

WSR 15-06-048
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket A-143302, General Order R-579—Filed March 2, 2015, 2:38 p.m., effective April 2, 2015]

In the matter of amending and adopting several rules in Title 480 WAC relating to adoption-by-reference date revisions and other minor administrative changes.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission (commission) takes this action under Notice No. WSR 15-01-053 for an expedited rule making, filed with the code reviser on December 10, 2014. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires the commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the commission's responses to the comments reflecting the commission's consideration of them.

5 The commission adopts these rules to incorporate by reference federal rules and national standards pertaining to motor carriers, household goods carriers, passenger transportation companies, private and nonprofit transportation providers, railroad companies, solid waste and/or refuse collection companies, gas companies, and electric companies. There are no differences between the text of the proposed rules as published in the register and the text of the rules as adopted. The commission did not receive any comments on the proposed rules.

6 REFERENCE TO AFFECTED RULES: This order amends the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
Chapter 480-14 WAC, Motor carriers, excluding household goods carriers and common [carrier] brokers.			
Amend	480-14-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 49, Code of Federal Regulations (C.F.R.), amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 171 - General Information, Regulations and Definitions. - Part 172 - Hazardous Materials Table, etc. - Part 173 - Shippers General Requirements for Shipping and Packages.
Chapter 480-15 WAC, Household goods carriers.			
Amend	480-15-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria, amends the effective date to April 1, 2014 - no significant changes - new edition of previously adopted reference. • Title 49 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 375 - Transportation of Household Goods in Interstate Commerce; Consumer Protection Regulations - no changes since last adoption. - Part 379 - Preservation of Records - no changes since last adoption.

Rule Changes			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - no changes since last adoption. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties. - Part 385 - Safety Fitness Procedures. - Part 390 - Safety Regulations, General. - Part 391 - Qualification of Drivers. - Part 392 - Driving of Commercial Motor Vehicles - no changes since last adoption. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers - see Note 8. - Part 396 - Inspection, Repair and Maintenance - no changes since last adoption. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-30 WAC, Passenger transportation companies.			
Amend	480-30-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria, amends the effective date to April 1, 2014 - no significant changes - new edition of previously adopted reference. • Title 49 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - no changes since last adoption. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties. - Part 385 - Safety Fitness Procedures. - Part 390 - Safety Regulations, General. - Part 391 - Qualification of Drivers. - Part 392 - Driving of Commercial Motor Vehicles - no changes since last adoption. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers. - Part 396 - Inspection, Repair and Maintenance - no changes since last adoption.

Rule Changes			
Action	WAC No.	Rule Title	Changes
			- Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-31 WAC, Private, nonprofit transportation providers.			
Amend	480-31-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria, amends the effective date to April 1, 2014 - no significant changes - new edition of previously adopted reference. • Title 49 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - no changes since last adoption. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties. - Part 385 - Safety Fitness Procedures. - Part 390 - Safety Regulations, General. - Part 391 - Qualification of Drivers. - Part 392 - Driving of Commercial Motor Vehicles - no changes since last adoption. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers. - Part 396 - Inspection, Repair and Maintenance - no changes since last adoption. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-62 WAC, Railroad companies—Operations.			
Amend	480-62-999	Adoption by reference.	1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 49 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 171 - General Information, Regulations, and Definitions. - Part 172 - Emergency Response Information, Training Requirements, and Security. - Part 173 - Shippers General Requirements for Shipments and Packages. - Part 174 - Carriage by Rail. - Part 178 - Specifications for Packagings. - Part 179 - Specifications for Tank Cars - no changes made since last adoption date.

Rule Changes			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> - Part 209 - Railroad Safety Enforcement Procedures - no changes since last adoption date. - Part 211 - Rules of Practice - no changes made since last adoption date. - Part 212 - State Safety Participation Regulations - no changes made since last adoption date. - Part 213 - Track Safety Standards - no changes since last adoption date. - Part 214 - Railroad Workplace. - Part 217 - Railroad Operating Rules - no changes made since last adoption date. - Part 218 - Railroad Operating Practices - no changes made since last adoption date. - Part 219 - Control of Alcohol and Drug Use - no changes made since last adoption date. - Part 220 - Railroad Communications - no changes made since last adoption date. - Part 221 - Rear-end Marking Device - no changes made since last adoption date. - Part 225 - Railroads Accidents/Incidents. - Part 228 - Hours of Service of Railroad Employees - no changes made since last adoption date. - Part 234 - Grade Crossing Signal System Safety - no changes made since last adoption date. - Part 239 - Passenger Train Emergency Preparedness. - Part 240 - Qualification and Certification of Locomotive Engineers - no changes made since last adoption date. - Part 570 - Vehicle in Use Inspection Standards - no changes since last adoption.
Chapter 480-70 WAC, Solid waste and/or refuse collection companies.			
Amend	480-70-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • North American Standard Out-Of-Service Criteria, amends the effective date to April 1, 2014 - no significant changes - new edition of previously adopted reference. • Title 40 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 262 - Standards Applicable to Generators of Hazardous Waste. • Title 49 C.F.R., amends the effective date of adoption to October 1, 2014, for the following: <ul style="list-style-type: none"> - Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs - no changes since last adoption. - Part 171 - General Information, Regulations, and Definitions. - Part 172 - Hazardous Materials Table, etc.

Rule Changes			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> - Part 173 - Shippers General Requirements for Shipping and Packages. - Part 174 - Carriage by Rail. - Part 175 - Carriage by Aircraft. - Part 176 - Carriage by Vessel. - Part 177 - Carriage by Public Highway. - Part 178 - Specifications for Packagings. - Part 179 - Specifications for Tank Cars - no changes made since last adoption date. - Part 180 - Continuing Qualification and Maintenance of Packagings - no changes made since last adoption. - Part 379 - Preservation of Records - no changes since last adoption. - Part 380 - Special Training Requirements - no changes since last adoption. - Part 382 - Controlled Substance and Alcohol Use and Testing - no changes since last adoption. - Part 383 - Commercial Driver's License Standards; Requirements and Penalties. - Part 385 - Safety Fitness Procedures. - Part 390 - Safety Regulations, General. - Part 391 - Qualification of Drivers. - Part 392 - Driving of Commercial Motor Vehicles - no changes since last adoption. - Part 393 - Parts and Accessories Necessary for Safe Operation - no changes since last adoption. - Part 395 - Hours of Service of Drivers. - Part 396 - Inspection, Repair and Maintenance - no changes since last adoption. - Part 397 - Transportation of Hazardous Materials - no changes since last adoption.
Chapter 480-90 WAC, Gas companies—Operations.			
Amend	480-90-999	Adoption by reference.	<ol style="list-style-type: none"> 1. Adoption by reference dates changed as follows: <ul style="list-style-type: none"> • Title 18 C.F.R., amends the effective date of adoption to April 1, 2014, for the entire chapter. 2. Adoption by reference text changed as follows: <ul style="list-style-type: none"> • Title 18 C.F.R., amends subsection (1)(d) to rephrase the availability of the resource at Government Printing Office and include "It is also available for inspection at the commission branch of the state library." • Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities, amends subsection (2)(c) to include the internet address for the National Association of Regulatory Utility Commissioners (NARUC) publications store http://www.naruc.org/Store and add "It is also

Rule Changes			
Action	WAC No.	Rule Title	Changes
			available for inspection at the commission branch of the state library."
Chapter 480-93 WAC, Gas companies—Safety.			
Amend	480-93-999	Adoption by reference.	<ol style="list-style-type: none"> Adoption by reference text changed as follows: <ul style="list-style-type: none"> Title 49 C.F.R., amends subsection (1)(b) to delete "480-93-155 (Increasing maximum allowable operating pressure)." Adoption by reference text changed as follows: <ul style="list-style-type: none"> Amends subsection (1)(a) to correct a typo in the reference to 49 C.F.R. § 192.801 (b)(2).
Chapter 480-100 WAC, Electric companies—Operations.			
Amend	480-100-999	Adoption by reference.	<ol style="list-style-type: none"> Adoption by reference dates changed as follows: <ul style="list-style-type: none"> Title 18 C.F.R., amends the effective date of adoption to April 1, 2014, for the entire chapter. The National Electrical Code (NEC), amends the effective date of adoption to September 3, 2014. Adoption by reference text changed as follows: <ul style="list-style-type: none"> Title 18 C.F.R., amends subsection (1)(d) to rephrase the availability of the resource at Government Printing Office. Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities, amends subsection (2)(c) to include the internet address for NARUC publications store http://www.naruc.org/Store and add "It is also available for inspection at the commission branch of the state library." NEC, amends subsection (3)(a) to include "errata 70-14-2 published December 3, 2013, 70-14-3 published April 21, 2014, and 70-14-4 published July 29, 2014." The American National Standard for Electric Meters: Code for Electricity Metering, amends subsection (4)(c) to provide the internet addresses to purchase ANSI C12.1: http://webstore.ansi.org/ (PDF) and https://global.ihc.com/ (PDF or print).
Chapter 480-107 WAC, Electric companies—Purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers.			
Amend	480-107-999	Adoption by reference.	<ol style="list-style-type: none"> Adoption by reference text changed as follows: <p>"In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publication, effective date, reference within this chapter, and availability of the resources are as follows:</p> <ol style="list-style-type: none"> Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210, cited as 16 U.S.C. § 796 and 824a-3, including all amendments is published by the United States Government Printing Office. <ol style="list-style-type: none"> The commission adopts the version in effect on August 8, 2005.

Rule Changes			
Action	WAC No.	Rule Title	Changes
			<p>(b) This publication is reference[d] in WAC 480-107-001 Purpose and scope.</p> <p>(c) Copies of United States Code are available from the United States Government Printing Office in Washington, D.C. or online at http://www.gpo.gov/.</p> <p>(2) Title 18 C.F.R. Part 292, cited as 18 C.F.R. § 292, including all appendices and amendments is published by the United States Government Printing Office.</p> <p>(a) The commission adopts the version in effect on April 1, 2014.</p> <p>(b) This publication is referenced in WAC 480-107-001 Purpose and scope.</p> <p>Copies of Title 18 C.F.R. are available from the United States Government Printing Office in Washington, D.C. or online at http://www.gpo.gov/, and from various third-party vendors. It is also available for inspection at the commission branch of the state library."</p>
Chapter 480-108 WAC, Electric companies—Interconnection with electric generators.			
Amend	480-108-999	Adoption by reference.	<p>1. Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> • NEC, amends the effective date of adoption to September 3, 2014. • Institute of Electrical and Electronics Engineers (IEEE) Standard 519, amends the effective date of adoption to June 11, 2014. • Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269, amends the effective date of adoption to April 11, 2014. <p>2. Adoption by reference text changed as follows:</p> <ul style="list-style-type: none"> • NEC, amends subsection (1)(a) to include "errata 70-14-2 published December 3, 2013, errata 70-14-2 published April 21, 2014, and errata 70-14-4 published July 29, 2014." • IEEE Standard 1547, amends subsection (3)(a) to include "including amendment 1547a-2014, published May 21, 2014." • American National Standards Institute (ANSI) Standard C37.90, amends subsection (4)(a) to include "and reaffirmed in 2011." • OSHA Standard at 29 C.F.R. 1910.269, amends subsection (9)(a) to include "and amended on September 24, 2014."

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353 for expedited rule making.

8 NOTICE OF EXPEDITED RULE MAKING: The commission filed a notice of expedited rule making (CR-105) on December 10, 2014, at WSR 15-01-053. The notice informed interested persons that the commission was proposing rules under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons

requesting such information pursuant to RCW 34.05.353, and to all persons affected by the adoption-by-reference rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission no later than February 23, 2015. The commission posted the relevant rule-making information on its internet web site at www.utc.wa.gov/143302.

9 COMMENTERS (WRITTEN COMMENTS): The commission did not receive any comments on the proposed rules.

10 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission finds and concludes that it should amend and adopt the rules as proposed in the CR-105 at WSR 15-01-053.

11 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-90-999, 480-93-999, 480-100-999, 480-107-999, and 480-108-999 should be amended to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 11, 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.

ORDER

12 THE COMMISSION ORDERS:

13 (1) WAC 480-14-999, 480-15-999, 480-30-999, 480-31-999, 480-62-999, 480-70-999, 480-90-999, 480-93-999, 480-100-999, 480-107-999, and 480-108-999, are amended to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

14 (2) This order and the rules set out in Appendix A, after being recorded in the order register of the Washington utilities and transportation commission shall be forwarded to the code reviser for filing pursuant to chapter 80.01 and 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, March 2, 2015.

Washington Utilities and Transportation Commission

David W. Danner, Chairman
Philip B. Jones, Commissioner
Ann E. Rendahl, Commissioner

Appendix A

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-14-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publication, effective dates, references

within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on October (~~(25, 2013)~~) 1, 2014, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-15-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~(2013)~~) 2014.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October (~~(25, 2013)~~) 1, 2014.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-30-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~(2013)~~) 2014.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-31-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2013))~~ 2014.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-62-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices) and WAC 480-62-235 (Flaggers).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2009 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from **IHS** Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from **IHS** Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-70-999 Adoption by reference. In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *The North American Standard Out-of-Service Criteria* is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2013))~~ 2014.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 40 Code of Federal Regulations**, cited as 40 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October ~~((25, 2013))~~ 1, 2014.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-90-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, ~~((2012))~~ 2014.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government ~~((Online Bookstore, <http://bookstore.gpo.gov/>))~~ Printing Office in Washington,

D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C. or at NARUC publications store online: <http://www.naruc.org/store>. It is also available for inspection at the commission branch of the state library.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, 2012, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 ~~((CAR))~~ C.F.R. § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), WAC 480-93-080 (Welder and plastic joiner identification and qualification), WAC 480-93-100 (Valves), WAC 480-93-110 (Corrosion control), WAC 480-93-124 (Pipeline markers), ~~((480-93-155 (Increasing maximum allowable operating pressure))~~ WAC 480-93-170 (Tests and reports for gas pipelines), WAC 480-93-180 (Plans and procedures), and WAC 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through

July 1, 2005) are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-100-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((November 27, 2013))~~ April 1, 2014.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government ~~((Online Bookstore, <http://bookstore.gpo.gov/>))~~ Printing Office in Washington D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C. or at NARUC publications store online: <http://www.naruc.org/store>. It is also available for inspection at the commission branch of the state library.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective ~~((August 20, 2013))~~ September 3, 2014, including errata 70-14-1 published September 16, 2013, errata 70-14-2 published December 3, 2013, 70-14-3 published April 21, 2014, and 70-14-4 published July 29, 2014.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02169, or at internet address <http://www.nfpa.org/>.

(4) The **American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in 2008.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. ~~((Copies are available from Global Engineering Documents in Englewood, Colorado))~~ ANSI C12.1 - 2008 is available at American National Standards Institute web site <http://webstore.ansi.org/> (PDF) or at IHS Standards Store web site <https://global.ihs.com/> (PDF and print).

AMENDATORY SECTION (Amending WSR 06-08-025, filed 3/28/06, effective 4/28/06)

WAC 480-107-999 Adoption by reference. ~~((In WAC 480-107-001, Purpose and scope, the commission refers to the provisions of the Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. The versions referenced are those current on the day the commission adopted the rule that includes the reference, consistent with the requirements of WAC 480-07-180.))~~ In this chapter, the commission adopts by reference all or portions of regulations and standards identified in subsections (1) and (2) of this section. The publication, effective date, reference within this chapter, and availability of the resources are as follows:

(1) **Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210**, cited as 16 U.S.C. Sec. 796 and 824a-3, including all amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on August 8, 2005.

(b) This publication is reference in WAC 480-107-001 (Purpose and scope).

(c) Copies of U.S. Code are available from the U.S. Government Printing Office in Washington, D.C. or online at <http://www.gpo.gov/>.

(2) **Title 18 Code of Federal Regulations Part 292**, cited as 18 C.F.R. Sec. 292, including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on April 1, 2014.

(b) This publication is referenced in WAC 480-107-001 (Purpose and scope).

(c) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Printing Office in Washington D.C. or online at <http://www.gpo.gov/> and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

AMENDATORY SECTION (Amending WSR 14-05-001, filed 2/5/14, effective 3/8/14)

WAC 480-108-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective (~~August 20, 2013~~) September 3, 2014, including errata 70-14-1 published September 16, 2013, errata 70-14-2 published December 3, 2013, errata 70-14-3 published April 21, 2014, and errata 70-14-4 published July 29, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <http://www.nfpa.org/>.

