a work setting. They consist of: Sitting, standing, walking, lifting, carrying, handling, seeing, hearing, communicating, and understanding and following instructions.

AMENDATORY SECTION (Amending WSR 01-14-059, filed 6/29/01, effective 8/1/01)

WAC 388-448-0130 Treatment and referral requirements. We refer you ~~((to medical providers for available))~~ for medical treatment or to other agencies for ~~((treatment))~~ services, rehabilitation, or work activities when we decide ((#)) medical treatment or services are available, and will improve your ability to ((be)) become gainfully employed or reduce your need for ((GAU)) disability lifeline benefits. "**((Available)) Medical treatment**" means any medical, surgical, ~~((chemical dependency, or))~~ mental health service(s), or ~~((a combination of them))~~ any other treatment or service recommended by a medical or mental health provider.

(1) When you are first approved, and at each review determination, we give you written information regarding your medical treatment and agency referral requirements.

(2) You must accept and follow through on required medical treatment and referrals to other agencies and services, ~~((including applying for SSI,))~~ unless you have good cause for not doing so. ~~((Examples of good cause are found))~~ Good cause for medical treatment and referrals is defined in WAC 388-448-0140.

(3) ~~((We may require you to undergo alcohol or drug treatment before reviewing your eligibility for GAU.~~

(4) You may request ~~((a fair))~~ an administrative hearing if you disagree with the medical treatment or agency referral requirements we set for you (see WAC 388-458-0040).

AMENDATORY SECTION (Amending WSR 01-14-059, filed 6/29/01, effective 8/1/01)

WAC 388-448-0140 When does a person have good cause for refusing or failing to participate in medical treatment or referrals to other ((agency referrals)) agencies? ~~((We may determine that you have good cause for refusing))~~ When you refuse or fail to participate in required medical treatment or referrals to other agencies, you may claim good cause by providing a reason for your refusal or failure. We determine whether your reason is valid. We may require you to provide proof to support your good cause claim. ((Valid reasons for refusing treatment and other agency referrals include, but are not limited to, the following:)) These rules do not apply to participation requirements listed in WACs 388-448-0200 through 388-448-0250.

(1) Valid reasons for refusing or failing to participate in medical treatment ((referrals)):

(a) You are so fearful of the treatment that your fear could interfere with the treatment or reduce its benefits;

(b) ~~((Treatment could))~~ The treatment provider has identified a risk that the treatment may cause further limitations or loss of a function or an organ and you are not willing to take that risk;

(c) You practice an organized religion that prohibits the treatment; or

(d) We determine that treatment is not available because you can't obtain it without cost to you.

(2) Valid reasons for refusing ~~((treatment or))~~ or failing to participate in referrals to other ((agency referrals)) agencies:

(a) ~~((We did not))~~ You are unable to participate because we didn't give you enough information about the requirement;

(b) You ~~((did not))~~ didn't receive written notice of the requirement;

(c) The requirement was made in error;

(d) You ~~((are))~~ provide proof of interference beyond your control that temporarily ((unable to participate because of documented interference,)) prevented you from participating; or

(e) Your medical condition or limitations are consistent with the ~~((definition of))~~ need for necessary supplemental accommodation (NSA), as defined in WAC 388-472-0020

and ~~((your condition or limitations))~~ contributed to your refusal or failure, per WAC 388-472-0050.

AMENDATORY SECTION (Amending WSR 00-16-113, filed 8/2/00, effective 9/1/00)

WAC 388-448-0150 Penalty for refusing or failure to participate in medical treatment or other agency referrals. (1) If you refuse or fail to participate in required medical treatment or agency referral without having good cause, we will ~~((stop))~~ terminate your ~~((GAU))~~ disability lifeline benefits.

(2) ~~((We stop))~~ You are ineligible for cash and medical benefits until you participate in:

(a) Chemical dependency treatment as required under WAC 388-448-0220.

(b) Obtaining federal aid assistance as required under WAC 388-448-0200.

(3) If we terminate your ~~((GAU))~~ disability lifeline benefits ~~((until you agree to accept and pursue the))~~ because you didn't have good cause to refuse, or fail to participate in, other required medical treatment services or referrals to other agencies, you are not eligible for cash and medical benefits until you verify that you have agreed to accept and pursue the medical treatment service or referral to other agencies.

~~((3))~~ (4) If you reapply for disability lifeline, you must participate as described in subsection (2) and (3) and wait for a penalty period to pass before you begin ~~((getting))~~ receiving benefits. The penalty is based on how often you have refused:

Refusal	Penalty
First	One week
Second within six months	One month
Third and subsequent within one year	Two months

AMENDATORY SECTION (Amending WSR 04-07-140, filed 3/22/04, effective 5/1/04)

WAC 388-448-0160 When do my ~~((general assistance))~~ disability lifeline benefits end? (1) The maximum period of eligibility for ~~((general assistance))~~ disability lifeline is twelve months before we must review ~~((additional medical evidence))~~ incapacity.

(a) We use current medical evidence and the expected length of time before you are capable of gainful employment to decide when your benefits will end.

(b) If you meet the incapacity criteria in WAC 388-448-0001 (1)(a) through (e), you must provide information about your cooperation and progress with treatment or agency referrals we required according to WAC 388-448-0130.

(2) Your benefits stop at the end of your incapacity period unless you provide additional medical evidence that demonstrates during your current incapacity period that there was no material improvement in your impairment. No material improvement means that your impairment continues to meet the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110, excluding the requirement that your impairment(s) prevent employment for ninety days.

(3) ~~((Additional))~~ The medical evidence must meet all of the criteria defined in WAC 388-448-0030.

(4) We use ~~((additional))~~ medical evidence received after your incapacity period had ended when:

(a) The delay was not due to your failure to cooperate; and

(b) We receive the evidence within thirty days of the end of your incapacity period; and

(c) The evidence meets the progressive evaluation process criteria in WAC 388-448-0010 through 388-448-0110.

(5) ~~((You must provide information about your cooperation and progress with treatment or agency referrals we required according to WAC 388-448-0130.~~

~~((6))~~ Even if your condition has not improved, you ~~((are not))~~ aren't eligible for ~~((general assistance))~~ disability lifeline when:

(a) We ~~((get))~~ receive current medical evidence that ~~((does not))~~ doesn't meet the progressive evaluation process criteria in WAC 388-448-0035 through 388-448-0110; and

(b) Our prior decision that your incapacity met the requirements was incorrect because:

(i) The information we had was incorrect or not ~~((enough))~~ sufficient to show incapacity; or

(ii) We ~~((did not))~~ didn't apply the rules correctly to the information we had at that time.

NEW SECTION

WAC 388-448-0220 How does alcohol or drug dependence affect my eligibility for disability lifeline? (1) You must complete a chemical dependency assessment when we have information that indicates you may be chemically dependent.

(2) You must accept an assessment referral and participate in drug or alcohol treatment if a certified chemical dependency counselor indicates a need for treatment, unless you meet one of the following good cause reasons:

(a) We determine that your physical or mental health impairment prevents you from participating in treatment.

(b) The outpatient chemical dependency treatment you need isn't available in the county you live in.

(c) You need inpatient chemical dependency treatment at a location that you can't reasonably access.

NEW SECTION

WAC 388-448-0250 Are there limits on the number of months I may receive disability lifeline benefits? (1) Beginning September 1, 2010, you may be eligible to receive disability lifeline benefits for a maximum of twenty-four out of any sixty month period.

(2) You aren't subject to a benefit month limit if:

(a) You are aged sixty-five or older~~((:));~~

(b) Blind as defined in WAC 388-475-0050~~((:));~~ or

(c) We have determined you meet, or are likely to meet, the ~~((social security administration (SSA)))~~ federal Supplemental Security Income (SSI) disability standard.

(3) We count months you received general assistance or disability lifeline benefits in the last sixty months towards your maximum benefit limit.

(4) We don't count any benefit month that you were determined to meet the criteria in subsection (2) towards your maximum benefit limit.

(5) We will review your case record to determine if you are likely to meet the ~~((SSA))~~ federal SSI disability standard before we terminate your benefits.

Reviser's note: The unnecessary underscoring and strike through in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 10-16-104
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed August 2, 2010, 2:35 p.m., effective September 2, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: USDA Food and Nutrition Service final rules announcement for the Farm Security and Rural Investment Act (FSRIA) of 2002 (farm bill) included clarification of which household members should be included in determining the assistance unit size and selection of the appropriate standard deduction in the federal SNAP benefit calculation.

The community services division is amending WAC 388-450-0185 to comply with the FSRIA final rule announcement clarification and the applicable federal statutes and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0185.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, and 74.08.090.

Other Authority: 7 U.S.C. 2014 (a) and (e)(1); 7 C.F.R. §§ 273.1 and 273.9 (d)(1).

Adopted under notice filed as WSR 10-09-060 on April 19, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 2, 2010.

Katherine I. Vasquez
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-23-004, filed 11/5/09, effective 11/15/09)

WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?

We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(1) A standard deduction based on the number of eligible people in your AU under WAC 388-408-0035:

Eligible ((and ineligible)) AU members	Standard deduction
1	\$141
2	\$141
3	\$141
4	\$153
5	\$179
6 or more	\$205

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

(a) Keep work, look for work, or accept work;

(b) Attend training or education to prepare for employment; or

(c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) A portion of your shelter costs as described in WAC 388-450-0190.

WSR 10-16-108
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed August 2, 2010, 3:46 p.m., effective September 2, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules establish a new fee for on-site sewage system tank application and plan review, and consolidate wastewater and reclaimed water use fees into a single retitled chapter 246-272 WAC, Wastewater and reclaimed water use fees. The rule consolidates chapters from four chapters to one, and eliminates unused fees.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-271-990, 246-272-990, 246-272A-990 and 246-272B-990; and amending WAC 246-290-990.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, 43.20B.020, SB 6444 (chapter 37, [Laws of 2010]).

Adopted under notice filed as WSR 10-11-118 on May 18, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 1, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 1, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 1, Repealed 4.

Date Adopted: July 1, 2010.

Mary C. Selecky
Secretary

Chapter 246-272 WAC

((ON SITE SEWAGE SYSTEMS)) WASTEWATER AND RECLAIMED WATER USE FEES

NEW SECTION

WAC 246-272-1000 Public sewage fees. This section establishes fees for public sewage as regulated under chapter 246-271 WAC.

(1) The minimum fee for required review of land application of raw sewage or treatment plant effluent shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

(2) The minimum fee for required review of comprehensive sewer plans shall be two hundred dollars. If review time exceeds four hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee.

NEW SECTION

WAC 246-272-2000 On-site sewage system fees. This section establishes fees for on-site sewage systems as regulated under chapter 246-272A WAC.

(1) Fees for proprietary product registration are as follows:

Category	Base Fee	Hourly Fee
Treatment or distribution product registration initial application	\$400.00	\$100.00 per hour if the application requires more than four hours of review time

Category	Base Fee	Hourly Fee
Annual registration renewal	\$100.00	

(2) The base fee is required at the time of application. Any hourly fees for additional review time must be paid in full before the product will be registered.

NEW SECTION

WAC 246-272-3000 Large on-site sewage system fees. This section establishes fees for large on-site sewage systems (LOSS) as regulated under chapter 246-272B WAC.

(1) The following fees apply to LOSS review and inspection.

(a) The owner shall pay a nonrefundable base project review fee of eight hundred dollars at the time the project is submitted. The nonrefundable fee covers up to eight hours of review time.

(b) The owner shall pay one hundred dollars per hour for additional review time over eight hours for new construction LOSS.

(c) The owner shall pay one hundred dollars per hour for LOSS review not included in (a) or (b) of this subsection.

(d) The owner shall pay a flat rate of five hundred dollars for each presite and final inspection.

(2) The owner shall pay all outstanding fees before any department approval is granted.

(3) Operating permit fees consist of a base fee for each LOSS plus a LOSS volume fee as shown below.

Category	Base Fee	LOSS Volume Fee
Operating permit and annual renewal	\$150.00	\$.01 for each gallon of approved daily design flow

(4) For initial operating permits, the owner shall pay the operating permit fee at the time the application is submitted to the department.

(5) For renewal of operating permits, the owner shall pay the operating permit fee at the time the renewal application is submitted to the department.

NEW SECTION

WAC 246-272-4000 On-site sewage system tanks fees. This section establishes fees for on-site sewage system tanks as regulated under chapter 246-272C WAC.

(1) Fees for review and approval of design and construction plans for a prefabricated or cast-in-place on-site sewage system tank are as follows:

Category	Base Fee	Hourly Fee
Review and approval.	\$408.00	\$102.00 per hour if the application requires more than four hours of review time.

(2) The base fee is required at the time of application.

(3) All hourly fees for additional review time must be paid in full before any department approval is granted.

will be calculated based on a rate of one hundred two dollars per hour.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-272-990 Fees.

NEW SECTION

WAC 246-272-5000 Reclaimed water use fees. The fees for review and inspection of reclaimed water use projects

AMENDATORY SECTION (Amending WSR 07-14-128, filed 7/3/07, effective 8/3/07)

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, 246-294, and 246-295 WAC are:

(a) Water system plans required under WAC 246-290-100, 246-290-105, 246-291-140, 246-293-220, and 246-293-230.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	\$138	\$491	\$1,206	\$2,280	\$3,705	\$5,484
Minor water system plan alteration	\$31	\$115	\$293	\$565	\$919	\$1,349

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

Project Type	Total Active or Approved Services					
	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services	
SMA plan for ownership (New and Updated)	\$491	\$1,206	\$2,280	\$3,705	\$5,484	
SMA approval amendment	\$102 per hour or appropriate fee from category above, whichever is less					
SMA plan for operation only (New and Updated)	\$1,206	\$1,206	\$1,206	\$1,206	\$1,206	

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, and 246-291-140 including:

(i) Water use efficiency; and

(ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on one hundred two dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

Project Type	Group A					
	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$348	\$710	\$1,103	\$1,598	\$2,204	\$2,922
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$102	\$205	\$348	\$525	\$743	\$994
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	\$205	\$491	\$778	\$1,137	\$1,564	\$2,061
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	\$138	\$348	\$565	\$851	\$1,206	\$1,626

Note: In accordance with WAC 246-290-125, project reports are not required for minor projects that are described in sufficient detail in an approved water system plan, and have been reviewed as part of the process for approving the water system plan.

(e) Special reports or plans required under WAC 246-290-230, 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, 246-290-676, 246-291-230 including:

- (i) Corrosion control recommendation report;
- (ii) Corrosion control study;
- (iii) Plan to cover uncovered reservoirs;
- (iv) Predesign study;
- (v) Uncovered reservoir plan of operation;
- (vi) Tracer study plan;
- (vii) Surface water or GWI treatment facility operations plan;
- (viii) Filtration pilot study; or

(ix) GWI determination reports, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on one hundred two dollars per hour.