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the 2012 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronics Engineers at <http://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003 and reaffirmed in 2008, including amendment 1547a-2014, published May 21, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(4) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005 and reaffirmed in 2011.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published (~~June 11, 2004~~) June 11, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in 1994 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published in 2010.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) UL Standard 1741 is available from Underwriters Laboratory at <http://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

(a) The commission adopts the version published (~~April 11, 1994~~) on April 11, 2014, and amended on September 24, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

WSR 15-07-002

PERMANENT RULES

DEPARTMENT OF COMMERCE

[Filed March 6, 2015, 10:51 a.m., effective April 6, 2015]

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

Purpose: Update rules relating to process, timelines and documentation for consumer-owned electric utilities subject to the Washington renewable portfolio and energy efficiency standard, chapter 19.285 RCW. Amendments strengthen and

clarify documentation requirements, increase transparency of utility performance, improve consistency with comparable rules of the utilities and transportation commission and provide additional flexibility for compliance. Unnecessary sections are repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 194-37-090 and 194-37-100; and amending WAC 194-37-040, 194-37-050, 194-37-060, 194-37-070, 194-37-080, 194-37-110, 194-37-120, 194-37-130, and 194-37-210.

Statutory Authority for Adoption: RCW 19.285.080.

Adopted under notice filed as WSR 15-02-076 on January 7, 2015.

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 9, Repealed 2.

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: March 6, 2015.

Brian Bonlender
Director

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-040 Definitions. The definitions in chapter 19.285 RCW apply throughout this chapter.

(1) "Annual revenue requirement" and "total annual revenue requirement" mean((s)) that portion of a utility's annual budget approved by its governing body for the target year that is intended to be recovered through retail electricity sales in the state of Washington in the target year, or as otherwise documented by the utility pursuant to WAC 194-37-150.

(2) (~~"Average water generation" means the average megawatt-hours of generation from a hydroelectric project over a period of ten consecutive years or more, taking into account differences in water flows from year to year.~~)

(~~3~~)) "Biennial target" means a utility's biennial conservation target.

((~~4~~)) (3) "BPA" means the Bonneville Power Administration.

((~~5~~)) "Distributed generation" means an eligible renewable resource where the facility or any integrated cluster of generating units has a generating capacity of not more than five megawatts. If several five megawatt or smaller projects are located in the same immediate area but are owned or controlled by different developers, each qualifies as a separate, independent distributed generation project. For the purposes of this rule, an eligible renewable resource or group of similar

~~eligible renewable resources cannot be subdivided into amounts less than five megawatts solely to be considered distributed generation.~~

(~~6~~) "Incremental hydropower" means the incremental amount of kilowatt-hours of electricity generated from a base or constant amount of water.

(~~7~~) "Integrated cluster" of eligible renewable resources means collocated projects owned or controlled by the same entity that feed into the same substation.

(~~8~~)) (4) "Measurement protocol" means a procedure or method used, consistent with industry standards, to establish with reasonable certainty the amount of energy savings that will result from the installation of a conservation measure. Industry standards include a range of appropriate protocols reflecting a balancing of cost and accuracy, such as the application of a deemed savings value established through industry processes for a measure that has broad application and uniform characteristics and the use of engineering calculations, metering, utility billing analysis, and computer simulation for a measure installed as part of a customer-specific project.

(5) "Multifuel generating facility" means a generating facility that is capable of producing energy from more than one nonrenewable fuel, renewable fuel, or nonfuel energy source, either simultaneously or as alternatives, provided that at least one fuel source (energy source) is a renewable resource and the relative quantities of electricity production can be measured or calculated, and verified.

((~~9~~)) (6) "NWPCC" means Pacific Northwest Electric Power and Conservation Planning Council also known as the Northwest Power and Conservation Council. Its calculation of avoided costs and publications are available at www.nwccouncil.org.

((~~10~~)) "Qualified incremental hydropower efficiency improvements" means the installation or modification of equipment and structures, or operating protocols that increase the amount of electricity generated from the same amount of water. These may include rewinding of existing generators, replacing turbines with more efficient units and changing control systems to optimize electricity generation, and improvements to hydraulic conveyance systems that decrease head loss. They do not include additions to capacity by increasing pondage or elevation head, or diverting additional water into the project.

((~~11~~)) (7) "REC" means renewable energy credit.

(8) "Regional technical forum" or "RTF" means a voluntary advisory committee that reports to the executive director of the NWPCC and whose members are appointed by the NWPCC's chair.

((~~12~~)) (9) "Renewable energy target" means the amount, in megawatt-hours or RECs, necessary for a utility to satisfy the requirements of RCW 19.285.040 (2)(a) in a specific target year.

(10) "Substitute resource" means reasonably available electricity or generating facilities, of the same contract length or facility life as the eligible renewable resource the utility invested in to comply with chapter 19.285 RCW requirements, that otherwise would have been used to serve a utility's retail load in the absence of chapter 19.285 RCW

requirements to serve that retail load with eligible renewable resources.

~~((13))~~ (11) "Target year" means ~~((the))~~ a specific year ~~((for which a renewable energy target must be met))~~ in which a utility must comply with the renewable energy requirements of chapter 19.285 RCW.

~~((14))~~ (12) "Ten-year potential" means the ten-year cost effective conservation resource potential.

~~((15))~~ (13) "Utility" means a consumer-owned electric utility, as the term consumer-owned utility is defined in RCW 19.29A.010, that ~~((serves more than twenty-five thousand retail customers in the state of Washington. The number of customers served shall be based on data reported by a utility in Form EIA - 861, "Annual Electric Power Industry Report," filed with the Energy Information Administration, United States Department of Energy.~~

~~A consumer-owned electric utility whose number of retail customers grows beyond twenty-five thousand over the course of a year shall be subject to the requirements of this chapter, or per chapter 19.285 RCW shall become a qualifying utility, starting January 1 of the following year. All applicable target dates, per chapter 19.285 RCW will be delayed by the same number of years as there are between January 1, 2007, and the year in which the utility becomes a qualifying utility.~~

~~((16))~~ is a qualifying utility.

(14) "Verification protocol" means a procedure or method used, consistent with industry standards, to establish with reasonable certainty that a conservation measure was installed and is in service. Industry standards include a range of appropriate protocols reflecting a balance of cost and accuracy, such as tracking installation of measures through incentive payments and the use of on-site inspection of measures installed as part of a customer-specific project.

(15) "Weather-adjusted load" means load calculated after variations in peak and average temperatures from year to year are taken into account.

~~((17))~~ (16) "WREGIS" means the Western Renewable Energy Generation Information System. WREGIS is an independent, renewable energy registry and tracking system for the region covered by the Western Interconnection. WREGIS creates renewable energy certificates, WREGIS certificates, for verifiable renewable generation from units that register in the registry and tracking system.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-050 Documentation and ~~((auditing))~~ timelines. (1) Each utility must maintain all records necessary to document its compliance with the Energy Independence Act, as described in this chapter. All current and historical reports required by this chapter shall be available to a utility's customers and may be provided in conjunction with the utility's requirements under RCW 19.29A.050.

(2) Each utility that is not under the jurisdiction of the Washington state auditor must be audited for compliance with the Energy Independence Act by an independent auditor at least every twenty-four months and must submit a copy of the audit report to the department.

(3) A consumer-owned utility that becomes subject to this chapter and chapter 19.285 RCW after December 31, 2006, pursuant to RCW 19.285.040(3), must notify the department of its status as a qualifying utility by June 1st of the year after it becomes a qualifying utility and must submit the reports required by WAC 194-37-060 and 194-37-110 starting five years after the notice to the department is due. For the purposes of this requirement, the utility must rely on the number of customers reported by the utility in Form EIA - 861, "Annual Electric Power Industry Report," filed with the Energy Information Administration, United States Department of Energy.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-060 Conservation reporting requirements. Each utility shall submit an annual conservation report to the department by June 1st using a form provided by the department. The conservation report ~~((shall document))~~ must show the utility's progress in the preceding year in meeting the conservation targets established in RCW 19.285.040 and ~~((shall))~~ must include the following:

(1) ~~The total electricity savings ((by customer sector—Residential, commercial, industrial, and agricultural, by production efficiencies, and by distribution efficiencies)) and expenditures for conservation by the following sectors: Residential, commercial, industrial, agricultural, distribution system, and production system. A utility may report results achieved through nonutility programs, as identified in WAC 194-37-080(5), by program, if the results are not included in the reported results by customer sector. Reports submitted in odd-numbered years must include an estimate of savings and expenditures in the prior year. Reports submitted in even-numbered years must include the amount of savings and expenditures in the prior two years. All savings must be documented pursuant to WAC 194-37-080.~~

(2) ~~((If the utility counts towards its biennial target any electricity savings from local, regional, state, or federal market transformation programs, or local, state or federal codes or standards, the utility shall include copies of reports of the annual electricity savings for the utility's service territory as estimated and recorded by entities such as the department, the NWPC, regional market transformation organizations, or the utility.~~

~~((3))~~ A brief description of the methodology used to establish the utility's ten-year potential and biennial target to capture cost-effective conservation ~~((, including the share of this target to be captured by efficiency improvements in customer measures, and, if any, in distribution measures and production measures.~~

(4) ~~The utility's total expenditures for conservation broken down by residential sector, commercial sector, industrial sector, and agricultural sector, and, if any, production efficiency and distribution efficiency.~~

(5) ~~The most recent final audit report(s), if any, that evaluate(s) the utility's compliance with chapter 19.285 RCW and the information the utility reported per this chapter.~~

(6) ~~In even years this report must include the following information categorized by customer conservation savings,~~

and if any, total distribution efficiency savings, and total production efficiency savings:

(a) The utility's achievement in meeting its preceding biennial target; and

(b) The utility's current ten-year potential and biennial target)).

(3) In even-numbered years the report must include the utility's ten-year conservation potential and biennial targets established pursuant to WAC 194-37-070.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-070 Development of conservation potential and biennial conservation targets. (1) Ten-year potential. By January 1st of each even-numbered year, each utility shall identify its achievable cost-effective conservation potential for the upcoming ten years.

(2) Biennial target. By January 1st of each even-numbered year, each utility shall establish and make public a biennial conservation target. The utility's biennial target shall be no less than its pro rata share of the ten-year potential identified pursuant to subsection (1) of this section.

(3) Each utility must document the methodologies and inputs used in the development of its ten-year potential and biennial target and must document that its ten-year potential and biennial target are consistent with the requirements of RCW 19.285.040(1).

(4) Each utility must establish its ten-year potential and biennial target by action of the utility's governing board, after public notice and opportunity for public comment.

(5) The methodologies used by the NWPC in its most recently published regional power plan (~~consist of the following elements~~) are summarized in (a) through (o) of this subsection:

(a) Analyze a broad range of energy efficiency measures considered technically feasible;

(b) Perform a life-cycle cost analysis of measures or programs, including the incremental savings and incremental costs of measures and replacement measures where resources or measures have different measure lifetimes;

(c) Set avoided costs equal to a forecast of regional market prices, which represents the cost of the next increment of available and reliable power supply available to the utility for the life of the energy efficiency measures to which it is compared;

(d) Calculate the value of the energy saved based on when it is saved. In performing this calculation, use time differentiated avoided costs to conduct the analysis that determines the financial value of energy saved through conservation;

(e) Conduct a total resource cost analysis that assesses all costs and all benefits of conservation measures regardless of who pays the costs or receives the benefits. The NWPC identifies conservation measures that pass the total resource cost test as economically achievable;

(f) Identify conservation measures that pass the total resource cost test, by having a benefit/cost ratio of one or greater as economically achievable;

(g) Include the increase or decrease in annual or periodic operations and maintenance costs due to conservation measures;

(h) Include deferred capacity expansion benefits for transmission and distribution systems in its cost-effectiveness analysis;

(i) Include all nonpower benefits that a resource or measure may provide that can be quantified and monetized;

(j) Include an estimate of program administrative costs;

(k) Discount future costs and benefits at a discount rate based on a weighted, after-tax, cost of capital for utilities and their customers for the measure lifetime;

(l) Include estimates of the achievable (~~customer~~) conservation penetration rates for (~~retrofit~~) conservation measures (~~and for lost opportunity (long-lived) measures. The NWPC's twenty-year achievable penetration rates, for use when a utility assesses its twenty-year potential, are eighty-five percent for retrofit measures and sixty-five percent for lost opportunity measures achieved through a mix of utility programs and local, state and federal codes and standards. The NWPC's ten-year achievable penetration rates, for use when a utility assesses its ten-year potential, are sixty-four percent for nonlost opportunity measures and twenty-three percent for lost opportunity measures; the weighted average of the two is a forty-six percent ten-year achievable penetration rate~~));

(m) Include a ten percent bonus for conservation measures as defined in 16 U.S.C. § 839a of the Pacific Northwest Electric Power Planning and Conservation Act;

(n) Analyze the results of multiple scenarios. This includes testing scenarios that accelerate the rate of conservation acquisition in the earlier years; and

(o) Analyze the costs of estimated future environmental externalities in the multiple scenarios that estimate costs and risks.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-080 Documentation of conservation savings. (~~(1) The utility shall document:~~

~~(a) That it achieved its biennial conservation target;~~

~~(b) The total savings in customer efficiency measures; and~~

~~(c) If included in the target, the savings in the production and distribution sectors.~~

~~(2) A conservation measure or program counts towards a utility biennial target if it meets the following criteria:~~

~~(a) The conservation has a measure life of at least two years, or, if the measure life is less than two years the utility can verify that it has acquired the conservation for the entire biennium;~~

~~(b) It meets the definitions of conservation and cost effective as contained in WAC 194-37-040; and~~

~~(c) The NWPC includes the measure or program in its power plan, or the measure or program is not identified by the NWPC but it meets the definition of cost effective in RCW 19.285.030.~~

(3) The utility shall count the total first year savings of a conservation measure in the year during which either the measure was installed or the utility paid for it.

(4)) (1) Each utility must document its acquisition of conservation savings relative to its biennial target.

(2) Each utility must record conservation savings as the total first-year electricity savings in megawatt-hours or kilowatt-hours.

(3)(a) Each utility must maintain and apply measurement and verification protocols to determine the amount of energy savings resulting from conservation measures and to verify the acquisition or installation of the conservation measures being recorded or claimed.

(b) A utility may comply with this requirement using the measurement and verification protocols adopted by the RTF or by BPA in its energy efficiency implementation manual. If a utility uses other measurement and verification protocols, the measurement and verification protocols must be consistent with recognized industry practices, and the utility must document the methodologies, assumptions, and factual inputs used in its measurement and verification of energy savings.

(4) A utility may count the conservation savings from a conservation measure toward its biennial target if the measure, or a project or program consisting of more than one measure, meets the following criteria:

(a) The utility has established that the measure, or a program or project consisting of more than one measure, was cost-effective;

(b) The utility has documented that the measure was installed within its retail service area during the biennial period, or in the case of programs described in subsection (5) of this section, that the savings were attributed to the utility using a reasonable and consistent method;

(c) The utility used a reasonable and consistent method of assigning conservation savings to biennial periods such as, by the date the conservation measure was installed, by the date an incentive was paid to a customer, or by the date the conservation measure was reported to an external funding agency such as BPA; and

(d) The utility applied a reasonable and consistent policy of incorporating changes in unit energy savings values subsequent to the adoption of a biennial conservation target. Such a policy may either count savings using the unit energy savings values in effect at the time the biennial target is established or update all unit energy savings values as they are changed by the entity responsible for establishing the values.

(5) Subject to the requirements of subsection (4) of this section, each utility may count toward((s)) its biennial conservation target((s)) the proportionate share of savings resulting in its service territory from the ((following conservation efforts during the one biennium in which either the measure or program was placed in service or the utility paid for the measure:

(a) End-use savings from region-wide conservation projects that are centrally funded by BPA and for which the utility shared in the funding through its BPA rates.

(b) Savings from regional market transformation efforts if the NWPCC includes the program measures in its most recently published *Power Plan's* conservation resource potential or, as a newly emerging technology, the measure

has yet to be included in the NWPCC's resource potential. Each utility will report a proportion of savings from these programs using established distribution methods, based on each utility's relative share of funding the regional market transformation effort through both direct funding and indirect funding through their BPA rates.

(c) ~~Savings from improved federal minimum energy efficiency standards or Washington state building energy code improvements or improved state appliance codes and standards in the biennium in which they become effective, as proportionate to the utility's service territory. After that biennium, a utility may no longer include savings from those specific codes and/or standards in its next ten-year potential.~~

(5) ~~Utilities may count savings from more stringent local building and/or local equipment codes and standards, including utility new service or connection standards, towards meeting their biennial conservation target in the biennium in which they become effective and in each biennium the local standards continue to be enforced and achieve incremental savings above minimum state energy codes or minimum federal energy standards)) implementation of regional or multi-state conservation programs, market transformation programs, appliance standards, building energy codes, and non-programmatic savings including, but not limited to, the Northwest Energy Efficiency Alliance and BPA.~~

(6) ~~A utility ((cannot count the loss of load due to curtailments or matters outside of the utility's control (such as a facility shut down) as achievement towards its conservation targets. However, such losses of load may change the level of current and future targets to the extent that they reduce the conservation potential available to the utility.~~

(7) ~~The energy savings from an increase in distribution efficiencies are described, documented and counted under WAC 194-37-090. The energy savings from an increase in production efficiencies are described, documented and counted under WAC 194-37-100.~~

(8) ~~Conservation savings from utility programs for measures for which the NWPCC and the regional technical forum have established per unit energy savings values will be based on the per unit savings set by the NWPCC's regional technical forum unless the utility documents its variations in electricity saving estimates from the regional technical forum.~~

(9) ~~Conservation savings from utility programs for custom measures shall be developed pursuant to the NWPCC's custom requirements or through a similar analytical framework.~~

(10) ~~A utility may document shortfalls in meeting its biennial conservation target due to lack of customer participation. Documentation of such shortfalls shall include a demonstration that:~~

(a) ~~A broad array of marketing and program options were provided to customers throughout the biennium; and~~

(b)) must not count as conservation a reduction in electricity consumption due to curtailment of a customer's process or service, such as the shutdown of a manufacturing facility. A change in the operating practices of a customer that reduces electricity consumption without reducing the level of output or other benefits of electricity consumption is not curtailment.