(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	\$348	\$710	\$1,103	\$1,598	\$2,204	\$2,922
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	\$102	\$205	\$348	\$525	\$743	\$994
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	\$281	\$633	\$919	\$1,279	\$1,709	\$2,204
New source only (an additional fee shall be assessed for review of treatment facility, if any)	\$205	\$382	\$525	\$710	\$919	\$1,172
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	\$138	\$241	\$382	\$565	\$778	\$1,027
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects: Comply with design standards established by the department; Are prepared by a professional engineer in accordance with WAC 246-290-040; and Do not require a detailed evaluation by the department.	\$64	\$118	\$198	\$281	\$389	\$512

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	\$268	\$539	\$811	\$1,083	\$1,355	\$1,626

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
NONEXPANDING system requiring a detailed evaluation as determined by the department	\$404	\$811	\$1,229	\$1,626	\$2,034	\$2,441
EXPANDING system not requiring a detailed evaluation by the department	\$539	\$1,083	\$1,626	\$2,169	\$2,714	\$3,256
EXPANDING system requiring a detailed evaluation as determined by the department	\$676	\$1,355	\$2,034	\$2,714	\$3,391	\$4,072

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	\$88 per source	\$123 per source	\$155 per source	\$188 per source	\$221 per source
Organic chemical monitoring waiver	Not applicable	\$161 per source	\$226 per source	\$294 per source	\$359 per source	\$425 per source
Use waiver	Not applicable	\$193 per source	\$260 per source	\$334 per source	\$392 per source	\$459 per source
Area wide waiver renewal	Not applicable	\$193 per source	\$240 per source	\$287 per source	\$334 per source	\$369 per source
Inorganic chemical monitoring waiver renewal	Not applicable	\$48 per source	\$62 per source	\$75 per source	\$88 per source	\$102 per source
Organic chemical monitoring waiver renewal	Not applicable	\$95 per source	\$135 per source	\$176 per source	\$215 per source	\$254 per source
Use waiver renewal	Not applicable	\$135 per source	\$181 per source	\$226 per source	\$273 per source	\$320 per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	\$414	\$512	\$652	\$830	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	\$128	\$128	\$128	\$128	Not applicable

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A				
		<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	\$205	\$309	\$363	\$451	\$565	\$710
Regulatory monitoring plan ¹	No plan required	\$198	\$268	\$337	\$404	\$471
Unfiltered system annual comprehensive report	Not applicable	\$404	\$676	\$947	\$1,218	\$1,489
¹ A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300.						
Water system compliance report	\$115	\$115	\$115	\$115	\$115	\$115

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees may be assessed for services which the department determines are not described under subsection (1) of this section. If assessed, the fees will be calculated based on a rate of one hundred two dollars per hour.

Examples of these services include, but are not limited to:

(i) ~~((Review and inspection of water reuse projects; (ii)))~~ Collection of water quality samples requested by purveyor;

~~((iii))~~ (ii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;

~~((iv))~~ (iii) Sanitary surveys, including the time spent as part of the annual on-site inspections for systems under WAC 246-290-690(3) that is in addition to the time necessary to assess watershed control and disinfection treatment;

~~((v))~~ (iv) Well field designations; or

~~((vi))~~ (v) Transfers of ownership under WAC 246-290-035 or 246-294-060.

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee, the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-271-990 Fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-272A-990 Fees.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-272B-990 Fees.

WSR 10-16-109 PERMANENT RULES DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed August 2, 2010, 4:16 p.m., effective September 2, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the adopted rule is to establish consistent standards for physicians who administer sedation in an office-based setting. The rule will require physicians using major conduction anesthesia, moderate sedation or deep sedation or analgesia to obtain accreditation for the office, at a minimum be competent, quickly return patients to lighter level who enter into a deeper level sedation than intended, separate surgical and monitoring procedures.

Statutory Authority for Adoption: RCW 18.71.017.

Other Authority: RCW 18.130.050(4).

Adopted under notice filed as WSR 10-09-095 on April 20, 2010.

Changes Other than Editing from Proposed to Adopted Version: The commission made a few changes to the rules for clarification.

At the supplemental CR-102 rules hearing held on June 3, 2010 the commission made a few clarifying changes to the proposed rule based on written or oral comments received during the public comment period and at the hearing.

(A) **New Language** - WAC 246-919-601 (2)(f), "Minimal sedation" means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected. Minimal sedation is limited to ~~unsupplemented oral or and intramuscular medications or both medications~~.

For clarification, the commission removed the word "unsupplemented" and added "or both" to clearly define minimal sedation as being limited to oral and intramuscular medications or both.

(B) **New Language** - WAC 246-919-601 (3)(a), performing surgery and medical procedures that require only

minimal sedation (anxiolysis), or infiltration of local anesthetic around peripheral nerves. Infiltration around peripheral nerves does not include infiltration of local anesthetic agents in an amount that exceeds the manufacturer's published recommendations.

For clarification, the commission added language to make it clear that if physicians use infiltration of local anesthetic agents in large amounts they are not exempt from the rule.

(C) **New Language** – WAC 246-919-601 (10)(b), the licensed health care practitioner, designated by the physician to administer intravenous medications and monitor the patient who is under ~~minimal or~~ moderate sedation, may assist the operating physician with minor, interruptible tasks of short duration once the patient's level of sedation and vital signs have been stabilized, provided that adequate monitoring of the patient's condition is maintained. The licensed health care practitioner who administers intravenous medications and monitors a patient under deep sedation or analgesia must not perform or assist in the surgical procedure.

For clarification, the commission removed the words "minimal or" because the rules do not apply to minimal sedation. The word "minimal" is not needed.

(D) **New Language** - WAC 246-919-601(12), medical record. The physician performing office-based surgery must maintain a legible, complete, comprehensive and accurate medical record for each patient.

(vi) Pathology reports, if relevant

The commission made one minor change for clarification in (12)(a)(vi) regarding pathology reports by adding "if relevant."

A final cost-benefit analysis is available by contacting Beverly A. Teeter, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504, phone (360) 236-2758, fax (360) 236-2795, e-mail beverly.teeter@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 3, 2010.

Maryella E. Jansen
Executive Director

OFFICE-BASED SURGERY RULES

Medical Quality Assurance Commission

NEW SECTION

WAC 246-919-601 Safe and effective analgesia and anesthesia administration in office-based surgical settings. (1) Purpose. The purpose of this rule is to promote and establish consistent standards, continuing competency, and to promote patient safety. The medical quality assurance commission establishes the following rule for physicians licensed under this chapter who perform surgical procedures and use anesthesia, analgesia or sedation in office-based settings.

(2) Definitions. The following terms used in this subsection apply throughout this rule unless the context clearly indicates otherwise:

(a) "Commission" means the medical quality assurance commission.

(b) "Deep sedation" or "analgesia" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

(c) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway. Sedation that unintentionally progresses to the point at which the patient is without protective reflexes and is unable to maintain an airway is not considered general anesthesia.

(d) "Local infiltration" means the process of infusing a local anesthetic agent into the skin and other tissues to allow painless wound irrigation, exploration and repair, and other procedures, including procedures such as retrobulbar or periorbital ocular blocks only when performed by a board eligible or board certified ophthalmologist. It does not include procedures in which local anesthesia is injected into areas of the body other than skin or muscle where significant cardiovascular or respiratory complications may result.