(7) A utility that does not acquire conservation savings during a biennial period sufficient to meet its biennial conservation target may document its level of effort at conservation acquisition. The documentation should include:

(a) A description of the utility's marketing programs, education programs, custom project proposals, monetary incentives, financing offers, and other efforts during the biennial period to motivate customers to install conservation measures;

(b) A detailed report of the utility's budget and actual expenditures for the activities in (a) of this subsection;

(c) An identification of all conservation measures, programs, or projects for which the utility offered ((throughout the biennium)) to pay customers an incentive in an amount equal to the utility's full avoided cost over the lifetime of measures((- up to one hundred percent of the incremental cost of measures. Any such shortfall cannot be automatically deducted from the utility's conservation potential assessment for the subsequent biennium)); and

(d) An identification of all conservation measures that were included in the biennial target and became unavailable to the utility due to the shutdown or curtailment of operations of a retail customer.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-110 Renewable resource energy reporting. Each utility ((shall)) must submit a renewable resource energy report to the department by June 1st of each year((- Reporting requirements vary, as follows, depending upon how the utility elects to comply with chapter 19.285 RCW:

(1) Universal renewable energy reporting requirements. The renewable resource energy report shall include)) using a form provided by the department. The report must reflect the actions that the utility took by the previous January 1st to meet the renewable requirements of chapter 19.285 RCW for that year. For example, a utility must report by June 1, 2015, the actions it took by January 1, 2015, to meet requirements applicable to the 2015 target year.

(1) Reporting requirements applicable to all utilities. Each utility must report the following information:

(a) The compliance method:

(i) Renewable energy target using renewable resources and RECs - RCW 19.285.040 (2)(a);

(ii) Incremental cost - RCW 19.285.050; or

(iii) No-growth cost - RCW 19.285.040 (2)(d).

(b) The utility's ((annual)) load for the two years preceding ((each renewable energy)) the target year and the average load for those two years.

((b) The amount of megawatt-hours needed to meet the utility's annual renewable energy targets identified in RCW 19.285.040. These annual targets are established as a percentage of the utility's average retail load for the two years prior to the renewable energy target year: Three percent of each year 2012 through 2015; nine percent of each year 2016 through 2019; and fifteen percent for year 2020 and each year thereafter.

(e) The names of the eligible renewable resource facilities and/or the vintage (year in which associated power was generated) of renewable energy credits by generator that the utility owns or with which the utility has a contract dated no later than January 1 of the target year; and the estimated annual quantity (megawatt-hours) of eligible renewable resources or RECs that will be produced, or has been produced, through these resources or contracts to meet its annual targets.

(i) The list of resources will identify any resource that both commenced operations after December 31, 2005, and meets the apprenticeship construction practice standards as adopted by the council per WAC 194-37-120(1), thereby earning a 1.2 multiplier credit on its electricity output.

(ii) The list of resources will identify any resource that meets the definition of distributed generation and that the utility owns or contracts for the associated REC, thereby earning a 2.0 multiplier credit on the electricity output.

(d)) (c) The utility's renewable energy target for the target year.

(d) The amount of eligible renewable resources, RECs, and multiplier credits to be applied toward the utility's renewable energy target for the target year. The report must identify, by generating facility or hydroelectric project, including the WREGIS generating unit identification where applicable, and, in the case of RECs, by vintage year:

(i) The eligible renewable resources in megawatt-hours to be applied toward the renewable energy target for the target year;

(ii) The RECs to be applied toward the renewable energy target for the target year;

(iii) Any additional credit for eligible renewable resources or RECs from generating facilities eligible for the apprentice labor provision in RCW 19.285.040 (2)(h), applied toward the renewable energy target for the target year;

(iv) Any additional credit for RECs from generating facilities eligible for the distributed generation in RCW 19.285.040 (2)(b), applied toward the renewable energy target for the target year.

(e) The percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. Each utility must include in its report documentation of the calculations and inputs to this amount.

((e) The most recent final audit report(s), if any, that evaluate(s) the utility's compliance with chapter 19.285 RCW and the information reported per this chapter.

(2) A utility that does not meet the renewable energy requirements in RCW 19.285.040(2), the financial requirements in RCW 19.285.050, or the financial requirements in RCW 19.285.040 (2)(d) shall include the following information in its June 1 report of each year beginning in 2014:

(a) The quantity of eligible renewable resources acquired by December 31 of the target year;

(b) The quantity of RECs acquired from the target year, the year prior or the year subsequent to the target year; or

(c) The combination of (a) and (b) of this subsection.

(3) Renewable energy target reporting.

(a) A utility that meets the renewable energy requirements in RCW 19.285.040 (2)(a) shall include the following in its June 1 report of each year beginning in 2014:

(i) Demonstration that it acquired:

(A) By January 1 of the target year, megawatt hours of eligible renewable resources and that those megawatt hours were actually generated by December 31 of the target year.

(B) By January 1 of the target year, RECs produced during the target year, the year prior or the year subsequent to the target year; or

(C) Any combination of (a)(i)(A) and (B) of this subsection, in amounts sufficient to meet the percent of load target for the calendar year two years prior. Utilities may report shortfalls in expected generation from resources documented in (a)(i)(A) of this subsection and production of RECs documented in (a)(i)(B) of this subsection and may document that the shortfalls were offset by additional purchases of RECs or eligible renewable resources.

(ii) Documentation of the amount of megawatt hours purchased or generated, the amount of RECs purchased and the names of the respective eligible renewable facilities that produced the associated power, specified by the year it was generated.

(b) The utility may, in addition, submit a copy of its fuel mix report, per chapter 19.29A RCW, for each target year.

(4) Resource cost reporting.

Each year that a utility does not meet the renewable energy target requirements in RCW 19.285.040, but meets the financial requirements in RCW 19.285.050, the utility shall include the following information in its June 1 report of that year:

(a) ~~Its~~) **(2) Incremental cost compliance method report.** Each utility reporting pursuant to subsection (1)(a) of this section its use of the incremental cost compliance method for the target year must include the following information in its report:

(a) Annual revenue requirement for the target year;

(b) The annual levelized delivered cost of its eligible renewable resource(s) reported separately for each resource;

(c) The annual levelized delivered cost of its substitute resources and the eligible renewable resource with which it is being compared;

(d) The total cost of renewable energy credits to be applied in the reporting year;

(e) The percentage of its annual revenue requirement invested in the incremental cost of eligible renewable resources and the cost of RECs; and

(f) The most current information required by WAC 194-37-160 used for this financial demonstration.

~~((5) Nonload growing utility reporting.~~

Each year that a utility does not meet the renewable energy target requirements in RCW 19.285.040 (2)(a), but meets the financial requirements in RCW 19.285.040 (2)(d), the utility shall report to the department each June 1 its:))

(3) No-growth cost compliance method report. Each utility reporting pursuant to subsection (1)(a) of this section its use of the no-growth cost compliance method for the target year must include the following information in its report:

(a) Annual revenue requirement for the target year;

(b) Actual and weather-adjusted load for each ((of the three years immediately prior to the target)) year used in determining that the utility's load did not increase;

(c) Delivered cost of its eligible renewable resource(s), RECs or a combination of both for the target year to be applied to the one percent of annual revenue requirement, reported separately for each resource;

(d) ~~((Quantity of megawatt hours for each target year for which the utility:~~

(i) Commenced or renewed ownership of nonrenewable resources after December 7, 2006; or

(ii) Made electricity purchases from nonrenewable energy resources, incremental to its annual electricity purchases made or contracted for prior to December 7, 2006. Sources of power for daily spot market purchases are not counted; and

(e) List of RECs that the utility acquired, in addition to any RECs purchased in (c) of this subsection, to offset nonrenewable purchases listed in (d) of this subsection.

~~(6) Reporting of uncontrollable events.)) Generating facility identification, vintage, quantity and cost of any RECs to be retired as an offset for nonrenewable resource purchases pursuant to RCW 19.285.040 (2)(d).~~

(4) Final compliance report. A utility must submit a final renewable compliance report by the later of (a) two years after the filing of the report required in subsections (1) through (3) of this section; or (b) ninety days after the issuance of the auditor's report for the target year. The final renewable compliance report must provide an update of any revisions to the information previously reported pursuant to this section or, if no revisions were made, notify the department that the initial report should be considered the final report. For any target year that a utility demonstrates to the auditor that it did not meet the annual renewable resource requirements in chapter 19.285 RCW due to events beyond the reasonable control of the utility per RCW 19.285.040 (2)(i), the utility ~~((shall))~~ **must** summarize these events in ~~((its June 1 report to the department immediately following the target year))~~ **the final compliance report.**

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-120 Documentation of ((renewable energy achievement)) use of eligible renewable resources and RECs for compliance. ~~((Each utility shall provide the auditor access to contracts indicating purchases of or documentation indicating ownership of RECs and/or megawatt hours from eligible renewable/resources equal to or exceeding the annual percentage standard for the target year. The megawatt hours from owned eligible renewable resources count towards the percentage annual renewable energy target as long as the associated nonpower attributes, or RECs, if any have been created, are not owned by a separate entity or have not been used in an optional pricing program. A utility's power purchase contract, for eligible renewable resources, provides documentation for this section if the contract specifies that the nonpower attributes, or RECs if any have been created, associated with the power from the eligible renewable resources have been acquired by the utility. A utility~~

using RECs to meet any of the requirements of chapter 19.285 RCW must document that the RECs have been retired pursuant to WREGIS procedures indicating the target year as the compliance period and Washington as the state program.

(1) Each utility that claims a 1.2 multiplier credit for the electricity output from an eligible renewable resource per RCW 19.285.040 (2)(h)(i) shall provide a copy of written documentation from the council that the facility met the apprenticeship labor standard of fifteen percent of the total labor hours used in its construction.

(2) A utility may provide a copy of documentation from the BPA indicating a quantity of power that BPA sold to the utility for the target year that was supplied by an eligible renewable resource.

(3) Each utility that claims a 2.0 multiplier credit for the electricity output from an eligible renewable resource per RCW 19.285.040 (2)(b) shall provide documentation that the REC applied in that year, associated with the distributed generation resource, is owned by the utility.

(4) To document the annual amount of power supplied by BPA from eligible renewable resources, the utility may rely on BPA's determination of the portion of its power supply provided by eligible renewable resources during a calendar year for which no RECs have been created, or if RECs have been created, that the RECs have been or will be retired. A utility may count any purchase of:

(a) Electricity from BPA that is generated by eligible renewable resources for which no RECs have been created, or if RECs have been created, for which the RECs have been or will be retired; or

(b) RECs from BPA generated by eligible renewable resources to meet all or any portion of its annual eligible renewable resource targets.) A utility using an eligible renewable resource or REC for compliance with a requirement of chapter 19.285 RCW must document that use by following the procedures in this section.

(1) Documentation of energy from eligible renewable resources. Each utility using an eligible renewable resource for compliance must document the following for each resource:

(a) The electricity was generated by a generating facility that is an eligible renewable resource;

(b) The electricity was generated during the target year;

(c) If the utility sold, exchanged, or otherwise transferred the electricity to any person other than its retail customer, the utility retained ownership of the nonpower attributes; and

(d) The utility retired, consistent with the requirements of subsection (2) of this section, any RECs representing the nonpower attributes associated with the electricity or, if no RECs have been created, the utility has committed to use the nonpower attributes exclusively for the compliance purpose stated in its documentation.

(2) Documentation of renewable energy certificates. Each utility using a REC for compliance must document the following:

(a) The REC represents the output of an eligible renewable resource;

(b) The vintage of the REC is the year immediately prior to the target year, the year of the target year, or the year immediately after the target year; and

(c) The utility has removed the REC from circulation by transferring the REC to a retirement subaccount of the utility within WREGIS using the following values in the certificate transfer:

(i) Retirement type: Used by the account holder for a state-regulated renewable portfolio standard/provincial utility portfolio standard;

(ii) State/province: Washington; and

(iii) Compliance year: Applicable target year.

AMENDATORY SECTION (Amending WSR 08-07-079, filed 3/18/08, effective 4/18/08)

WAC 194-37-130 Documentation of incremental hydropower. ((1) Utilities may count toward their annual renewable resource targets incremental power acquired from qualified incremental hydropower efficiency improvements made at the following facilities since 1999:

(a) ~~Hydropower facilities in the Pacific Northwest owned by a qualifying utility where the new generation does not result in new water diversions or impoundments.~~

(b) ~~Hydroelectric generation facilities in irrigation pipes and canals located in the Pacific Northwest, where the additional generation does not result in new water diversions or impoundments.~~

(2) The utility shall calculate renewable resource power from incremental hydropower as the increase in annual megawatt-hours of generation attributable to the qualified incremental hydropower efficiency improvements under average water generation.

(3) The increase in annual megawatt-hours of generation attributable to the qualified incremental hydropower efficiency improvements shall be documented by engineering studies or with before and after generation data. The documentation shall clearly explain:

(a) Where the facility is located;

(b) When the improvements were made;

(c) How the amount of generation in "average water generation" was calculated;

(d) What other factors may have caused an increase in electricity production and how the amount "attributable to the qualified improvements" was extracted from the total increase;

(e) How and why the "qualified improvements" increased hydropower production; and

(f) How the utility came to acquire the incremental output associated with the qualified improvements.) (1) Each utility using electricity produced as a result of a hydropower efficiency improvement, as defined in RCW 19.285.030 (12)(b), to meet a renewable energy target must provide documentation that:

(a) The hydroelectric generation project is owned by a qualifying utility and is located in the Pacific Northwest;

(b) The hydropower efficiency improvement was completed after March 31, 1999; and

(c) The additional generation does not result in new water diversions or impoundments.

(2) If the amount of electricity generated as a result of the hydropower efficiency improvement is directly measurable, the utility must use the measured output of the hydropower

efficiency improvement as documentation of the amount of additional generation.

(3)(a) If the amount of electricity generated as a result of the hydropower efficiency improvements is not directly measurable, the utility must document the amount of electricity generated as a result of the hydropower efficiency improvement using an engineering analysis comparing the output in megawatt-hours of the hydroelectric generation project with the efficiency improvement to the output in megawatt-hours of the hydroelectric generation project without the efficiency improvement. Multiple efficiency improvements to a single hydroelectric generation project may be combined for purposes of the engineering analysis.

(b) The engineering analysis required by (a) of this subsection must be performed using an engineering model of the hydroelectric generation project that quantifies the relationship of stream flows, reservoir elevation, and other relevant factors to the electric output of the generating facility. The engineering model must accurately reflect the physical characteristics and operating requirements of the hydroelectric generation project during the target year and must accurately estimate the electric generation of the hydroelectric generation project without and with the hydropower efficiency improvement.

(c) A utility using the engineering analysis method to determine incremental generation must adopt and consistently apply in each target year one of the following methods:

(i) Method one - Actual incremental generation. A utility using this method must prepare an analysis using actual stream flows and the engineering model described in (b) of this subsection during each target year to determine incremental generation in the target year. A utility using this method must perform an updated calculation each year to determine the incremental generation amount for that target year.

(ii) Method two - Percentage generation.

(A) A utility using method two must prepare an analysis establishing the expected amount of incremental generation based on stream flows available to the hydroelectric generation project, adjusted for any known and measurable changes to stream flows due to environmental regulations or other factors, during a historical study period.

(B) The historical study period used in method two must be reasonably representative of the stream flows that would have been available to the hydroelectric project over the period of time for which stream flow records are readily available. A historical study period meets the requirements of this subsection if it includes the most recent readily available stream flow records and consists of a consecutive record of stream flow records at least five years in length.

(C) The amount of incremental generation using method two is calculated by multiplying the actual generation in megawatt-hours in the target year by a percentage amount equal to the difference between the calculated average generation over the historical study period with the hydropower efficiency improvement and the calculated average generation over the historical study period without the hydropower efficiency improvement, divided by the calculated average generation over the historical study period without the hydropower efficiency improvement.

(iii) Method three - Fixed amount of generation.

(A) A utility using method three must prepare an analysis establishing the expected amount of incremental generation based on stream flows available to the hydroelectric generation project, adjusted for any known and measurable changes to stream flows due to environmental regulations or other factors during a historical study period.

(B) The historical study period used in method three must be reasonably representative of the stream flows that would have been available to the hydroelectric project over the period of time for which stream flow records are readily available. A historical study period meets the requirements of this subsection if it includes the most recent readily available stream flow records and consists of a consecutive record of stream flow records at least ten years in length.

(C) The amount of incremental generation using method three is calculated as an amount in megawatt-hours equal to the difference between the calculated average generation over the historical study period with the hydropower efficiency improvement and the calculated average generation over the historical study period without the hydropower efficiency improvement. The amount must be adjusted in each target year for any reduction in availability of the hydroelectric generation project's generating capacity during the target year that is not accounted for in the analysis used to calculate the incremental generation amount.

(4) The requirements of this section are in addition to the documentation requirements specified in WAC 194-37-120(1).

NEW SECTION

WAC 194-37-136 Documentation of apprentice labor and distributed generation multipliers. (1) **Apprentice labor credit.** A utility claiming an additional credit for the electricity output from an eligible renewable resource per RCW 19.285.040 (2)(h)(i) must document that the facility commenced operation after December 31, 2005, and must provide written documentation from the Washington state apprenticeship and training council within the department of labor and industries that the facility qualified for the apprentice labor credit.

(2) **Distributed generation credit.** A utility claiming an additional credit for distributed generation pursuant to RCW 19.285.040 (2)(b) must meet the following requirements:

(a) The utility may claim a distributed generation credit only if the generating facility is registered in WREGIS and the utility retires all RECs associated with its distributed generation claim.

(b) In determining whether a generating facility has a generating capacity of not more than five megawatts, the capacity of the generating facility will be based on its nameplate rating measured in alternating current.

(c) In determining whether a generating facility is eligible for the distributed generation credit, the generating capacity of the generating facility will be based on the aggregate generating capacity of the generating facility and all other generating facilities in the same integrated cluster. An integrated cluster of generating facilities consists of all generating facilities that:

(i) Are located on the same or contiguous property. In determining whether properties are contiguous, interruptions in contiguity caused by easements, public thoroughfares, transportation rights of way, or utility rights of way must be disregarded; and

(ii) Have any of the following elements in common:

(A) Ownership. Each person with more than five percent beneficial ownership, other than tax equity owners, will be considered an owner for purposes of determining common ownership of generating facilities;

(B) Operational control; or

(C) Interconnection. Generating facilities have common interconnection if they have the same point of common coupling with the area electric power system.

AMENDATORY SECTION (Amending WSR 14-04-015, filed 1/24/14, effective 2/24/14)

WAC 194-37-210 Renewable energy credit tracking system. (1) WREGIS is the renewable energy credit tracking system for purposes of verification of RECs under chapter 19.285 RCW.

(2) Upon request by a utility, the department may approve a special purpose renewable energy credit tracking system for the generation of any specific generating facility acquired through ownership or contract by a utility prior to January 1, 2015, if the utility certifies that it would be impractical or financially burdensome to track the generation of the facility using WREGIS. The approval of a special purpose tracking system may include limitations or conditions on the transfer of RECs. All references to WREGIS in this chapter include such approved special purpose tracking systems.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 194-37-090 Additional documentation of efficiency from distribution system loss reduction improvements, including peak demand management and voltage regulation.

WAC 194-37-100 Additional documentation of improved efficiency from production facilities.

WSR 15-07-004

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed March 6, 2015, 2:13 p.m., effective April 6, 2015]

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

Purpose: WAC 246-812-990, 246-817-990, 246-851-990 and 246-853-990, fees impacting osteopathic physicians, osteopathic physician assistants, optometrists, denturists, and dentists.

WAC 246-812-990, 246-817-990, 246-851-990 and 246-853-990, retired active renewal and late fees. The adopted rules add reduced renewal and late fees for a retired active license category for denturists, dentists, optometrists, osteopathic physicians, and osteopathic physician assistants. Each of these professions' disciplining authorities is developing rules for obtaining and renewing a retired active license. RCW 18.130.250 directs the secretary to adopt fees for these credentials.

The rules also clarify when the impaired provider and University of Washington online resource library (HEAL-WA) surcharges are required, delete obsolete language, and make minor housekeeping changes to the denturist fees and renewal cycle rule.

Citation of Existing Rules Affected by this Order: Amending WAC 246-853-990, 246-851-990, 246-812-990, and 246-817-990.

Statutory Authority for Adoption: For WAC 246-812-990 and 246-851-990 is RCW 18.130.250 and 43.70.250; for WAC 246-817-990 is RCW 18.130.250, 43.70.250 and 18.32.534; and for WAC 246-853-990 is RCW 18.130.250, 43.70.250, and 18.130.186.

Adopted under notice filed as WSR 14-22-049 on October 30, 2014.

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 4, 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 4, Repealed 0.

Date Adopted: March 6, 2015.

Dennis E. Worsham

Deputy Secretary

for John Wiesman, DrPH, MPH

Secretary

AMENDATORY SECTION (Amending WSR 10-19-071, filed 9/16/10, effective 10/15/10)

WAC 246-812-990 Denturist fees and renewal cycle.

(1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. ~~(The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required pay-~~

ment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.)

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<u>Original application</u>	
Application	\$1,500.00
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
<u>Active license renewal</u>	
((License)) <u>Renewal</u>	1,855.00
Late renewal penalty	300.00
Expired license reissuance	300.00
<u>Inactive license renewal</u>	
((Inactive license)) <u>Renewal</u>	750.00
Expired ((inactive)) license reissuance	300.00
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>930.00</u>
<u>Late renewal penalty</u>	<u>150.00</u>
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

AMENDATORY SECTION (Amending WSR 13-21-069, filed 10/16/13, effective 1/1/14)

WAC 246-817-990 Dentist fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except faculty and resident licenses.

(2) Faculty and resident licenses must be renewed every year on July 1 as provided in chapter 246-12 WAC, Part 2.

(3) The following nonrefundable fees will be charged:

Title of Fee	Fee
<u>Original application by examination*</u>	
Initial application	\$500.00
<u>Original application - Without examination</u>	
Initial application	500.00
Initial license	500.00
Faculty license application	500.00
Resident license application	115.00
<u>Active license renewal:</u>	
Renewal	350.00
Surcharge - Impaired dentist	50.00
Late renewal penalty	288.00
Expired license reissuance	300.00

Title of Fee	Fee
<u>Inactive license renewal:</u>	
Renewal	125.00
Surcharge - Impaired dentist	50.00
Late renewal penalty	50.00
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>150.00</u>
<u>Surcharge - Impaired dentist</u>	<u>50.00</u>
<u>Late renewal penalty</u>	<u>75.00</u>
Duplicate license	15.00
Certification of license	25.00
<u>Anesthesia permit</u>	
Initial application	150.00
Renewal - (Three-year renewal cycle)	150.00
Late renewal penalty	75.00
Expired permit reissuance	50.00
On-site inspection fee	To be determined by future rule adoption.

* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

AMENDATORY SECTION (Amending WSR 12-19-088, filed 9/18/12, effective 11/1/12)

WAC 246-851-990 Optometry fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
<u>Original application</u>	
Application	\$175.00
Out-of-state seminar	100.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Active license renewal</u>	
((License)) <u>Renewal</u>	199.00
Late renewal penalty	100.00
Expired license reissuance	75.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Inactive license renewal</u>	
((Inactive license)) <u>Renewal</u>	75.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>94.00</u>
<u>Late renewal penalty</u>	<u>50.00</u>

Title of Fee	Fee
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
Duplicate license	15.00
Certification of license	25.00
((UW online access fee (HEAL-WA)	16.00))

AMENDATORY SECTION (Amending WSR 13-21-069, filed 10/16/13, effective 1/1/14)

WAC 246-853-990 Osteopathic fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program dates.

(3) The following nonrefundable fees will be charged for osteopathic physicians:

Title of Fee	Fee
<u>Original application</u>	
Endorsement application	\$425.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Active license renewal</u>	
((Active license)) <u>Renewal</u>	425.00
((Active)) <u>Late renewal penalty</u>	250.00
((Active)) <u>Expired license reissuance</u>	250.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
<u>Inactive license renewal</u>	
((Inactive license)) <u>Renewal</u>	350.00
Expired ((inactive)) license reissuance	225.00
((Inactive)) <u>Late renewal penalty</u>	175.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>219.00</u>
<u>Late renewal penalty</u>	<u>110.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
Endorsement/state exam application	500.00
Reexam	100.00
Certification of license	50.00
<u>Limited license</u>	
((Limited license)) <u>Application</u>	325.00
((Limited license)) <u>Renewal</u>	300.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
Temporary permit application	70.00

Title of Fee	Fee
Duplicate certificate	20.00
((Substance abuse	
monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00))

(4) The following nonrefundable fees will be charged for osteopathic physician assistants:

Title of Fee	Fee
<u>Original application</u>	
Application	\$250.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Active license renewal</u>	
Renewal	250.00
Late renewal penalty	150.00
Expired license reissuance	100.00
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
<u>Retired active license renewal</u>	
<u>Renewal</u>	<u>134.00</u>
<u>Late renewal penalty</u>	<u>75.00</u>
<u>UW online access fee (HEAL-WA)</u>	<u>16.00</u>
<u>Substance abuse monitoring surcharge</u>	<u>25.00</u>
Certification of license	30.00
Interim permit	200.00
License after exam	100.00
Duplicate certificate	20.00
((Substance abuse	
monitoring surcharge	25.00
UW online access fee (HEAL-WA)	16.00))

WSR 15-07-005

PERMANENT RULES

DEPARTMENT OF HEALTH

(Chiropractic Quality Assurance Commission)

[Filed March 6, 2015, 2:18 p.m., effective April 6, 2015]

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

Purpose: WAC 246-808-150, the chiropractic quality assurance commission (commission) amended the continuing education (CE) requirements for Washington state licensed chiropractors to include three CE hours of suicide training, added CE categories, outlined acceptable documentation to verify completion of CE, expanded multimedia options, and amended the number of CE hours that may be obtained for some categories of CE.

Citation of Existing Rules Affected by this Order: Amending WAC 246-808-150.

Statutory Authority for Adoption: RCW 18.25.0171, 18.25.070, ESHB 2315 (chapter 71, Laws of 2014).

Adopted under notice filed as WSR 14-22-106 on November 5, 2014.

Changes Other than Editing from Proposed to Adopted Version: Two minor changes were made to subsections (3) and (3)(a) after the rules hearing to mirror ESHB 2315 (chapter 71, Laws of 2014): Subsection (3) revised the proposed language from, the training must be received "no later than" the first full reporting period to "during" the first full reporting period, and, subsection (3)(a) adds that qualified training must be empirically supported training.

A final cost-benefit analysis is available by contacting Leann Yount, Program Manager, Chiropractic Quality Assurance Commission, P.O. Box 47858, Olympia, WA 98504-7858, phone (360) 236-4856, fax (360) 236-2901, e-mail leann.yount@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 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 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 0, Amended 1, Repealed 0.

Date Adopted: December 11, 2014.

Gary L. Smith, DC, DACBR
Commission Chair

AMENDATORY SECTION (Amending WSR 06-03-057, filed 1/11/06, effective 2/11/06)

WAC 246-808-150 Commission approved continuing education. (1) Chiropractors must complete twenty-five hours of continuing education per year under RCW 18.25.070 and chapter 246-12 WAC, Part 7.

(2) The commission approves the following subject material for continuing chiropractic education credit:

- (a) Diagnosis and treatment of the spine or (~~immediate~~) extremity articulations within the scope of practice;
- (b) X-ray/diagnostic imaging;
- (c) Adjustive technique;
- (d) Detection of a subluxation;
- (e) Physical examination;
- (f) Hygiene;
- (g) Symptomatology;
- (h) Neurology;
- (i) Pathology;
- (j) Orthopedics;
- (k) Patient/case management, documentation, coding;
- (l) Impairment within the scope of practice;
- (m) CPR (not to exceed a total of four hours);

(n) Dietary and nutrition advice; (~~and~~)

(o) Chiropractic philosophy (~~and business management (not to exceed a total of eight hours)~~); and

(p) Governmental regulations relevant to chiropractic and public health (not to exceed a total of twelve hours).

(3) Beginning June 12, 2014, as part of the continuing education, chiropractors are required to obtain three hours in suicide screening and referral from a qualified suicide prevention training program. This is a one-time suicide prevention training that must be completed during the first full reporting period after June 12, 2014, or the first full continuing education reporting period after initial licensure, whichever is later.

(a) A qualified training program is empirically supported training in suicide screening and referral that is at least three hours in length which may be provided in one or more sessions.

(b) The hours spent completing a training program in suicide screening and referral under this section count toward meeting any applicable continuing education requirements.

(c) Nothing in this subsection is intended to expand or limit the chiropractic scope of practice.

(4) Subject matter not approved for continuing education credit:

(a) Subject matter not directly relating to the chiropractic clinical scope of practice; and

(b) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

~~((4))~~ (5) A chiropractor may earn a maximum of twelve hours for:

(a) Completing a multimedia chiropractic education program, which includes, but is not limited to, the internet, tele-seminars, employer led training offering continuing education hours, and video presentations.

(b) Serving as teachers or lecturers in continuing education programs approved under subsection (2) of this section. A chiropractor may receive credit on the same basis as (~~the doctors~~) those attending the program.

~~((5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to participants, including course content and number of hours.)~~

(6) A chiropractor must provide acceptable documentation of attendance upon commission request or audit. Acceptable forms of documentation include:

(a) Transcripts;

(b) Letters from the course instructors;

(c) Certificate of completion; or

(d) Other formal documentation which includes:

(i) Participant's name;

(ii) Course title;

(iii) Course content;

(iv) Date(s) of course;

(v) Provider's name(s); and

(vi) Signature of the program sponsor or course instructor. Multimedia courses are exempt from the signature requirement.

(7) Chiropractors in active status who reside and practice outside Washington must meet all the requirements (~~of this section~~).

WSR 15-07-006
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed March 6, 2015, 2:26 p.m., effective April 6, 2015]

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

Purpose: WAC 246-824-075 Continuing education requirements for dispensing opticians, opticians now report thirty hours of continuing education every three years. The rule will require a minimum of five hours of continuing education be earned in each year of a three year reporting cycle, with fifteen of the total hours relating to contact lenses. The proposal does not increase the total hourly requirement.

Citation of Existing Rules Affected by this Order: Amending WAC 246-824-075.

Statutory Authority for Adoption: RCW 18.34.120.

Adopted under notice filed as WSR 14-21-154 on October 21, 2014.

A final cost-benefit analysis is available by contacting Judy Haenke, 111 Israel Road S.E., Tumwater, WA 98501, phone (360) 236-4947, fax (360) 236-2901, e-mail judy.haenke@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 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, 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: March 6, 2015.

Dennis E. Worsham
 Deputy Secretary
 for John Wiesman, DrPH, MPH
 Secretary

AMENDATORY SECTION (Amending WSR 09-07-023, filed 3/6/09, effective 4/6/09)

WAC 246-824-075 Continuing education requirements for dispensing opticians. Purpose and scope. The purpose of ~~((these requirements))~~ continuing education is to ensure the continued high quality of services provided by ~~((the))~~ licensed dispensing opticians. Continuing education consists of ~~((educational activities designed to review existing concepts and techniques and conveys information and knowledge about advances))~~ programs of learning which contribute directly to the advancement or enhancement of skills in the field of opticianry, ~~((so as))~~ designed to keep the licensed dispensing opticians ~~((abreast))~~ informed of current and forecasted developments in a rapidly changing field.

(1) Basic requirements. Licensed dispensing opticians whose three-year continuing education reporting cycle begins on or after June 1, 2015, must complete thirty hours of continuing education every three years as required in chapter 246-12 WAC, Part 7. ~~((2))~~ Of the thirty hours every three years:

(a) A minimum of five hours must be completed in each of the three years:

(b) At least fifteen of the credit hours must relate to contact lenses.

(2) Approved continuing education courses may be completed through the following methods or activities:

(a) Attendance at a local state or national program;

(b) Self-study through distance learning;

(c) Electronically through webinar or video presentations.

~~((Qualification of program for continuing education credit.))~~ Courses offered by the following organizations ~~((and methods listed in this section will be))~~ are presumed to qualify as continuing education courses. The secretary reserves the ~~((authority))~~ right to refuse to accept credits in any course if the secretary determines that the course did not provide information sufficient in amount or relevancy to opticianry ~~((Qualifying organizations and methods for the purposes of this section shall include in-class training, correspondence courses, video and/or audio tapes offered by any of the following))~~:

(a) American Board of Opticianry;

(b) National Academy of Opticianry;

(c) Optical Laboratories Association;

(d) National Contact Lens Examiners;

(e) Contact Lens Society of America;

(f) Opticians Association of Washington;

(g) Joint Commission of Allied Health

Personnel in Ophthalmology;

(h) Council on Optometric Practitioner Education;

(i) Opticianry colleges or universities approved by the secretary;

(j) Speakers sponsored by any of the above organizations;

(k) Any state or national opticianry association; and

(l) Additional qualifying organizations or associations as approved by the secretary.