(e) "Major conduction anesthesia" means the administration of a drug or combination of drugs to interrupt nerve impulses without loss of consciousness, such as epidural, caudal, or spinal anesthesia, lumbar or brachial plexus blocks, and intravenous regional anesthesia. Major conduction anesthesia does not include isolated blockade of small peripheral nerves, such as digital nerves.

(f) "Minimal sedation" means a drug-induced state during which patients respond normally to verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are unaffected. Minimal sedation is limited to oral or intramuscular medications, or both.

(g) "Moderate sedation" or "analgesia" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or

accompanied by tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(h) "Office-based surgery" means any surgery or invasive medical procedure requiring analgesia or sedation, including, but not limited to, local infiltration for tumescent liposuction, performed in a location other than a hospital or hospital-associated surgical center licensed under chapter 70.41 RCW, or an ambulatory surgical facility licensed under chapter 70.230 RCW.

(i) "Physician" means an individual licensed under chapter 18.71 RCW.

(3) Exemptions. This rule does not apply to physicians when:

(a) Performing surgery and medical procedures that require only minimal sedation (anxiolysis), or infiltration of local anesthetic around peripheral nerves. Infiltration around peripheral nerves does not include infiltration of local anesthetic agents in an amount that exceeds the manufacturer's published recommendations.

(b) Performing surgery in a hospital or hospital-associated surgical center licensed under chapter 70.41 RCW, or an ambulatory surgical facility licensed under chapter 70.230 RCW.

(c) Performing surgery utilizing general anesthesia. Facilities in which physicians perform procedures in which general anesthesia is a planned event are regulated by rules related to hospital or hospital-associated surgical center licensed under chapter 70.41 RCW, or an ambulatory surgical facility licensed under chapter 70.230 RCW.

(d) Performing oral and maxillofacial surgery, and the physician:

(i) Is licensed both as a physician under chapter 18.71 RCW and as a dentist under chapter 18.32 RCW;

(ii) Complies with dental quality assurance commission regulations;

(iii) Holds a valid:

(A) Moderate sedation permit; or

(B) Moderate sedation with parenteral agents permit; or

(C) General anesthesia and deep sedation permit; and

(iv) Practices within the scope of his or her specialty.

(4) Application of rule.

This rule applies to physicians practicing independently or in a group setting who perform office-based surgery employing one or more of the following levels of sedation or anesthesia:

(a) Moderate sedation or analgesia; or

(b) Deep sedation or analgesia; or

(c) Major conduction anesthesia.

(5) Accreditation or certification. Within three hundred sixty-five calendar days of the effective date of this rule, a physician who performs a procedure under this rule must ensure that the procedure is performed in a facility that is appropriately equipped and maintained to ensure patient safety through accreditation or certification and in good standing from one of the following:

(a) The Joint Commission;

(b) The Accreditation Association for Ambulatory Health Care;

(c) The American Association for Accreditation of Ambulatory Surgery Facilities;

(d) The Centers for Medicare and Medicaid Services; or

(e) Planned Parenthood Federation of America or the National Abortion Federation, for facilities limited to office-based surgery for abortion or abortion-related services.

(6) Competency. When an anesthesiologist or certified registered nurse anesthetist is not present, the physician performing office-based surgery and using a form of sedation defined in subsection (4) of this section must be competent and qualified both to perform the operative procedure and to oversee the administration of intravenous sedation and analgesia.

(7) Qualifications for administration of sedation and analgesia may include:

(a) Completion of a continuing medical education course in conscious sedation;

(b) Relevant training in a residency training program; or

(c) Having privileges for conscious sedation granted by a hospital medical staff.

(8) At least one licensed health care practitioner currently certified in advanced resuscitative techniques appropriate for the patient age group (e.g., ACLS, PALS or APLS) must be present or immediately available with age-size-appropriate resuscitative equipment throughout the procedure and until the patient has met the criteria for discharge from the facility.

(9) Sedation assessment and management.

(a) Sedation is a continuum. Depending on the patient's response to drugs, the drugs administered, and the dose and timing of drug administration, it is possible that a deeper level of sedation will be produced than initially intended.

(b) If an anesthesiologist or certified registered nurse anesthetist is not present, a physician intending to produce a given level of sedation should be able to "rescue" a patient who enters a deeper level of sedation than intended.

(c) If a patient enters into a deeper level of sedation than planned, the physician must return the patient to the lighter level of sedation as quickly as possible, while closely monitoring the patient to ensure the airway is patent, the patient is breathing, and that oxygenation, heart rate and blood pressure are within acceptable values. A physician who returns a patient to a lighter level of sedation in accordance with this subsection (c) does not violate subsection (10) of this section.

(10) Separation of surgical and monitoring functions.

(a) The physician performing the surgical procedure must not administer the intravenous sedation, or monitor the patient.

(b) The licensed health care practitioner, designated by the physician to administer intravenous medications and monitor the patient who is under moderate sedation, may assist the operating physician with minor, interruptible tasks of short duration once the patient's level of sedation and vital signs have been stabilized, provided that adequate monitoring of the patient's condition is maintained. The licensed health care practitioner who administers intravenous medications and monitors a patient under deep sedation or analgesia must not perform or assist in the surgical procedure.

(11) Emergency care and transfer protocols. A physician performing office-based surgery must ensure that in the event of a complication or emergency:

(a) All office personnel are familiar with a written and documented plan to timely and safely transfer patients to an appropriate hospital.

(b) The plan must include arrangements for emergency medical services and appropriate escort of the patient to the hospital.

(12) Medical record. The physician performing office-based surgery must maintain a legible, complete, comprehensive and accurate medical record for each patient.

(a) The medical record must include:

(i) Identity of the patient;

(ii) History and physical, diagnosis and plan;

(iii) Appropriate lab, X ray or other diagnostic reports;

(iv) Appropriate preanesthesia evaluation;

(v) Narrative description of procedure;

(vi) Pathology reports, if relevant;

(vii) Documentation of which, if any, tissues and other specimens have been submitted for histopathologic diagnosis;

(viii) Provision for continuity of postoperative care; and

(ix) Documentation of the outcome and the follow-up plan.

(b) When moderate or deep sedation, or major conduction anesthesia is used, the patient medical record must include a separate anesthesia record that documents:

(i) The type of sedation or anesthesia used;

(ii) Drugs (name and dose) and time of administration;

(iii) Documentation at regular intervals of information obtained from the intraoperative and postoperative monitoring;

(iv) Fluids administered during the procedure;

(v) Patient weight;

(vi) Level of consciousness;

(vii) Estimated blood loss;

(viii) Duration of procedure; and

(ix) Any complication or unusual events related to the procedure or sedation/anesthesia.

WSR 10-16-114

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Psychology)

[Filed August 2, 2010, 4:53 p.m., effective September 2, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: These rules provide for temporary practice permits to be issued to an applicant for psychology licensure if a fingerprint-based national background check must be conducted. The national background check is lengthy and has caused licensing delays that may affect the public's access to health care. To receive the permit, the applicant must meet all other licensing requirements, be licensed in another state, and have no criminal record in Washington.

Statutory Authority for Adoption: RCW 18.83.050, 18.130.064, 18.130.075.

Adopted under notice filed as WSR 10-06-018 on February 22, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 30, 2010.

Raymond L. Harry
Public Member, Chair

NEW SECTION

WAC 246-924-483 How to obtain a temporary practice permit while the national background check is completed. Fingerprint-based national background checks may cause a delay in licensing. Individuals who satisfy all other licensing requirements and qualifications may receive a temporary practice permit while the national background check is completed.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active license to practice psychology in another state that has substantially equivalent licensing standards to those in Washington state;

(b) Is not subject to denial of a license or issuance of a conditional or restricted license; and

(c) Does not have a criminal record in Washington state.