WSR 15-07-008

PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Operations Support and Services Division)

(Language Testing and Certification Program)

[Filed March 6, 2015, 3:20 p.m., effective April 6, 2015]

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

Purpose: The purpose of the rule and its amendment is to establish the process and procedures in implementing the goals of RCW 74.04.025, to certify/authorize spoken language interpreters/translators to ensure quality services to limited-English proficient (LEP) clients; Title VI of the Civil

Rights Act of 1964, to prohibit discrimination against recipients of federal funded programs; and 45 C.F.R. Section 80.3 (b)(2), to require "recipients" of federal financial assistance from the Department of Health and Human Services (HHS) to take reasonable steps to provide meaningful access to LEP persons. Without the rule and its amendment, program policies cannot be enforced; nor can program policies withstand any legal challenge.

Citation of Existing Rules Affected by this Order: Amending chapter 388-03 WAC.

Statutory Authority for Adoption:

- RCW 74.04.025, to certify/authorize spoken language interpreters/translators to ensure quality services to LEP clients.
- Title VI of the Civil Rights Act of 1964, to prohibit discrimination against recipients of federal funded programs.
- RCW 74.08.090, to exercise rule-making authority.
- 45 C.F.R. Section 80.3 (b)(2), to require "recipients" of federal financial assistance from HHS to take reasonable steps to provide meaningful access to LEP persons.

Adopted under notice filed as WSR 14-20-115 on October 1, 2014.

Changes Other than Editing from Proposed to Adopted Version: See Reviser's note below.

A final cost-benefit analysis is available by contacting Hungling Fu, 1115 Washington Street S.E., Olympia, WA 98504, phone (360) 664-6035, e-mail Fuh@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 10, Amended 31, 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 10, Amended 31, Repealed 0.

Date Adopted: March 6, 2015.

Kevin Quigley
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 15-08 issue of the Register.

WSR 15-07-020

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 10, 2015, 7:42 a.m., effective April 10, 2015]

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

Purpose: To amend chapter 308-20 WAC to add language from Interpretive Statement-COS1, regarding the practice of natural hair braiding. This will define that natural hair braiding does not meet the requirements as set forth in chapter 18.16 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 308-20-025 Natural hair braiding—Exemption.

Statutory Authority for Adoption: RCW 18.16.030(4), 43.24.23 [43.24.023].

Adopted under notice filed as WSR 15-02-077 on January 7, 2015.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, 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: March 10, 2015.

Damon Monroe
Rules Coordinator

NEW SECTION

WAC 308-20-025 Natural hair braiding—Exemption. Nothing in chapter 18.16 RCW or 308-20 WAC prohibits or restricts the practice of natural hair braiding. Natural hair braiding does not include hair cutting, application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair. Natural hair braiding may involve the use of hair extensions when the extensions are attached only by natural means.

WSR 15-07-021

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed March 10, 2015, 8:04 a.m., effective April 10, 2015]

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

Purpose: The department of revenue is proposing to amend these rules to incorporate current and past legislation:

WAC 458-16-165 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; E2SSB 5078 (2013), which modified the property tax exemption for nonprofit fair associations; E2SHB 1597 (2010), which updated a cross reference to hospitals; and SB 6280 (2006), which removed the

irrevocable dedication requirement for nonprofit organizations. Updated rule to reflect existing language in RCW 84.36.805 and clarified due dates.

WAC 458-16-190 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; SHB 2402 (2010), which allows tax exempt property to be used to conduct a farmers market; and updated rule to reflect existing language in RCW 84.36.020.

WAC 458-16-210 incorporates SSB 6600 (2012), which extends a property tax exemption to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization.

WAC 458-16-220 incorporates SSB 6600 (2012), which extends a property tax exemption to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization; and updated rule to reflect existing language in RCW 84.36.800.

WAC 458-16-230 incorporates SSB 6600 (2012), which extends a property tax exemption to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization.

WAC 458-16-240 incorporates SSB 6600 (2012), which extends a property tax exemption to property used exclusively by certain nonprofit organizations that is leased from an entity that acquired the property from a previously exempt nonprofit organization; updated rule to reflect existing language in RCW 84.36.030; and removed duplicative language incorporated into WAC 458-16-165.

WAC 458-16-260 incorporates E2SHB 1597 (2010), which updates a cross reference to hospitals and day care centers; and removed duplicative language incorporated into WAC 458-16-165.

WAC 458-16-270 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; removed duplicative language incorporated into WAC 458-16-165; and updated rule to reflect existing language in RCW 84.36.840.

WAC 458-16-280 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; and removed duplicative language incorporated into WAC 458-16-165.

WAC 458-16-282 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; and removed duplicative language incorporated into WAC 458-16-165.

WAC 458-16-290 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; and updated rule to reflect language in RCW 84.34.250, 84.36.260, and 84.36.-264.

WAC 458-16-310 incorporates SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; removed duplicative language incorporated into WAC 458-16-165 and covered by WAC 458-16-300; and updated rule to reflect existing language in RCW 84.36.037 and 84.36.805.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption, 458-16-190 Churches, parsonages, and convents, 458-16-210 Nonprofit organizations or associations organized and conducted for nonsectarian purposes, 458-16-220 Church camps, 458-16-230 Character building organizations, 458-16-240 Veterans organizations, 458-16-260 Nonprofit child day care center, libraries, orphanages, homes for the sick or infirm, hospitals, outpatient dialysis facilities, 458-16-270 Schools and colleges, 458-16-280 Art, scientific, and historical collections, 458-16-282 Musical, dance, artistic, dramatic, and literary associations, 458-16-290 Nature conservancy lands, and 458-16-310 Community celebration facilities.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.08.080, 84.36.389, 84.36.865.

Adopted under notice filed as WSR 15-02-063 on January 6, 2015.

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 12, 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 12, 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: March 10, 2015.

Dylan Waits
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-02-009, filed 12/20/01, effective 1/20/02)

WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption. (1) **Introduction.** In order to receive the property tax exemption authorized in chapter 84.36 RCW, most nonprofit organizations, associations, and corporations must also satisfy the conditions set forth in RCW 84.36.805 and 84.36.840. This rule describes these conditions.

(2) **Definitions.** For purposes of this rule, the following definitions apply:

(a) "Department" means the ((state)) department of revenue.

(b) "Inadvertent use" or "inadvertently used" means the use of the property in a manner inconsistent with the purpose for which the exemption is granted through carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting

principles to maintain and operate the loaned or rented portion of the exempt property.

~~((e))~~ (d) "Revenue" means income received from the loan or rental of exempt property when the income exceeds the amount of maintenance and operation expenses attributable to the portion of the property loaned or rented.

~~((d))~~ (e) "Personal service contract" means a contract between a nonprofit organization, association, or corporation and an independent contractor under which the independent contractor provides a service on the organization's, association's, or corporation's tax exempt property. (See example contained in subsection (4)(c) of this rule.)

(3) **Applicability of this rule.** This rule does not apply to exemptions granted to:

(a) Public burying grounds or cemeteries under RCW 84.36.020;

(b) Churches, parsonages, convents, and church grounds under RCW 84.36.020;

(c) Administrative offices of nonprofit recognized religious organizations under RCW 84.36.032;

(d) Water distribution property owned by a nonprofit corporation or cooperative association under RCW 84.36.250; or

~~((Property used for the conservation of ecological systems, natural resources, or open space by a nonprofit corporation or association under RCW 84.36.260.))~~ Nonprofit fair associations under RCW 84.36.480(2).

(4) **Exclusive use.** Exempt property must be exclusively used for the actual operation of the activity for which the nonprofit organization, association, ~~((or))~~ corporation, hospital established under chapter 36.62 RCW, or public hospital district established under chapter 70.44 RCW, received the property tax exemption unless the authorizing statute states otherwise. The property exempted from taxation ~~((shall))~~ must not exceed an area reasonably necessary to facilitate the exempt purpose.

(a) Loan or rental of exempt property. As a general rule, the loan or rental of exempt property does not make it taxable if:

(i) The rents or donations received for the use of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060 (1)(a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented. ~~((Property owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities are not subject to these limitations.~~

~~((i) Exception – loaned or rented for less than fifteen days. The status of exempt property will not be affected if:~~

~~((A) The property is loaned or rented for a period of fifteen consecutive days or less;~~

~~((B) The property is loaned or rented to another nonprofit organization, association, or corporation or public hospital district established under chapter 70.44 RCW that would qualify for exemption if it owned the loaned or rented property; and~~

~~((C) All income received from the rental is devoted exclusively to the exempt purpose of the nonprofit organization, association, or corporation or public hospital district established under chapter 70.44 RCW receiving the tax exemption.~~

~~((ii) Loaned or rented to produce income. If the lessor or lessee of exempt property intends to produce income from exempt property, the property will lose its exempt status. Property loaned or rented to produce income must be segregated from property used for exempt purposes. However, property exempt under RCW 84.36.030(4) (an organization or society of veterans of any war of the United States for veterans) and RCW 84.36.037 (public assembly halls, public meeting places, community meeting halls, and community celebration facilities) may be loaned or rented:~~

~~((A) For pecuniary gain or to promote business activities for a maximum of seven days each assessment year; or~~

~~((B) In a county with less than ten thousand people, the property may be used to promote the following business activities: Dance lessons; art classes; or music lessons (see WAC 458-16-300 and 458-16-310).~~

~~((iii) Example. If a portion of a building owned by a nonprofit hospital is rented to a sandwich shop, this portion of the hospital must be segregated from the remainder of the building that is being used for exempt hospital purposes. The portion of the building rented to the sandwich shop is subject to property tax.)~~

(b) Fund-raising ~~((activities))~~ events. The use of exempt property for fund-raising ~~((activities sponsored))~~ events conducted by an exempt organization, association, ~~((or))~~ corporation ~~((or))~~ hospital established under chapter 36.62 RCW, or public hospital district established under chapter 70.44 RCW, does not jeopardize the exemption if the fund-raising ~~((activities))~~ events are consistent with the purposes for which the exemption was granted. The term "fund-raising" means any revenue-raising ~~((activity))~~ event limited to less than five days in length that disburses fifty-one percent or more of the profits realized from the ~~((activity))~~ event to the exempt nonprofit entity ~~((holding))~~ conducting the fund-raising event.

(i) Example 1. A nonprofit social service agency holds an art auction in the auditorium of its tax exempt facility to raise funds. The ~~((activity))~~ event must be less than five days in length and fifty-one percent of the profits must be disbursed to the social service agency because the fund-raising ~~((activity))~~ event is being held on exempt property.

(ii) Example 2. A nonprofit school has a magazine subscription drive to raise funds and the subscriptions are being sold door-to-door by students. There are no limitations on this fund-raising ~~((activity))~~ event because the subscription drive is not being held on exempt property.

(c) Personal service contract - Exempt programs. Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(i) The program is compatible and consistent with the purposes of the exempt organization, association, or corporation;

(ii) The exempt organization, association, or corporation maintains separate financial records as to all receipts and expenses related to the program; and

(iii) A summary of all receipts and expenses of the program are provided to the department upon request.

(iv) Example. A nonprofit school may decide to contract with a provider to offer aerobic classes to promote general health and fitness. All brochures and bulletins advertising these classes must show that the school is sponsoring the classes. Under the terms of the contract between the nonprofit school and the aerobics instructor, an independent contractor, the instructor must provide the classes for a predetermined fee. All fees collected from the participants of the classes must be received by the school; the school, in turn, will absorb all costs related to the classes.

(d) Personal service contract - Nonexempt programs. Programs provided under a personal service contract (i) that require the contractor to reimburse the nonprofit organization for program expenses or (ii) in which the instructor is paid a fee based on the number of people who attend the program will be viewed as a rental agreement and will subject the property to property tax.

~~((4) **Irrevocable dedication required.** The property must be irrevocably dedicated to the purpose for which the exemption was granted. Upon the liquidation, dissolution, or abandonment by an exempt nonprofit entity, the property must not directly or indirectly benefit any shareholder or other individual except a nonprofit organization, association, or corporation that would be entitled to receive a property tax exemption if it applied for it.~~

~~Irrevocable dedication is not required if the property is leased or rented to an entity qualified for a property exemption under chapter 84.36 RCW. This exception only applies if the lease or rental agreement requires the lessee nonprofit organization, association, or corporation or public hospital district established under chapter 70.44 RCW to receive the benefit of the exemption.)~~ (e) Inadvertent use. An inadvertent use of the property in a manner inconsistent with the purpose for which the exemption was granted does not subject the property to tax if the inadvertent use is not part of a pattern of use. A "pattern of use" is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

(5) **No discrimination allowed.** The exempt property and the services offered (~~thereon~~) must be available to all persons regardless of race, color, national origin, or ancestry.

(6) **Compliance with licensing or certification requirements.** A nonprofit entity, hospital established under chapter 36.62 RCW, or public hospital district established under chapter 70.44 RCW seeking or receiving a property tax exemption must comply with all applicable licensing and certification requirements imposed by law or regulation.

(7) **Property sold subject to an option to repurchase.** Property sold to a nonprofit entity, hospital established under chapter 36.62 RCW, or public hospital district established under chapter 70.44 RCW with an option to be repurchased by the seller cannot qualify for an exemption. This prohibition does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition of RCW 35.82.210 (2)(a); or

(e) A housing authority established under RCW 35.82.-300.

(8) **Duty to produce financial records.** In order to determine whether a nonprofit entity is entitled to receive a property tax exemption under the provisions of chapter 84.36 RCW and before the exemption is renewed each year, the entity claiming exemption must submit a signed statement(~~(s)~~) made under oath, with the department. This sworn statement must include a declaration that the income, receipts, and donations of the entity seeking the exemption have been used to pay the actual expenses incurred to maintain and operate the exempt facility or for its capital expenditures and to no other purpose. It (~~shall~~) must also include a statement listing the receipts and disbursements of the organization, association, or corporation. This statement (~~shall~~) must be made on a form prescribed and furnished by the department.

(a) The provisions of this subsection do not apply to an entity either applying for or receiving an exemption under RCW 84.36.020 or 84.36.030.

(b) This signed statement must be submitted on or before (~~April 1~~) March 31st each year by any entity currently receiving a tax exemption. If this statement is not received on or before (~~April 1~~) March 31st, the department (~~shall~~) will remove the tax exemption from the property. However, the department (~~shall~~) will allow a reasonable extension of time for filing if the exempt entity has submitted a written request for an extension on or before the required filing date and for good cause.

(9) **Caretaker's residence.** If a nonprofit entity, hospital established under chapter 36.62 RCW, or public hospital district established under chapter 70.44 RCW exempt from property tax under chapter 84.36 RCW employs a caretaker to provide either security or maintenance services and the caretaker's residence is located on exempt property, the residence may qualify for exemption if the following conditions are met:

(a) The caretaker's duties include regular surveillance, patrolling the exempt property, and routine maintenance services;

(b) The nonprofit entity, hospital established under chapter 36.62 RCW, or the public hospital district established under chapter 70.44 RCW demonstrates the need for a caretaker at the facility;

(c) The size of the residence is reasonable and appropriate in light of the caretaker's duties and the size of the exempt property; and

(d) The caretaker receives the use of the residence as part of his or her compensation and does not pay rent. Reimbursement of utility expenses created by the caretaker's presence (~~are~~) is not considered rent.

(10) Nonexempt uses of property. The use of property exempt under this chapter, other than as specifically authorized by this chapter, nullifies the exemption otherwise available for the property for the assessment year. However, the

exemption is not nullified by the use of the property by any individual, group, or entity, where such use is not otherwise authorized by this chapter, for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations do not include days for setup and takedown activities that take place immediately preceding or following a meeting or other event. If these requirements are not met, the exemption is removed for the affected portion of the property for that assessment year.

(11) Segregation of nonqualifying property. Any portion of exempt property not meeting the qualifications of this rule will lose its exempt status. Nonqualifying property must be segregated from property used for exempt purposes. For example, if a portion of a building owned by a nonprofit hospital is rented to a sandwich shop, this portion of the hospital must be segregated from the remainder of the building that is being used for exempt hospital purposes. The portion of the building rented to the sandwich shop is subject to property tax.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-190 Churches, parsonages and convents. (1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.020 to churches, parsonages, and convents.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed. The term "use" includes real property owned by a nonprofit religious organization upon which a church ~~((shall))~~ will be built.

(b) "Clergy person" means a person ordained or regularly licensed for religious service and includes both male and female individuals.

(c) "Commercial" refers to an activity or enterprise that has profit making as one of its primary purposes.

(d) "Convent" means a house or set of buildings occupied by a community of clergy or nuns devoted to religious life under a superior.

(e) "Eleemosynary" means charitable, including types of activities in which some social objective is served or general welfare is advanced.

(f) "Owned" means owned in fee or by contract purchase.

(g) "Parsonage" means a residence, owned by a church, that is occupied by a clergy person designated for a particular congregation and who holds regular services for that congregation.

(h) "Regular services" means religious services that are conducted on a routine and systematic basis at prearranged times, days, and places. This term includes religious services that are conducted by a visiting or circuit clergy person who may only hold services once a month in a particular location

if that person is scheduled to conduct services on a routine and prearranged basis on the exempt property.

(i) "Unoccupied land" means land that is undeveloped, unused, and upon which no structures or improvements have been built.

~~((A))~~ (i) This land includes, but is not limited to, greenbelt, wetland, and other undeveloped areas contiguous to an exempt church, parsonage, or convent.

~~((B))~~ (ii) This land does not include parking lots, landscaped grounds, or playing fields.

(3) **Property exempt and extent of exemption.** ~~((All churches))~~ The church and the ground upon which a church is or ~~((shall))~~ will be built, together with a parsonage, convent, structures and ground necessary for street access, parking, light, ventilation, and buildings and improvements required to maintain and safeguard the property owned by a nonprofit religious organization and wholly used for church purposes ~~((shall))~~ will be exempt from property taxation to the following extent:

(a) The exempt area ~~((shall))~~ must not exceed five acres of land, including ground that is occupied and unoccupied. Occupied ground is ground covered by the church, parsonage, convent, structures and ground necessary for street access, parking, light, ventilation, and buildings and improvements required for the maintenance and security of such property.

(b) The unoccupied land included within this five-acre limitation may not exceed one-third of an acre (fourteen thousand four hundred square feet), unless additional unoccupied land is required to conform with state or local codes, zoning, or licensing requirements.

(4) **Noncontiguous property.** A parsonage or convent may qualify for exemption even if located on land that is not contiguous to the church property; however, the five acre limitation still applies, as does the limitation described in subsection (3)(b) of this ~~((section))~~ rule with respect to unoccupied land.

(5) **Exemption of caretaker's residence.** A caretaker's residence located on church property may qualify for exemption if the following conditions are met:

(a) The caretaker's duties include regular surveillance and patrolling of the property;

(b) The size of the residence is reasonable and appropriate in light of the caretaker's duties and the size of the exempt property;

(c) The caretaker is required to provide either security or maintenance service described as follows:

(i) Security of the premises is provided by the caretaker, not merely by his or her presence, but by regular surveillance and patrolling of the grounds, locking gates if necessary, and generally acting in a manner to ensure the security of the property; or

(ii) Maintenance service is provided on a daily basis to open and close the premises, activate or shut down environmental systems, and provide other maintenance and custodial services necessary for the effective operation and utilization of the facilities; and

(d) The caretaker receives the use of the residence as part of his or her compensation and does not pay rent. Reimburse-

ment of utilities expenses created by the caretaker's presence will not be considered as rent.

(6) **Property not used for church purposes.** Except as provided in this rule, when property is not used for church purposes, the exemption is lost. If a portion of the exempt property is used for commercial rather than church purposes, that portion must be segregated and taxed whether or not the proceeds received by the church from the commercial use are applied to church purposes.

(7) **Loan ~~((or))~~, rental, or use of exempt property.** If the rental income or donations, if any, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property being loaned or rented, the tax exempt status of any property exempt under this ~~((section))~~ rule will not be affected ~~((if it is loaned or rented under the following conditions))~~ by:

(a) The loan or rental ~~((must be))~~ to a nonprofit organization, association, corporation, or school to conduct eleemosynary activities or to conduct activities related to a farmers market. Activities related to a farmers market may not occur on the property more than fifty-three days each assessment year. For the purposes of this rule, "farmers market" has the same meaning as "qualifying farmers market" as defined in RCW 66.24.170;

(b) The ~~((loan or))~~ rental ~~((must be for an eleemosynary activity; and~~

~~(e) The rental income must be reasonable and devoted solely to the operation and maintenance)) or use of the property by any individual, group, or entity, where such rental or use is not otherwise authorized by this rule, for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations do not include days for setup and takedown activities preceding or following a meeting or event; or~~

~~(c) An inadvertent use of the property in a manner inconsistent with the purpose for which the exemption was granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.~~

(8) **Fund-raising ~~((activities))~~ events.** The use of exempt property for fund-raising ~~((activities))~~ events sponsored by an exempt organization, association, or corporation does not subject the property to taxation if the fund-raising ~~((activities))~~ events are consistent with the purposes for which the exemption was granted. The term "fund-raising" means any revenue-raising ~~((activity))~~ event limited to less than five days in length, that disburses fifty-one percent or more of the profits realized from the ~~((activity))~~ event to the exempt nonprofit organization, association, or corporation that is holding the fund-raising, and that takes place on exempt property.

(a) Example 1. ~~((A))~~ An exempt nonprofit social service agency holds an art auction in the church basement to raise funds. Since the fund-raising ~~((activity))~~ event is being held on exempt property, the ~~((activity))~~ event must be less than five days in length and fifty-one percent of the profits must be disbursed to the social service agency.

(b) Example 2. The women's auxiliary of the church has a candy sale to raise funds for the church's program to provide meals to the homeless during which the candy is sold door-to-door by members of the auxiliary. Since the candy sale is not being held on the exempt property, the sale is not limited to five days in duration nor do fifty-one percent of the profits from this fund-raising ~~((activity))~~ event have to be remitted to the church.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-210 Nonprofit organizations or associations organized and conducted for nonsectarian purposes. (1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.030(1) to nonprofit organizations or associations organized and conducted for nonsectarian purposes.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Benevolent" refers to social services or programs ~~((that are))~~ directed at persons of all ages ~~((, that arise))~~ arising from or ~~((are))~~ prompted by motives of charity or a sense of benevolence, that are marked by a kindly disposition to promote the happiness and prosperity of others ~~((;))~~ by generosity in and pleasure at doing good works, or ~~((that))~~ are organized for the purpose of doing good. For example, a benevolent organization may provide a food bank, a soup kitchen, or counseling services at cost.

(b) "Character building" means social services or programs ~~((that are))~~ designed for the general public good ~~((;))~~ that assist people with general living skills, ~~((that develop))~~ developing interview and job seeking skills, or ~~((that))~~ assist people in working towards independent living and self sufficiency. These services include, but are not limited to, programs designed to develop an individual's moral or ethical strength, leadership, integrity, self-discipline, fortitude, self-esteem, and reputation.

(c) "Commercial" refers to an activity or enterprise that has profit making as its primary purpose.

(d) "Community outreach group" means a nonprofit group organized to extend social services to a particular segment of the community ~~((;))~~. For example, a rescue mission organized to feed the homeless or a program that targets juveniles "at risk" of criminal or abusive behavior.

(e) "Nonsectarian purpose" means a purpose that is not associated with or limited to a particular religious group.

(f) "Protective" refers to activities that are meant to cover, to guard, or to shield other persons from injury or destruction or to save others from financial loss. For example, a protective organization may provide housing for battered persons or for the developmentally disabled or may assist persons with behavioral problems by providing encouragement, support, and training.

(g) "Rehabilitative or rehabilitation" refers to activities designed to restore individuals to a former capacity, to a condition of health, or to useful or constructive activity. For example, a rehabilitative organization may assist persons to overcome alcohol or substance abuse, or to overcome the ~~((affects))~~ effects of a physical injury, stroke, or heart attack.

(h) "Social service" means programs designed to help people resolve problems, become more self-sufficient, prevent dependency, strengthen family relationships, and/or enhance the functioning of individuals in society. These services include, but are not limited to, programs in the general categories of:

- (i) Socialization and development; and
- (ii) Therapy, help, rehabilitation, and social protection.

(3) **Exemption.** The real and personal property owned by ~~((a))~~ nonprofit organizations ~~((or))~~, associations ~~((is))~~, or corporations are exempt from taxation if the organization, association, or corporation is organized and conducted for nonprofit and nonsectarian purposes. To be exempt, the property must be used for ~~((and integrally related to))~~ character-building, benevolent, protective, or rehabilitative social services directed at persons of all ages.

(a) Gift and giving. To qualify for this exemption, there must be an element of gift and giving in the nonprofit organization's, association's, or corporation's activities, in relation to the people it serves. This element of gift and giving requires giving something of value with no expectation of compensation or remuneration. The words "gift" and "giving," within the context of this ~~((section))~~ rule, mean a voluntary act. In order to meet this requirement of gift and giving, the nonprofit organization, association, or corporation must annually meet one of the following conditions:

(i) Provide goods and/or services free of charge or at a rate that is at least twenty percent below the total actual cost of such goods and/or services to a minimum of fifteen percent of the total number of people assisted by that nonprofit organization, association, or corporation; or

(ii) Contribute at least ten percent of its total annual income towards the support of character-building, benevolent, protective or rehabilitative social services or programs. "Total annual income" refers to the total income reported to the Internal Revenue Service for that year and includes, but is not limited to, funds received through direct and indirect public support, government grants, membership fees, and other contributions. The term does not include funds that are specifically donated or contributed for capital improvements.

(A) In order to meet this ten percent requirement, a nonprofit organization, association, or corporation may include, but is not limited to, the value of time volunteers donate to carry out program services and functions, the loan of its facilities to community outreach groups, and gifts of scholarships and other fee subsidies.

(B) If a nonprofit organization utilizes volunteer time to reach the ten percent requirement, it must maintain records identifying the individuals who donate their services and the number of hours they donate. The value of donated time will be calculated by using the federal minimum wage standard.

(C) If a nonprofit organization allows community outreach groups to use its facilities free of charge, it must maintain records identifying the community outreach groups that used the exempt property and the number of hours each group used the exempt property. The value of this use will be calculated by ~~((multiplying))~~ taking the number of hours ~~((s))~~ or any portion of an hour, the facility is used by these groups ~~((times))~~ and multiplying it by the ~~((usual and))~~ customary

charge the nonprofit organization, association, or corporation charges to rent its facility to any other group.

(b) Conditions and restrictions. A nonprofit organization, association, or corporation may not impose conditions or restrictions on the use of the exempt property by persons who do not personally pay the total actual cost of a social service, except conditions or restrictions that are reasonably necessary to safeguard the exempt property and to comply with the purposes of this exemption.

(c) Fraternal organizations. Property used by a fraternal organization or association for fraternal purposes does not qualify for an exemption under this ~~((section))~~ rule.

(d) Nonqualifying property. If any portion of the organization's or association's property is used for a commercial rather than a nonprofit, nonsectarian exempt purpose, then that portion will not qualify for this exemption and must be segregated ~~((and taxed))~~ from property used for exempt purposes.

(e) Selling donated merchandise. The sale of donated merchandise ~~((shall not be))~~ is considered ~~((a commercial))~~ an exempt use of the property if the proceeds are dedicated to the exempt purpose associated with the nonprofit, nonsectarian organization or association. For example, thrift store operations that are restricted to the sale of "donated merchandise" will not jeopardize this exemption if the claimant can verify the proceeds are directed to an exempt purpose.

(f) Property with option to repurchase. Property leased, loaned, or sold with the option to repurchase or made available to organizations described in RCW 84.36.030, does not qualify for this exemption unless:

(i) The property is owned by an organization exempt under RCW 84.36.020 or 84.36.030 and the organization loans, leases, or rents the property to another organization for the exempt purposes described in RCW 84.36.030; or

(ii) The property is owned by an entity formed exclusively for the purpose of leasing the property to an organization that will use the property for the exempt purposes described in RCW 84.36.030 if:

(A) The lessee uses the property for the exempt purposes provided in RCW 84.36.030;

(B) The immediate previous owner of the property had received an exemption under RCW 84.36.020 or 84.36.030 for the property; and

(C) The benefit of the exemption inures to the benefit of the lessee organization.

(4) **Additional requirements.** Any organization or association that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 ~~((sets forth))~~ provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-220 Church camps. (1) Introduction. This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.030(2) to property used as a church camp and owned by a nonprofit church,

denomination, group of churches, or an organization or association of churches.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Church purposes" means the use of real and personal property ~~((as a church camp and))~~ owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities.

(b) "Property" means real or personal property owned by a nonprofit church, denomination, group of churches, or an organization or association of churches.

(3) **Exemption.** Property owned by a nonprofit church, denomination, group of churches, or an organization or association comprised solely of churches or their qualified representatives that is used exclusively on a regular and scheduled basis for organized and supervised recreational or educational activities and church purposes related to ~~((such))~~ camp facilities is exempt from ~~((ad valorem taxation))~~ property tax up to a maximum of two hundred acres as selected by the church, including buildings and other improvements ~~((thereon))~~ located on the land.

(4) **Property with option to repurchase.** Property leased, loaned, or sold with the option to repurchase or made available to organizations described in RCW 84.36.030 does not qualify for this exemption unless:

(a) The property is owned by an organization exempt under RCW 84.36.020 or 84.36.030 and the organization loans, leases, or rents the property to another organization for the exempt purposes described in RCW 84.36.030; or

(b) The property is owned by an entity formed exclusively for the purpose of leasing the property to an organization that will use the property for the exempt purposes described in RCW 84.36.030 if:

(i) The lessee uses the property for the exempt purposes provided in RCW 84.36.030;

(ii) The immediate previous owner of the property had received an exemption under RCW 84.36.020 or 84.36.030 for the property; and

(iii) The benefit of the exemption inures to the benefit of the lessee organization.

(5) **Additional requirements.** Any organization or association that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 ~~((sets forth))~~ provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-230 Character building organizations.

(1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.030(3) to property owned by a nonprofit organization or association engaged in character building of children under eighteen years of age.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Character building" refers to activities for children under eighteen years of age that are for the general public good. The activities may build, improve, or enhance a child's moral constitution by developing moral or ethical strength, leadership, integrity, self-discipline, fortitude self-esteem, and reputation. For example, "character building" activities may involve organized and supervised recreational activities including, but not limited to, exploring, hiking, beachcombing, swimming, fishing, studying, and discussion groups.

(b) "Commercial" refers to ~~((as))~~ an activity or enterprise that has profit making as its primary purpose.

(c) "Property" means real and personal property owned and used by a nonprofit organization or association engaged in character building of children under eighteen years of age and includes all buildings, structures, and improvements required to maintain and to safeguard the property.

(3) **Exemption.** Property ~~((that is))~~ owned by nonprofit organizations or associations engaged in character building of children under eighteen years of age is exempt from taxation if it is exclusively used ~~((, or to the extent it is exclusively used,))~~ to promote character building.

(a) To be entitled to receive this exemption, the organization or association must be nonprofit and its purpose must be for the general public good. All property of a character building organization or association must be devoted to the general public benefit.

(b) Except as otherwise provided in this rule, only property that is exclusively used for character building of children under eighteen years of age, is exempt under this ~~((section))~~ rule. If the property is used for any other purpose, whether commercial or otherwise, it must be segregated and taxed.

(c) A nonprofit character building organization or association may also qualify for this exemption if, prior to 1971, its articles of incorporation or charter mandated the organization or association to provide services to children up to the age of twenty-one years.

(4) **Property with option to repurchase.** Property leased, loaned, or sold with the option to repurchase or made available to organizations described in RCW 84.36.030 does not qualify for this exemption unless:

(a) The property is owned by an organization exempt under RCW 84.36.020 or 84.36.030 and the organization loans, leases, or rents the property to another organization for the exempt purposes described in RCW 84.36.030; or

(b) The property is owned by an entity formed exclusively for the purpose of leasing the property to an organization that will use the property for the exempt purposes described in RCW 84.36.030 if:

(i) The lessee uses the property for the exempt purposes provided in RCW 84.36.030;

(ii) The immediate previous owner of the property had received an exemption under RCW 84.36.020 or 84.36.030 for the property; and

(iii) The benefit of the exemption inures to the benefit of the lessee organization.

(5) **Additional requirements.** Any organization or association that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 ~~((sets forth))~~ provides additional conditions and requirements that must be complied

with to obtain a property tax exemption pursuant to RCW 84.36.030.

~~((5))~~ (6) Related statute. See RCW 82.04.4271; if a "nonprofit youth organization" is exempt from property taxation under RCW 84.36.030, it may deduct membership fees and certain service fees in calculating the amount of business and occupation tax due.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-240 Veterans organizations. (1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.030 (4) for real and personal property owned by organizations and societies of veterans of any war of the United States.

(2) ~~((Definitions.~~ For purposes of this section, the following definitions apply:

(a) ~~"Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or a corporation to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.~~

(b) ~~"Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles.~~

(c) ~~"Property" means real and personal property owned by organizations or societies of war veterans.~~

~~((3))~~ Exemption. Property owned by organizations or societies of war veterans, which are recognized by the department of defense and nationally chartered, is exempt from taxation.

(a) The general purposes and objectives of these organizations or societies ~~((shall))~~ must be to:

(i) ~~((To))~~ Preserve memories and associations incident to war service; and

(ii) ~~((To))~~ Devote their members' efforts to mutual helpfulness and to patriotic and community service to state and nation.