(2) A temporary practice permit grants the individual the full scope of practice of psychology.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on the application specifically extends the duration of the temporary practice permit; or

(c) Two hundred ten days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license.

(b) Meet all requirements and qualifications for the license, except the results from a fingerprint-based national background check, if required.

(c) Provide verification of having an active unrestricted license to practice psychology from another state that has

substantially equivalent licensing standards as Washington state.

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.

WSR 10-16-116
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Hearing and Speech)

[Filed August 2, 2010, 5:02 p.m., effective September 2, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-828-305, the adopted rule creates a new section to provide for temporary practice permits to be issued to a speech-language pathologist, speech-language pathology assistant, audiologist, and hearing instrument [instrument] fitter/dispenser applicants while a fingerprint-based background check is completed.

Statutory Authority for Adoption: RCW 18.35.161, 18.130.064, and 18.130.075.

Adopted under notice filed as WSR 10-10-101 on May 4, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 14, 2010.

Rhonda Friedlander, Chair
Board of Hearing and Speech

NEW SECTION

WAC 246-828-305 How to obtain a temporary practice permit while the national background check is completed. Fingerprint-based national background checks may cause a delay in licensing or certification. Individuals who satisfy all other licensing or certification requirements and qualifications may receive a temporary practice permit while the national background check is completed.

(1) A temporary practice permit may be issued to an applicant who:

(a) Holds an unrestricted, active license or certification to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser in another state that has substantially equivalent

licensing or certification standards to those in Washington state;

(b) Is not subject to denial of a license or certification or issuance of a conditional or restricted license or certification; and

(c) Does not have a criminal record in Washington state.

(2) A temporary practice permit grants the individual the full scope of practice under this chapter.

(3) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when any one of the following occurs:

(a) The license or certification is granted;

(b) A notice of decision on application is mailed to the applicant, unless the notice of decision on the application specifically extends the duration of the temporary practice permit; or

(c) One hundred eighty days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), and documentation for the license or certification.

(b) Meet all requirements and qualifications for the license or certification, except the results from a fingerprint-based national background check, if required.

(c) Provide verification of having an active unrestricted license or certification to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or hearing instrument fitter/dispenser from another state that has substantially equivalent licensing or certification standards as Washington state.

(d) Submit the fingerprint card and a written request for a temporary practice permit when the department notifies the applicant the national background check is required.

WSR 10-16-121
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 3, 2010, 9:17 a.m., effective October 1, 2010]

Effective Date of Rule: October 1, 2010.

Purpose: The department is responding to requests from community action organizations to allow use of class 6511-00, chore services/home care assistants, for their chore workers rather than subclass 1501-20, community action organizations - all other employees N.O.C. The rules create a new subclassification for community action organizations - chore services/home care assistants. The language in WAC 296-17A-1501 is also being updated to reflect this change.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17A-1501 and 296-17A-6511.

Statutory Authority for Adoption: RCW 51.16.035, 51.16.100, 51.04.020(1).

Adopted under notice filed as WSR 10-09-086 on April 20, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: August 3, 2010.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 07-24-045, filed 12/1/07, effective 1/1/09)

WAC 296-17A-1501 Classification 1501.

1501-00 Counties and taxing districts, N.O.C. - all other employees

Applies to employees of counties and taxing districts, not covered by another classification (N.O.C.), who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators including transit bus drivers. This classification includes administrative personnel such as engineers, safety inspectors, and biologists who have field exposure, and internal inventory and supply clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to or from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; privately owned and operated bus or transit systems which are to be reported separately in classification 1407; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; port districts which are to be reported separately in classification 4201; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905 and 6906, as appropriate; clerical office and administrative employees who are to be reported separately in classification 5306, and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-01 Housing authorities, N.O.C. - all other employees

Applies to employees of housing authorities, not covered by another classification, who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment opera-

tors. This classification includes all functional operations of a housing authority such as inspection, maintenance and repairs, including minor structural repairs, janitorial service, and building and grounds maintenance. Also included in this classification are meter readers, security personnel, other than those with law enforcement powers, administrative personnel such as engineers and safety inspectors who have field exposure, and internal inventory and supply clerks. For purposes of this classification, housing authorities are defined as nonprofit, public and political entities which serve the needs of a specific city, county or Indian tribe. The nature and objectives of some of the projects undertaken by housing authorities include providing decent, safe and sanitary living accommodations for low income persons, or providing group homes or halfway houses to serve developmentally or otherwise disabled persons or juveniles released from correctional facilities. A housing authority has the power to prepare, carry out, lease and operate housing facilities; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project; to sell or rent dwellings forming part of the project to or for persons of low income; to acquire, lease, rent or sell or otherwise dispose of any commercial space located in buildings or structures containing a housing project; to arrange or contract for the furnishing of the units; and to investigate into the means and methods of improving such conditions where there is a shortage of suitable, safe and sanitary dwelling accommodations for persons of low income.

This classification excludes new construction or major alteration activities which are to be reported separately in the appropriate construction classifications; clerical office and administrative employees who are to be reported separately in classification 5306; security personnel with law enforcement powers who are to be reported separately in classification 6905; and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-08 Native American tribal councils - all other employees

Applies to employees of Native American tribal councils who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists who have field exposure, and internal inventory and supply clerks of the tribal council. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to and from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classifications 6905 and 6906; new

construction or reconstruction activities which are to be reported separately in the appropriate construction classification; clerical office and administrative employees who are to be reported separately in classification 5306.

Special notes: Housing authorities operating under the name of, and for the benefit of, a particular tribe are not exempt from mandatory coverage. These housing authorities are federally funded and are not owned or controlled by a tribe.

Only those tribal operations which are also provided by county governments are subject to classification 1501. The following activities, such as but not limited to, visiting nurses and home health care, grounds keepers, building maintenance, park maintenance, road maintenance, and garbage and sewer works, are considered to be normal operations to be included in this classification. All other tribal council operations which are not normally performed by a county government shall be assigned the appropriate classification for the activities being performed. The following operations, such as but not limited to, meals on wheels, bingo parlors, casinos, liquor stores, tobacco stores, grocery stores, food banks, gift shops, restaurants, motels/hotels, Head Start programs, fish/shellfish hatcheries, logging, and tree planting/reforestation are outside the scope of classification 1501 and are to be reported separately in the applicable classifications.

1501-09 Military base maintenance, N.O.C.

Applies to establishments, not covered by another classification (N.O.C.), engaged in providing all support operations and services on a military base on a contract basis. Such services include, but are not limited to, data processing, photography, mail delivery (on post and to other military facilities), hotel/motel services, mess halls, recreational facilities, grounds and building maintenance, vehicle maintenance, and may also include the maintenance of such facilities as water works, sewer treatment plants and roads.

This classification excludes new construction or construction repair projects which are to be reported separately in the applicable construction classification for the work being performed; contracts for specific activities on a military base such as, but not limited to, building maintenance, club or mess hall operations, or vehicle maintenance, which are to be reported separately in the applicable classification for the work being performed; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; and clerical office and administrative employees who are to be reported separately in classification 5306.

Special note: Classification 1501-09 is to be assigned to an establishment only when *all* support services on a military base are being provided by the contractor. Care should be taken when assigning classification 1501-09 to firms whose military support services include loading, unloading, repair or construction of vessels, or the repair of buildings or structures used for such activities as that firm may be subject to federal maritime law.

1501-20 Community action organizations - all other employees N.O.C.

Applies to organizations performing an array of services to support the local community and citizens in need. The ser-

vices provided by community action organizations may include, but are not limited to: Child care; after school care; alternative schools; in home chore services; employment or independence training, counseling and assistance; drug and alcohol recovery programs; decent, safe and sanitary living accommodations for low-income or needy citizens; transitional or emergency housing; weatherization; food and clothing banks; meals; or medical services.

This classification applies to employees of community action organizations N.O.C. (not otherwise classified) who perform manual-type labor, or who supervise a work crew performing manual labor. Work in this classification includes, but is not limited to: Cooks, food banks, drivers, (~~chore workers/home service workers,~~) janitorial or maintenance and repair work, or weatherization services.

Excluded from this risk classification is new construction or major alteration activities which are to be reported separately in the appropriate construction classifications; office employees who work exclusively in an administrative office environment who are to be reported in classification 4904-20; professional or administrative employees who may also have duties outside of the office who are to be reported in classification 5308-20; chore workers/home service workers who are to be reported in classification 6511-20; housing authorities which are to be reported in 1501-01 and 5306-26; welfare special works programs which are to be reported in 6505; work activity centers which are to be reported in 7309; and volunteers who are to be reported in classification 6901.

See classifications 5308-20 and 4904-20 for other community action operations.

AMENDATORY SECTION (Amending WSR 07-12-047, filed 5/31/07, effective 7/1/07)

WAC 296-17A-6511 Classification 6511.

6511-00 Chore services/home care assistants

Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to supported living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the home care quality authority who are to be reported separately under classification 6512.

6511-20 Community action organizations - Chore services/home care assistants

Applies to community action organizations who provide chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. This classification also applies to supported living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a special work experience training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110. This classification also excludes home care providers covered under the Washington state home care quality authority who are to be reported separately in classification 6512.

WSR 10-16-124**PERMANENT RULES****PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed August 3, 2010, 11:40 a.m., effective September 3, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 181-79A WAC, amends certification issuance and renewal sections to address length of residency certification and attaining professional certification. Revises WAC 181-79A-030, 181-79A-123, 181-79A-145, 181-79A-250, and 181-79A-253, and creates new WAC 181-79A-251.

Citation of Existing Rules Affected by this Order: Amending x.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 10-12-106 on June 2, 2010.

Changes Other than Editing from Proposed to Adopted Version: Clarified language related to eligibility for renewals.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 252, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 5, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 22, 2010.

David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 09-20-088, filed 10/6/09, effective 11/6/09)

WAC 181-79A-030 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 181-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended (~~or regained~~).

(4) "Certificate reinstatement" means the process whereby the validity of an expired certificate is regained.

(5) "Lapsed certificate" means a residency certificate that is subject to the timelines and renewal described under WAC 181-79A-251.

(6) "Expired certificate" means a teacher certificate that can only be reinstated under WAC 181-79A-251.

(7) "Classroom teaching" means instructing pupils in an instructional setting.

~~((5))~~ (8) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in chapter 181-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC 181-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC 181-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: Provided, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in chapter 181-82 WAC: Provided further, That a candidate who holds a baccalaureate degree in early childhood education, elementary education, or special education will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty quarter or twenty semester credit hours in

one academic field in an approved endorsement area pursuant to WAC 181-82A-202.

~~((6))~~ (9) "Issues of abuse course work requirement" means completion of course work or an in-service program on issues of abuse. The content shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

~~((7))~~ (10) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

~~((8))~~ (11) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

~~((9))~~ (12) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

~~((10))~~ (13) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC 181-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

~~((11))~~ (14) Teacher "professional growth team" means a team comprised of the candidate for professional certification, a colleague specified by the candidate, a provider of support to the candidate, if the candidate chooses to employ a support provider, and a representative from the school district or state-approved private, state agency providing education for children in which the candidate teaches or has taught.

~~((12))~~ (15) "Individual professional growth plan" means the document which identifies the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-79A-207.

~~((13))~~ (16) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

~~((14))~~ (17) "Professional certificate support provider" means any organization or institution operating training or consulting services as a public entity or private company holding an appropriate business license.

(18) "Approved private school" means any organization of institution providing educational services to children including, but not limited to, approved private schools, state institutions, juvenile institutions, nonpublic agencies provid-

ing special education services, development centers, and bureau of Indian affairs schools.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-79A-123 Certificates—Previous standards. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under ~~((previous))~~ standards prior to September 1, 2000, which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the professional educator standards board shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 181-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the professional educator standards board shall be issued upon application, including payment of applicable fees, a continuing administrator's certificate for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 181-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the professional educator standards board shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsections (7), (8) or (9) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the professional educator standards board may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for initial renewal or continuing certificate under the provisions of WAC 181-79A-250 (1)(a) prior to their expiration date, but whose initial certificate expired after August 31, 2000, because they applied for certification too late, may apply once for such renewal or continuing certificate and will be issued such certificate.

(8) Any person with a valid initial administrator certificate granted under previous standards of the professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC 181-79A-250 (1)(b) prior to their expiration date, but whose initial certificate expired after June 30, 2004, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

(9) Any person with a valid initial ESA certificate granted under previous standards of the professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC 181-79A-250 (1)(c) prior to their expiration date, but whose initial certificate expired after June 30, 2005, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

AMENDATORY SECTION (Amending WSR 08-03-100, filed 1/20/08, effective 2/20/08)

WAC 181-79A-145 Levels and validity of certificates.

Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31, 2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC 181-79A-123:

(a) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has ~~((lapsed))~~ expired or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005.

(b) The first issue of a residency certificate for teachers, principals, program administrators, and educational staff associates shall be valid until the holder has completed two consecutive years of successful service in the role in Washington with a school district, state approved private school, or

state agency that provides educational services for students. When the ~~((teacher,))~~ principal, program administrator, or educational staff associate completes two consecutive years of successful service in the role in the state with the same employer, their residency certificate will be reissued with a five-year expiration date; provided, that the second consecutive year of successful service in the role will be considered to be complete for purposes of reissuance if a contract for the third such year has been signed and returned to the employer. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC 181-79A-250 ~~((2)(b) and (e)))~~.

(c) For teachers, after September 1, 2011, a first issue teacher residency certificate remains undated until the teacher is eligible to register for the professional certificate assessment under WAC 181-79A-206, at which time the residency certificate is dated for three years as verified by the certification office of the superintendent of public instruction: Provided, That teachers who hold an undated initial residency certification and teach in nonpublic school settings as defined under chapter 180-55 WAC are considered to hold a valid certificate and may participate in the professional certificate requirements by submitting proof of experience under WAC 181-79A-206.

(d) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater. Provided further that a professional educational staff associate certificate for school counselors based on the possession of a valid school counselor's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC 181-79A-257 or 181-79A-206 shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(3) First peoples' language, culture, and oral tribal traditions certificates: The first peoples' language, culture, and oral tribal traditions certificate will be issued beginning in January 2007. The first peoples' language, culture, and oral tribal traditions certificate is valid for five years and shall be subject to renewal pursuant to WAC 181-79A-252.