(b) In order to qualify for this exemption, the property must be used in a manner reasonably necessary to carry out the purposes and objectives of the organization or society of war veterans. For example, a building owned by a chapter of the veterans of foreign wars that is used to hold meetings to plan a Veterans Day celebration may qualify for exemption.

~~((c))~~ The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) ~~Is reasonable; and~~

(ii) ~~Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.~~

~~(4) Use of property for pecuniary gain or to promote business activities.~~ If property owned by an organization or society of veterans that is exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year in which the exempt property was so used. ~~The exemption will not be lost if:~~

~~(a) The exempt property is used for pecuniary gain not more than three days a year; or~~

~~(b) The exempt property is inadvertently used by an individual, organization, association, or a corporation to promote business activities as long as the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property to promote business activities is repeated within the same assessment year or within two or more successive assessment years.~~

~~((5))~~ (3) Property with option to repurchase. Property leased, loaned, or sold with the option to repurchase or made available to organizations described in RCW 84.36.030 does not qualify for this exemption unless:

(a) The property is owned by an organization exempt under RCW 84.36.020 or 84.36.030 and the organization loans, leases, or rents the property to another organization for the exempt purposes described in RCW 84.36.030; or

(b) The property is owned by an entity formed exclusively for the purpose of leasing the property to an organization that will use the property for the exempt purposes described in RCW 84.36.030 if:

(i) The lessee uses the property for the exempt purposes provided in RCW 84.36.030;

(ii) The immediate previous owner of the property had received an exemption under RCW 84.36.020 or 84.36.030 for the property; and

(iii) The benefit of the exemption inures to the benefit of the lessee organization.

(4) Additional requirements. Any organization, association, or corporation that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 ~~((sets forth))~~ provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.030.

AMENDATORY SECTION (Amending WSR 10-02-010, filed 12/24/09, effective 1/24/10)

WAC 458-16-260 Nonprofit child day care centers, libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities. (1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.040 ~~((to))~~ for property used by nonprofit child day care centers, libraries, orphanages, homes for the sick or infirm, hospitals, and outpatient dialysis facilities. This ~~((section))~~ rule also explains the property tax exemption available to property leased to and used by a hospital ~~((that))~~ for hospital purposes if the hospital is established under chapter 36.62 RCW or is owned and operated by a public hospital district ((for hospital purposes)) established under chapter 70.44 RCW.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Convalescent" or "chronic care" means any or all procedures commonly employed in caring for the sick including, but not limited to, administering medicines, preparing special diets, providing bedside nursing care, applying dressings and bandages, and carrying out any treatment prescribed by a duly licensed practitioner of the healing arts.

(b) "Child day care center" means a (~~facility~~) nonprofit organization that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four consecutive hours.

(c) "Home for the sick or infirm" means any home, place, or institution that operates or maintains facilities to provide convalescent or chronic care, or both, for three or more persons not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves.

(i) The services must be provided to persons over a continuous period of twenty-four hours or more.

(ii) A boarding home, guest home, hotel, or similar institution that is held forth to the public as providing and supplying only room, board, or laundry services to persons who do not need medical or nursing treatment or supervision is not considered a "home for the sick or infirm" for purposes of this (~~section~~) rule.

(d) "Hospital" means a nonprofit organization, association, or corporation engaged in providing medical, surgical, nursing, or related health care services for the prevention, diagnosis, or treatment of human illness, pain, injury, disability, deformity, or abnormality, including mental illness, treatment of mentally incompetent persons, or treatment of chemically dependent persons. The term also means all buildings or portions of buildings that are currently licensed as part of a hospital pursuant to chapters 70.41 or 71.12 RCW, and are part of an integrated, interrelated, homogeneous unit exclusively used for hospital purposes. The licensed hospital must be able to provide health care services to inpatients over a continuous period of twenty-four hours or more. The term also includes:

(i) Administrative and support facilities integral and necessary to the functioning of the licensed hospital;

(ii) Buildings used as a residence for persons engaged or employed on a regular basis in the operation of a licensed hospital. Such buildings include, but are not limited to, a nurse's home or a residence for hospital employees; and

(iii) Residential units administered by a licensed hospital that are exclusively used to temporarily house families of inpatients in an integrated program of therapy.

"Hospital" does not mean:

(A) Hotels or similar places that furnish only food and lodging or simple domiciliary care;

(B) Clinics or physician's offices not licensed as part of a hospital, where patients are not regularly kept as bed patients for twenty-four hours or more;

(C) Nursing homes as defined in chapter 18.51 RCW; and

(D) Maternity homes as defined in chapter 18.46 RCW.

(3) **Exemption for exclusively used property.** All real and personal property exclusively used by a nonprofit organization, association, or corporation for the following institutions is exempt from taxation:

(a) Child day care centers;

(b) Free public libraries;

(c) Orphanages and orphan asylums;

(d) Homes for the sick or infirm;

(e) Hospitals for the sick; and

(f) Outpatient dialysis facilities.

(4) **Exemption for loaned, leased, or rented property.** Property loaned, leased, or rented to an institution listed in subsections (3)(a) through (f) of this (~~section~~) rule is also exempt from taxation if:

(a) The property is exclusively used by the nonprofit organization, association, or corporation;

(b) The benefit of the exemption inures to the user; and

(c) The property was specifically identified as loaned, leased, or rented when the application for exemption was made.

(5) **Property leased or rented to and used by (~~the~~) hospitals (~~that is owned and operated by a public hospital district~~).** All real and personal property leased or rented to and used by a hospital for hospital purposes is exempt from property tax if the hospital is established under chapter 36.62 RCW or is owned and operated by a public hospital district established under chapter 70.44 RCW (~~for hospital purposes is exempt from taxation~~). The benefit of the exemption must inure to the entity using the exempt property.

(6) (~~Exclusive use required.~~ Any portion of property exempt under subsections (3) through (5) of this section that is not exclusively used in a manner furthering the exempt purposes of the nonprofit organization, association, or corporation must be segregated and taxed. For example, hospital property used by, and under the administrative control of, a physician to conduct his private practice must be segregated and taxed.

(7) **Additional requirements.** Any organization or association that applies for a property tax exemption under this (~~section~~) rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 (~~sets forth~~) provides additional conditions and requirements that must be complied with to obtain a property tax exemption under RCW 84.36-040.

AMENDATORY SECTION (Amending WSR 09-19-069, filed 9/14/09, effective 10/15/09)

WAC 458-16-270 Schools and colleges. (1) Introduction. This (~~section~~) rule explains the two property tax exemptions available under the provisions of RCW 84.36.050. The first exemption applies to property owned or used by or for a nonprofit school or college. The second exemption is for property owned by a not-for-profit foundation established for the exclusive support of an institution of higher education, as defined in RCW 28B.10.016, that is leased to and used by the institution. Nonprofit schools, colleges, and not-for-profit foundations seeking a property tax exemption under RCW 84.36.050 must also comply with the relevant requirements of RCW 84.36.805 (~~and~~)₂ 84.36.840₂ and WAC 458-16-165. (See subsection (~~(9)~~) (8) of this (~~section~~) rule.)

(2) **Definitions.** For purposes of this (~~section~~) rule, the following definitions apply:

(a) "College or campus purposes" means principally designed to further the educational, athletic, or social functions of an institution of higher education, as defined in RCW 28B.10.016, and only applies to property that is owned by a not-for-profit foundation and leased to and used by such an institution.

(b) "Cultural or art educational program" means:

(i) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(ii) A musical or dramatic performance or series of performances; or

(iii) An educational seminar or program, or series of such programs, offered by a nonprofit school or college to the general public on an artistic, cultural, or historical subject. (See RCW 82.04.4328(2).)

(c) "Educational, social and athletic programs" or "educational, social and athletic functions" individually or collectively mean those programs offered or functions performed by or for the school or college in each such general area, including, but not limited to, those illustrated by the examples set forth in this definition, and including educational, social, and athletic programs and functions sponsored or cosponsored by the school or college, offered by others on school or college-owned property in a manner consistent with the school or college's programs, and such programs and functions on school or college property that may involve alumni and community members.

(i) Examples of educational programs and functions include, in addition to those described in the definition of "educational purposes" in (d) of this subsection: Classes, seminars, conferences, providing instructional support to students and other participants in such programs and functions, and programs and functions that utilize and apply the academic and instructional resources and facilities of the school or college, including related administrative and support activities for these programs and functions.

(ii) Examples of athletic programs and functions include: Physical training, sport events and practices, athletic camps, and use of school or college recreational and fitness resources and facilities by students, alumni, faculty, staff, or third parties, including related administrative and support activities, which use the property in a manner consistent with the school or college's programs.

(iii) Examples of social programs or functions include activities engaged in by or for the school or college that further the health, safety, well being, emotional growth, welfare, psychological development, socialization, preparation and training for participation in society, development of adaptive skills and cultural awareness and related activities for students including, but not limited to, theatrical or musical performances, artistic, cultural, or technology exhibits or fairs, events, presentations and programs providing students with information about and access to goods and services they need while a student at the school or college.

(d) "Educational purposes" means, in addition to the educational programs and functions described in (c) of this subsection, systematic instruction, either formal or informal, in any and all branches of learning directed to an indefinite class of persons and from which a substantial public benefit is derived. The term includes all purposes that seek to promote or advance education.

(e) "Schools and colleges" means:

(i) Nonprofit educational institutions that are approved by the superintendent of public instruction or whose students and credentials are accepted without examination by schools

and colleges established under either Title 28A or 28B RCW and offer students an educational program of a general academic nature; or

(ii) Nonprofit institutions that meet the following criteria:

(A) They have a definable curriculum and measurable outcomes for a specific group of students;

(B) They have a qualified or certified faculty;

(C) They have facilities and equipment that are designed for the primary purpose of the educational program;

(D) They have an attendance policy and requirement;

(E) They have a schedule or course of study that supports the instructional curriculum; and

(F) They are accredited, recognized, or approved by an external agency that certifies educational institutions and the transferability of courses.

(f) "Net income" means the amount received from the loan or rental of exempt property that exceeds the amount of the maintenance and operation expenses, as defined in WAC 458-16-165, attributable to the portion of the property loaned or rented.

(g) "Pecuniary gain" means the generation of monetary receipts from commercial operations or other sales activities, when those receipts exceed expenses of operations or are intended to exceed expenses of operations.

(h) "Religious faculty" means a person who:

(i) Teaches at a school or college; and

(ii) Is a member of the clergy or a religious order or officially invested with ministerial or priestly authority, as distinguished from laity.

(i) "Third parties" means individuals, groups, organizations, associations, corporations, and entities other than the school or college to which an exemption is granted under this ~~(section)~~ rule.

(3) **Exemption - Nonprofit schools or colleges.** Property owned or used by or for any nonprofit school or college within this state is exempt to the extent that it is used for educational purposes or cultural or art educational programs.

(a) Real property exempt under this ~~(section)~~ rule cannot exceed four hundred acres. The exempt property includes, but is not limited to:

(i) Buildings and grounds principally designed for the educational, athletic, or social programs or functions of the school or college;

(ii) Buildings that house part-time or full-time students, religious faculty, or the chief administrator of the school or college;

(iii) Buildings used for athletic activities of the school or college; and

(iv) All other school or college facilities, such as maintenance facilities, heating plants, storage facilities, security services facilities, food services facilities, transportation facilities, administrative offices, or a student union building or student commons, which are needed because of the presence of the school or college.

(b) ~~(With respect to all)~~ Property that is not a part of, or contiguous to, the main campus of a school or college and for which the institution wishes to obtain an exemption, the department may require the institution to provide, in detail, the following information:

(i) The names of courses taught or a description of the educational purposes or cultural or art educational programs taking place at the off-campus site;

(ii) A calendar of dates and times that shows how the subject property is used; and

(iii) The number of students who participate in the educational activities or cultural or art educational programs conducted at the off-campus site.

(c) If property is leased to a school or college, in order to be exempt, the benefit of the exemption must inure to the school or college.

(4) Exemption - Property owned by a not-for-profit foundation that is leased to and used by an institution of higher education. RCW 84.36.050 also provides a property tax exemption to real or personal property owned by a not-for-profit foundation established for the exclusive support of an institution of higher education, as defined in RCW 28B.10.016. The property must be leased to and used by the institution for college or campus purposes and it must be principally designed to further the educational, athletic or social functions of the institution.

(a) An institution of higher education is defined in RCW 28B.10.016 as synonymous with "postsecondary institutions" and means the University of Washington, Washington State University, Western Washington University at Bellingham, Central Washington University at Ellensburg, Eastern Washington University at Cheney, The Evergreen State College, the community colleges, and the technical colleges.

(b) The exemption can only be obtained for property actually utilized by currently enrolled students.

(c) The benefit of the exemption must inure to the educational institution using the exempt property.

(5) Uses of the exempt property that affect the exemption - Exceptions. For purposes of the school and college exemption:

(a) If exempt property is used by a third party entitled to a property tax exemption, the property remains exempt as long as the amount of rent or donations received by the school or college for that use is reasonable and does not result in net income.

(b) If exempt property is used by a third party not entitled to a property tax exemption, ~~((for pecuniary gain or to promote business activities))~~ except as otherwise provided in this rule, then the property, or portion ~~((se))~~ used~~((s))~~ is taxable for the entire assessment year in which the nonqualifying use occurs and will remain taxable until a new application is filed with the department and approved~~((, except as otherwise provided in this subsection, and subsection (6) of this section (nonqualifying inadvertent use), and subject to the provisions of subsection (9) of this section))~~. When an exemption is denied for only a portion of the school or college's property, ~~((any))~~ the renewal application ~~((need))~~ only needs to address that portion of the property denied~~((s))~~ and not the entire property.

(c) There are three general exceptions to the loss of exemption when exempt property is used by a third party not entitled to a property tax exemption, which exceptions are described in (i), (ii), and (iii) of this subsection (5)(c), as follows:

(i) If exempt property is used by students, alumni, faculty, staff, or other third parties in a manner consistent with the educational, social, or athletic programs of the school or college, including property used for related administrative and support functions, and not for pecuniary gain or to promote business activities, then the property remains exempt.

(ii) When the school or college contracts with and permits the use by third parties of exempt property to provide school or college-related programs or services directed at students, faculty, and staff, and not primarily at the general public, then the property remains exempt, regardless of whether payment for the programs or services is made to such third party by the school or college, or by program participants or service recipients, and regardless of whether the use by the third party results in pecuniary gain for the third party or the promotion of the third party's business. Examples of such programs or services include school or college educational, social and athletic programs and functions; the provision of food services, including snack and coffee bars, food or bottled drink vending machines, or on-campus catering services for school or college events; placement of an automated teller machine on exempt property; the operation of a bookstore on campus that sells textbooks and other student oriented items; and the provision of maintenance, operational, or administrative services.

(iii) If exempt property is used for pecuniary gain or to promote business activities for ~~((seven))~~ fifteen days or less each calendar year by third parties who are not entitled to a property tax exemption, the property remains exempt. Disqualifying use of more than ~~((seven))~~ fifteen days is measured separately with respect to each specific portion of the exempt property used, and is cumulative with respect to each such separate portion each year for all such third party use. For example, if a classroom in a building is used by three separate third parties for ~~((disqualifying uses))~~ pecuniary gain or to promote business activities on three separate occasions in one calendar year for periods of ~~((two, three, and five))~~ four, six, and eight days respectively (for a total of ~~((ten))~~ eighteen days ~~((of disqualifying use))~~), that classroom, but not the entire floor or building, loses its exemption for that calendar year. By contrast, if the ~~((five))~~ six day disqualifying use occurred in a different portion of the building, such as an auditorium, neither the classroom nor the auditorium would be disqualified, since neither portion of the building would have been used for ~~((a disqualifying use))~~ pecuniary gain or to promote business activities for more than ~~((seven))~~ fifteen days in that year. This ~~((seven))~~ fifteen day limitation does not apply when exempt property is used as or for a sports or educational camp or program that is taught, operated, or conducted by a faculty member who is required or permitted to do so as part of his or her compensation package, whether or not participants pay a fee directly to such faculty member.

(d) Unless otherwise authorized under this rule, the use of exempt property by any individual, group, or entity, does not nullify the exemption if the property is used for nonexempt purposes for up to fifty days each calendar year and is used for pecuniary gain or to promote business activities, as described in subsection (5)(c)(iii) of this rule, for not more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations do not include days for setup and

takedown activities that take place immediately preceding or following a meeting or other event.

~~(6) ((Effect of inadvertent use in a nonqualifying manner. If property exempt under this section is inadvertently or accidentally used in a manner inconsistent with the purposes for which the exemption was granted, the exemption will not be nullified unless the use is part of a pattern of nonexempt use. A pattern of nonexempt use is presumed when an inadvertent or accidental use is repeated in the same assessment year or in two or more successive assessment years.~~

~~(7))~~ **Examples of uses that do not nullify the exemption.** In order to clarify the property tax exemption for schools and colleges, this subsection describes and gives examples of the types of use by third parties not entitled to a property tax exemption that do not nullify the tax exempt status of property owned or used by or for a school or college. The following examples should be used only as a general guide. The tax results of other specific situations must be determined after a review of all of the facts and circumstances. In the following examples, as long as any rent or donation associated with the use is reasonable and does not result in net income to the school or college, the exemption is not affected.