AMENDATORY SECTION (Amending WSR 07-04-003, filed 1/24/07, effective 2/24/07)

WAC 181-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The professional educator standards board encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The professional educator standards board asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 181-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 181-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the

individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of

the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 181-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 181-79A-270 and be eligible

to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) An individual whose continuing or residency certificate has (~~lapsed~~) expired according to WAC 181-85-040 or 181-79A-251 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must successfully complete (~~(any continuing certificate reinstatement requirements)~~) the external assessment established by the professional educator standards board within two years of the date the holder was issued the transitional certificate in order to continue to be employed: Provided, five years has elapsed since the final renewal expired and the teacher registers and passes the professional certificate assessment within the two years under WAC 181-79A-251. The transitional certificate expiration date shall not be calculated under professional educator standards board policy WAC 181-79A-117.

(b) No individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 181-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable and may not be reissued.

(8) Provisional alternative administrative certificate.

(a) This certificate shall be issued to individuals admitted to the professional educator standards board alternative route to principal certification pilot program.

(b) The certificate is valid for one year from date of issue.

(c) A comprehensive assessment of the intern's performance by school officials and program faculty and a recommendation that the person be issued a residency principal certificate upon successful completion of the program.

AMENDATORY SECTION (Amending WSR 10-08-018, filed 3/29/10, effective 4/29/10)

WAC 181-79A-250 Initial ~~(residency)~~ and continuing ~~(professional)~~ certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial ~~(residency)~~ and continuing ~~(professional)~~ certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) Teachers.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements from a regionally accredited institution of higher education as defined in WAC 181-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 181-79A-123 will apply.

(b) Administrators.

After June 30, 2004, provisions of WAC 181-79A-123(8) will apply.

(c) Educational staff associates.

After June 30, 2005, provisions of WAC 181-79A-123(9) will apply.

(2) ~~(Residency certificate. Residency certificates shall be renewed under one of the following options:~~

~~(a) Teachers:~~

~~(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program. Individuals who hold a residency certificate that expires in 2010 or 2011 may have the certificate renewed for two years by registering for the external assessment pursuant to WAC 181-79A-206. Provided, that individuals who are unable to complete the professional certificate program by the expiration date on the two-year renewal who have not taught for any portion of the nine years between employment and expiration date of the renewal can obtain an additional two-year renewal upon verification they had been unemployed during those years, been on a leave of absence or were unemployed due to a reduction in force.~~

~~(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.~~

~~(iii) An individual who completes a national board certification assessment but does not earn national board certification, may use that completed assessment to renew the residency certificate for two years.~~

~~(b) Principals/program administrators:~~

~~(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.~~

~~(ii) Individuals who hold residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board approved residency certificate program and taken since the issuance of the last residency certificate.~~

~~(e) School counselors, school psychologists, or school social workers:~~

~~(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.~~

~~(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a professional educator standards board approved residency certificate program and taken since the issuance of the last residency certificate.~~

~~(3)) Continuing certificate.~~

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this sub-

section shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 181-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall ~~((lapse))~~ expire if the holder does not complete the continuing education requirement, to include the filing requirement specified in chapter 181-85 WAC. To reinstate such ~~((a-lapsed))~~ an expired continuing certificate the individual must complete the requirements for reinstatement stated within chapter 181-85 WAC and must meet the conditions stated in WAC 181-79A-253.

~~((4))~~ Professional certificate.

~~(a)~~ Teachers.

~~(i)~~ A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either ~~(a)(i)(A)~~ or ~~(B)~~ of this subsection. Provided, That both categories ~~(a)(i)(A)~~ and ~~(B)~~ of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

~~(A)~~ One or more of the following three standards outlined in WAC 181-78A-540:

~~(I)~~ Effective instruction.

~~(II)~~ Professional contributions.

~~(III)~~ Professional development.

~~(B)~~ One of the salary criteria specified in RCW 28A.415.023.

~~(I)~~ Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

~~(II)~~ Pertains to the individual's current assignment or expected assignment for the subsequent school year;

~~(III)~~ Is necessary to obtain an endorsement as prescribed by the professional educator standards board;

~~(IV)~~ Is specifically required to obtain advanced levels of certification; or

~~(V)~~ Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

~~(ii)~~ Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

~~(b)~~ Principals/program administrators.

~~(i)~~ A professional certificate may be renewed for additional five-year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board of education approved private school by:

~~(A)~~ Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that relate to the six standards and "career level" benchmarks defined in WAC 181-78A-270 (2)(b).

~~(B)~~ Documented evidence of results of the professional growth plan on student learning.

~~(ii)~~ Individuals who complete the requirements of the annual professional growth plan to renew their administrator professional certificate may use that completed plan to waive thirty hours of continuing education requirements for their continuing or professional teaching or education staff associate certificate.

~~(iii)~~ Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board of education approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) plus an internship approved by a college or university with a professional educator standards board approved professional certificate program, and taken since the issuance of the last professional certificate.

~~(e)~~ School counselors, school psychologists, or school social workers.

~~(i)~~ A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board of education approved private school, or in a state agency which provides educational services to students by:

~~(A)~~ Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

~~(I)~~ Emphasize continuous learning;

~~(II)~~ Positively impact student learning; and

~~(III)~~ Reflect contributions to the school, district, and greater professional community; or

~~(B)~~ Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9).

~~(ii)~~ Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board of education approved private school may have their professional certificate renewed for an additional five-year period by:

~~(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or~~

~~(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance based standards as defined in WAC 181-78A-270 (5), (7), or (9); or~~

~~(C) Provided that, a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the national board certificate, whichever is greater.)~~

NEW SECTION

WAC 181-79A-251 Residency and professional certification. Renewal and reinstatement.

(1) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Prior to September 1, 2011, individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program or has registered for the professional certificate assessment under WAC 181-79A-206.

(A) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program.

(B) Individuals who hold a residency certificate that expires in 2010 or 2011 may have the certificate renewed for two years by registering for the external assessment pursuant to WAC 181-79A-206: Provided, That individuals who are unable to complete the professional certificate program by the expiration date on the two-year renewal who have not successfully completed the professional certificate program and enroll in the external assessment pursuant to WAC 181-79A-206 or taught for any portion of the nine years between employment and expiration date of the renewal can obtain an additional two-year renewal upon verification they had been unemployed during those years, been on a leave of absence or were unemployed due to a reduction in force.

(ii) Beginning September 1, 2011, individuals who hold, or have held, residency certificates have three options for renewal past the first three-year certificate:

(A) Candidates who have attempted and failed the professional certificate assessment are eligible for a two-year renewal;

(B) Candidates who have not been employed or employed less than full-time as a teacher during the dated, three-year residency certificate may receive a two-year renewal by registering for the professional certificate assessment or may permit their certificate to lapse until such time they register for the professional certificate assessment.

(C) Candidates whose three-year residency certificate has lapsed may receive a two-year renewal by registering for the professional certificate assessment.

(ii) A residency certificate expires after the first renewal if the candidate has taken no action to achieve the professional certificate, provided: When the first two-year renewal on residency certificates expires, teachers have two renewal options:

(A) Teachers who were employed but failed the professional certification assessment, may receive a second two-year renewal;

(B) Teachers who were unemployed or employed less than full-time during the first two-year renewal may permit their certificate to lapse and receive a second two-year renewal by registering for the professional certification assessment.

(iv) An individual who completes a National Board Certification assessment but does not earn National Board Certification, may use that completed assessment to renew the residency certificate for two years.

(v) Teachers who hold expired residency certificates may be reinstated by having a district request, under WAC 181-79A-231, a transitional certification not less than five years following the final residency expiration: Provided, That the teacher registers and passes the professional certification assessment within two years.

(vi) Teachers that hold a dated residency certificate prior to September 2011 that have expiration dates past September 2011 are subject to the same renewal options as described in (a)(ii) and (iii) of this subsection.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270

(2)(b) plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors, school psychologists, or school social workers.

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC 181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(2) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five-year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC or by completing the professional growth plan as defined in WAC 181-79A-030 until September 1, 2012. Beginning September 1, 2012, only the professional growth plan developed in collaboration with the professional growth team as defined in WAC 181-79A-030 is required for renewal. Individuals who complete the requirements of the annual professional growth plan to renew their professional certificate may use that completed plan to waive thirty hours of continuing education requirements for their professional teaching certificate. Until September 1, 2012, an expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC 181-78A-540:

(I) Effective instruction.

(II) Professional contributions.

(III) Professional development.

(B) One of the salary criteria specified in WAC 392-121-262.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in WAC 329-121-262, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the professional educator standards board;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a principal, assistant principal or program administrator in a public school or state board of education-approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC 181-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or state board of education-approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC 181-78A-270

(2)(b) plus an internship approved by a college or university with a professional educator standards board-approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, state board of education-approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

- (I) Emphasize continuous learning;
- (II) Positively impact student learning; and
- (III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or state board of education-approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC 181-78A-270 (5), (7), or (9); or

(C) Provided, That a school counselor professional certificate may be renewed based on the possession of a valid school counselor certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-79A-253 Reinstatement of continuing certificates. (~~Only~~) A continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 181-79A-150(2) for candidates for certification.

(2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(3) Provided, That no certificate may be reinstated if more than five calendar years has passed since the date of surrender or revocation; however, such applicants may apply pursuant to WAC 181-79A-124 for a new certificate under requirements in effect at the time of application.

WSR 10-16-128
PERMANENT RULES
DEPARTMENT OF
EARLY LEARNING

[Filed August 3, 2010, 2:20 p.m., effective September 1, 2010]

Effective Date of Rule: September 1, 2010.

Purpose: The purpose is to amend the rule-making order, WSR 10-15-063, filed on July 15, 2010, adopting amendments to WAC 170-290-0082, to extend the effective date of the rule. The original adoption order identified the effective date of the rule as thirty-one days after filing, or August 15, 2010. This order extends the effective date of that rule to September 1, 2010. Extension of the effective date of the rule will allow the department of social and health services (DSHS) additional time needed by that department to implement the rule before the rule takes effect.

The department of early learning (DEL) will coordinate adoption of the rule with DSHS and with the federal Department of Health and Human Services as appropriate. Under chapter 265, Laws of 2006, DEL and DSHS jointly operate the WCCC program. DEL determines WCCC policy and adopts the program rules. DSHS implements the WCCC program, including accepting applications, determining family eligibility, and processing payments to child care providers.

Citation of Existing Rules Affected by this Order: Amending WAC 170-290-0082.

Statutory Authority for Adoption: RCW 43.215.060 and 43.215.070.

Other Authority: Chapter 273, Laws of 2010, regular session; chapter 43.215 RCW; chapter 265, Laws of 2006.

Adopted under notice filed as WSR 10-11-127 on May 19, 2010.

Changes Other than Editing from Proposed to Adopted Version: See WSR 10-15-063.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 3, 2010.

Elizabeth M. Hyde
Director

WSR 10-16-131
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-03—Filed August 4, 2010,
7:36 a.m., effective September 4, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 230, Laws of 2010, provides that the commissioner must by rule establish a market assistance plan to assist persons located in the geographical area protected by any dam that are unable to purchase excess flood or business interruption insurance in an adequate amount from either the admitted or nonadmitted market. This rule will allow the commissioner to establish this market assistance plan so that excess flood insurance and business interruption insurance is available for sale and issue.

Statutory Authority for Adoption: RCW 48.02.060 and sections 14 and 15, chapter 230, Laws of 2010.

Adopted under notice filed as WSR 10-13-144 on June 23, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Date Adopted: August 3, 2010.

Mike Kreidler
Insurance Commissioner

Chapter 284-164 WAC

FLOOD INSURANCE

NEW SECTION

WAC 284-164-100 Voluntary flood market assistance plan (MAP). If the commissioner determines that at least twenty-five or more insurers have volunteered to issue the coverage contemplated by chapter 230, Laws of 2010, the commissioner may require the insurers to form a market

assistance plan (MAP) under section 15, chapter 230, Laws of 2010 and this section. The commissioner will list the names of the insurers that have volunteered to participate in the MAP on the commissioner's web site, www.insurance.wa.gov.

NEW SECTION

WAC 284-164-200 Compulsory participation in market assistance plan (MAP). (1) Certain companies offering either property insurance, or property and casualty insurance, or both, are required to become members of the market assistance plan (MAP) as established by chapter 230, Laws of 2010.

(2) The number of companies required to participate in the MAP must be sufficient to fulfill the quota of twenty-five insurers participating in the MAP.

(3) If the commissioner determines that fewer than twenty-five insurers have volunteered to issue the coverage contemplated by chapter 230, Laws of 2010, the commissioner may require the insurers to participate in a MAP under section 15, chapter 230, Laws of 2010 and this section. The commissioner will identify and notify the additional companies that are required to complete and participate in the MAP and will list their names on the commissioner's web site, www.insurance.wa.gov.

WSR 10-16-154
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed August 4, 2010, 10:38 a.m., effective September 4, 2010]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the revision to WAC 314-13-030 is to implement RCW 66.16.041 in relation to the liquor control board accepting bank credit and debit cards for purchases of liquor. Also amended to reflect current practice for accepting checks.

Citation of Existing Rules Affected by this Order: Amending WAC 314-13-030.

Statutory Authority for Adoption: RCW 66.16.041 and 66.08.030.

Adopted under notice filed as WSR 10-13-178 on June 23, 2010.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 4, 2010.

Sharon Foster
Chairman

AMENDATORY SECTION (Amending WSR 01-06-015, filed 2/26/01, effective 3/29/01)

WAC 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board?

(1) Per RCW 66.16.040, retailers (~~(must)~~) may pay (~~(cash)~~) for spirituous liquor purchased from the board with any of the following:

(a) Cash;

(b) Establishment owner's personal or business check as long as checks are honored by the bank when presented and are not used as a device for obtaining or extending credit;

(c) Corporate credit card; or

(d) Licensee or establishment owner's bank debit card.

~~(2) ((For the purposes of this section, a check will be considered cash as long as the check is immediately made good when presented and is not used as a device for obtaining or extending credit. Therefore, state-run liquor stores will take certified checks from retailers for the purchase of spirituous liquor, and will take personal or company checks under the following conditions:~~

~~(a) Persons or entities that have held a liquor license for less than two years must supply the board a letter of credit from the bank in which the account is held.~~

~~(b) Persons or entities that have held a liquor license for two years or longer must either:~~

~~(i) Apply and be approved for a check acceptance agreement with the board, on a form provided by the board; or~~

~~(ii) Supply the board a letter of credit from the bank in which the account is held.~~

~~(3) Contract liquor stores may adopt the check acceptance policy outlined in this rule))~~ State liquor stores will accept corporate credit cards or licensee or establishment owner's bank debit cards under the following conditions:

(a) Licensees will provide the store with a current list of employees who have signature rights on a corporate credit card purchase. It is the licensee's responsibility to ensure the list is current.

(b) The credit card sales draft must be signed by a person on the signature rights list.

(c) The signature on the sales draft must match the signature on the signature rights list. If the signature does not match, photo identification will be requested. If the identity of the cardholder cannot be verified, the sale cannot be made unless another form of payment is used.

(d) The credit card sales draft must be signed in the liquor store.