(a) Exempt property is used by students, alumni, faculty, staff, or other third parties for weddings, anniversary celebrations, family or school reunions, funeral services, or similar events. These uses are consistent with the educational or social programs of the school or college and the property remains exempt. The property remains exempt even when the persons or groups using the school or college property for such an event also hire persons such as a caterer, a musical group, or a wedding photographer specifically for the event.

(b) Exempt property is used by third parties, such as members of the community, for lectures, presentations, musical recitals, seminars, debates, or similar educational activities. If the third party use is contracted for and permitted by the school or college, for example when the school or college pays the presenter directly, or when the participants or patrons pay the presenter directly, there is no loss of exemption, as long as the uses are consistent with the educational, social, or athletic programs of the school or college. The presenter may also offer for sale, at the time of the presentation, books, tapes, CDs or similar items that relate directly to the presentation.

(c) Exempt property is used by third parties such as students, alumni, faculty, staff, or members of the community for athletic activities or events on sports fields, tennis courts, and in buildings used for athletics. These uses are consistent with the athletic programs of the school or college and the property remains exempt as long as the property is not used for third party pecuniary gain or to promote business activities. (The example is intended only to illustrate the application of the exception set forth in subsection (5)(c)(i) of this ~~((section))~~ rule, and should be distinguished from the exceptions described under subsections (5)(c)(ii) and (iii) of this ~~((section))~~ rule which permits the generation of third party pecuniary gain in certain identified circumstances.) Any fees, charges, rents, donations or other remuneration for the use of

the school or college exempt facilities may not result in net income.

(d) Exempt property is used by third parties for educational or instructional programs, such as private instruction, tutoring, driving instruction, English as a second language or other language courses, examination preparation, or other similar programs. These programs are consistent with the educational programs of the school or college and the property remains exempt as long as the property use is contracted for and permitted by the school or college and the uses are consistent with the educational programs of the school or college.

(e) Exempt property, such as student housing, is used for purposes of recruiting prospective students. Exempt school or college facilities, when not being used by currently enrolled students, are offered by the school or college to third parties for educational programs consistent with the educational purposes of the school or college. Such uses are consistent with the educational programs of the school or college and the property remains exempt.

(f) A school or college provides courses in vocational-technical skills, such as culinary arts, hotel management, automotive mechanics, or cosmetology. As a part of the course work, students obtain practical experience by providing products or services to the public. As long as the charge to the public for these products or services is exclusively used for the school or college's educational, social, or athletic programs, this use of exempt property is consistent with the school's educational programs and functions and will not result in the loss of exemption.

(g) Exempt property is used by a bank or credit union in a school or college student orientation program of limited duration and not more than one time each year, through which students receive information from a variety of local businesses about services that they may need while attending a school or college. This is considered to be a social or educational program of the school or college and is not a disqualifying use.

(h) The school or college contracts with and permits third parties to use exempt property to conduct fund-raising ~~((activities))~~ events when the funds raised will be used for educational purposes or cultural or art educational programs of the school or college. Such ~~((activities))~~ events must be conducted in accordance with the provisions of WAC 458-16-165.

~~((8))~~ **(7) Examples of disqualifying use.** In order to clarify the property tax exemption for schools and colleges, this subsection describes and gives examples of the types of use by third parties not entitled to a property tax exemption that will nullify the tax exempt status of property owned or used by or for a school or college. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other specific situations must be determined after a review of all of the facts and circumstances.

(a) The placement and operation of a bank or credit union on exempt property. Such an activity is using the exempt property for pecuniary gain and to promote business activities and will cause the loss of exemption. Such an operation provides a service that is not distinguishable from ser-

vices provided to the general community. The exemption is nullified for the portion of the property occupied by the bank or credit union.

(b) An antique shop, gift shop, or retail store that sells a variety of merchandise, but does not primarily sell products directed at students, faculty, or staff of the school or college, and occupies an exempt college-owned building on the school or college campus on a regular and continuing basis. Such a store does not provide a specific school or college related program or service, and is being operated for pecuniary gain and to promote business activities. The exemption is nullified for the portion of the building occupied by the business.

~~((9))~~ **(8) Additional requirements.**

(a) Any school or college, or not-for-profit foundation established for the exclusive support of an institution of higher education, that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of RCW 84.36.805 to the extent applicable. Schools, colleges, and not-for-profit foundations established for the exclusive support of an institution of higher education may, without losing the exemption, loan or rent exempt property to organizations even though the property would not be exempt if owned by such organizations, as long as the rents or donations received for the use of the portion of the property loaned or rented are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented. WAC 458-16-165 describes and explains additional conditions and requirements that must be complied with to obtain and maintain a property tax exemption for a school, college, or not-for-profit foundation.

(b) Any school or college, or not-for-profit foundation established for the exclusive support of an institution of higher education, that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of RCW 84.36.840. In accordance with that statute, the applicant must annually file a report with the department on or before ~~((April 1st))~~ March 31st. The report must be signed, and state that the revenues of the school, college, or foundation, including donations, have been applied to maintenance and operation expenses or capital expenditures of the school or college or foundation and to no other purpose. The report must also contain the following information:

(i) A list of all property, real and personal, claimed to be exempt, including the parcel number(s) and/or addresses for all real property;

(ii) The purpose(s) for which the property was used;

(iii) The revenue derived from the property for the preceding calendar year;

(iv) The use to which the revenue was applied;

(v) The number of students who attended the school or college; and

(vi) The total revenues of the school, college, or foundation, with the source from which they were derived, and the purposes to which the revenues were applied, giving a detailed accounting of the revenues and expenditures.

AMENDATORY SECTION (Amending WSR 09-19-010, filed 9/3/09, effective 10/4/09)

WAC 458-16-280 Art, scientific, and historical collections. (1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.060 ~~(1)(a)~~ to art, scientific, or historical collections.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) "Governmental entity" means any political unit or division of the federal, state, city, county, or municipal government.

(b) "Property" means all real and personal property exclusively used to secure, maintain, and exhibit art, scientific, or historical collections.

(3) **Exemption for existing property.** All art, scientific, or historical collections owned by associations maintaining and exhibiting the collections to the general public and not for profit, together with all real and personal property owned by these associations and used exclusively to secure, maintain, and exhibit the collections, ~~((shall))~~ will be exempt from taxation under the following conditions:

(a) An organization, association, or corporation must be organized and operated exclusively for artistic, scientific, or historical purposes.

(b) The organization, association, or corporation organized and operated for artistic, scientific, or historical purposes must receive a substantial part of its income from a governmental entity or through direct or indirect contributions of money, real or personal property, or services from the general public. Admission or entrance fees derived from exercising or performing its purpose or function ~~((shall))~~ will not be included within the figures used to calculate "a substantial part" of the organization's, association's, or corporation's income.

(i) For example, an art museum may receive support from a city government and from donations made by the general public in addition to general admission fees paid by visitors. When determining whether the art museum receives a substantial part of its income from a governmental entity or through contributions from the general public, the admission fees may not be considered as contributions from the general public.

(ii) Any organization, association, or corporation that relies on services donated by the general public for a substantial part for its support must maintain records identifying the individuals who donate their services and the number of hours they donate. The value of donated time will be calculated by using the federal minimum wage standard.

(4) **Exemption for property under construction or soon to be used for an exempt purpose.** Property that is being constructed, remodeled, or otherwise prepared to maintain and exhibit art, scientific, or historical collections, may qualify for exemption under certain circumstances. A non-profit organization, association, or corporation seeking an exemption for property not currently being used for an exempt purpose may qualify if the property will be used for an exempt purpose within a reasonable period of time and proof is submitted that a reasonably specific and active pro-

gram is being carried out to enable the property to be used to maintain and exhibit an art, scientific, or historical collection.

(a) Acceptable proof of a specific and active building or remodeling program (~~(shall)~~) must include, but is not limited to, the following items:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation endorsing and underwriting the construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; and

(iv) Building permits necessary to begin or continue the construction or remodeling.

(b) Property under construction (~~(shall)~~) will not qualify for exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise.

~~(5) ((Use of exempt property by entities not entitled to a property tax exemption. As a general rule, exempt property may not be used by an entity not entitled to receive a property tax exemption under this chapter. The use of exempt property by an ineligible entity will nullify the exemption for the assessment year. However, the property exemption will not be nullified if:~~

~~(a) The property is used by entities not entitled to a property tax exemption under this chapter for periods of not more than fifty days in a calendar year;~~

~~(b) The property is not used for pecuniary gain or to promote business for more than fifteen of the fifty days in a calendar year; and~~

~~(c) The property is used for:~~

~~(i) Artistic, scientific, or historic purposes;~~

~~(ii) The production and performance of musical, dance, artistic, dramatic, or literary works; or~~

~~(iii) Community gatherings or assembly, or meetings.~~

~~(d) The fifty and fifteen day limitations set forth in (a) and (b) of this subsection do not include the days the exempt property is used for setup and takedown activities preceding or following a meeting or other event by an entity using the property as described in this subsection.~~

~~(6))~~ **Additional requirements.** Any organization, association, or corporation applying for a property tax exemption under this (~~(section)~~) rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 (~~(sets forth)~~) provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.060.

AMENDATORY SECTION (Amending WSR 09-19-010, filed 9/3/09, effective 10/4/09)

WAC 458-16-282 Musical, dance, artistic, dramatic and literary associations. (1) **Introduction.** This (~~(section)~~) rule explains the property tax exemption available under the provisions of RCW 84.36.060 (1)(b) to organizations, associations, or corporations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Governmental entity" means any political unit or division of the federal, state, county, city, or municipal government.

(b) "Property" means all real and personal property exclusively used to produce or perform musical, dance, artistic, dramatic, or literary works.

(3) **Exemption.** All real and personal property owned by or leased to a nonprofit organization, association, or corporation engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit (~~(shall)~~) will be exempt from taxation under the following conditions:

(a) The property must be used exclusively to produce or perform musical, dance, artistic, dramatic, or literary works.

(b) An organization, association, or corporation must be organized and operated exclusively for musical, dance, artistic, dramatic, literary, or educational purposes.

(c) The organization, association, or corporation organized and operated for musical, dance, artistic, dramatic, literary, or educational purposes must receive a substantial portion of its income from a governmental entity or from direct or indirect contributions of money, real or personal property, or services from the general public. Admission or entrance fees derived from producing or performing musical, dance, artistic, dramatic, literary, or educational works (~~(shall)~~) will not be included within the figures used to calculate "a substantial part" of the organization's, association's or corporation's income.

(i) For example, a theater may receive support from a city government and from donations made by the general public in addition to ticket sales for admission to its performances. When determining whether the theater receives a substantial part of its income from a governmental entity or through contributions from the general public, the ticket sales may not be considered as contributions from the general public.

(ii) Any organization, association, or corporation that relies on services donated by the general public for a substantial portion of its support must maintain records identifying the individuals who donate their services and the number of hours they donate. The value of donated time will be calculated by using the federal minimum wage standard.

(4) **Exemption for property under construction or soon to be used for an exempt purpose.** Property that is being constructed, remodeled, or otherwise prepared to be used by organizations, associations, or corporations engaged in the production and performance of musical, dance, artistic, dramatic, literary, or educational works, may qualify for exemption under certain circumstances. A nonprofit organization, association, or corporation seeking an exemption for property not currently being used for an exempt purpose, may qualify if the property will be used for an exempt purpose within a reasonable period of time and proof is submitted that a reasonably specific and active program is being carried out to enable the property to be used by organizations, associations, or corporations engaged in the production and performance of musical, dance, artistic, dramatic, literary, or educational works.

(a) Acceptable proof of a specific and active building or remodeling program (~~(shall)~~ must include, but is not limited to, the following items:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation endorsing and underwriting the construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; and

(iv) Building permits necessary to begin or continue the construction or remodeling.

(b) Property under construction (~~(shall)~~ will not qualify for exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise.

~~(5) (**Use of exempt property by entities not entitled to a property tax exemption.** As a general rule, exempt property may not be used by an entity not entitled to receive a property tax exemption under this chapter. The use of exempt property by an ineligible entity will nullify the exemption for the assessment year. However, the property exemption will not be nullified if:~~

~~(a) The property is used by entities not entitled to a property tax exemption under this chapter for periods of not more than fifty days in a calendar year;~~

~~(b) The property is not used for pecuniary gain or to promote business for more than fifteen of the fifty days in a calendar year; and~~

~~(c) The property is used for:~~

~~(i) Artistic, scientific, or historic purposes;~~

~~(ii) The production and performance of musical, dance, artistic, dramatic, or literary works; or~~

~~(iii) Community gatherings or assembly, or meetings.~~

~~(d) The fifty and fifteen day limitations set forth in (a) and (b) of this subsection do not include the days the exempt property is used for setup and takedown activities preceding or following a meeting or other event by an entity using the property as described in this subsection.~~

~~(6)) **Additional requirements.** Any organization, association, or corporation applying for a property tax exemption under this (~~(section)~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 (~~(sets forth)~~ provides additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.060.~~

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-290 Nature conservancy lands. (1)

Introduction. This (~~(section)~~ rule explains the property tax exemption available under the provisions of RCW 84.36.260 to a nonprofit corporation or association, of which the primary purpose (~~(of which)~~) is to conduct or facilitate scientific research or to conserve natural resources or open space for the general public.

(2) **Definitions.** For purposes of this (~~(section)~~ rule, the following definitions apply:

(a) "Cessation of use" means a nonprofit association or corporation that has an interest in, or a nonprofit association or corporation that exclusively used exempt real property, has ceased to physically use the property for a use exempt under the provisions of subsection (3) of this (~~(section)~~ rule. The term also refers to (~~(the situation where the)~~ property (~~(is)~~ no longer being used for an exempt use even (~~(though)~~ if the owner intends to find or is pursuing an alternative exempt use for the property. "Cessation of use" also refers to property that has lost its exempt status because it was sold, transferred, loaned, or rented to an (~~(entity)~~ owner or user that is not qualified to be exempt from (~~(ad valorem)~~ property taxes.

(b) "Conservation futures" means rights in perpetuity to the future development of any open space land, farm and agricultural land, and timber land, (~~(so designated)~~ classified under the provisions of chapter 84.34 RCW and taxed at the current use assessment rate as provided by that chapter (~~(that)~~ and are purchased or acquired (except by eminent domain) by a county, city, town, municipal corporation, nonprofit historic preservation corporation, or nonprofit conservancy corporation or association.

(c) "Governmental entity" means any political unit or division of the federal, state, county, city, or municipal government.

(d) "Nonprofit conservancy corporation or association" means an organization that qualifies as being tax exempt under (~~(29))~~ 26 U.S.C. Sec. 501 (c)(3) of the United States Internal Revenue Code as it existed on June 25, 1976, and that has as one of its principal purposes: The conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife or plant habitat to be utilized as public access areas, for the use and enjoyment of the general public.

(e) "Nonprofit historical preservation corporation" means an organization that qualifies as being tax exempt under (~~(29))~~ 26 U.S.C. Sec. 501 (c)(3) of the United States Internal Revenue Code of 1954, as amended, and has as one of its principal purposes the conducting or facilitating of historic preservation activities within a state including, but not limited to, the conservation or preservation of historic sites, districts, buildings, and artifacts.

(f) "Person or company" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political unit or division of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States and any instrumentality thereof.

(g) "Real property interests" means any interest in real property including, but not limited to, fee simple or a lesser ownership interest, developmental rights, easements, covenants, and conservation futures.

(h) "Rollback" refers to the provisions of RCW 84.36.-262 that make previously exempt property subject to back

taxes and interest because of the cessation of an exempt use or a change in ownership.

(3) **Exemption.** All real property interests exclusively used to conserve ecological systems, natural resources, or open space, including park lands, by a nonprofit association or corporation whose primary purpose is to conduct or facilitate scientific research or to conserve natural resources or open space for the general public ~~((shall))~~ will be exempt from ~~((ad valorem taxation))~~ property tax if either of the following conditions is met:

(a) The property, to the extent feasible considering the nature of the interest involved, is:

(i) Used and effectively dedicated primarily to providing scientific research or educational opportunities to the general public or to preserving native plants, animals, biotic communities, works of ancient man, or geological or geographical formations of distinct scientific and educational interests;

(ii) Open to the general public for educational and scientific research purposes subject to reasonable restrictions designed to protect the property; and

(iii) Not for the pecuniary benefit of any person or company; or

(b) The property is subject to an option, which has been accepted in writing by any political unit or department of the federal, state, county, or city government, for purchase by the United States, a state, a county, or a city at a price not exceeding the lesser of the following amounts:

(i) The sum of the original purchase price paid by the nonprofit association or corporation plus interest from the date of acquisition at the rate of six percent per annum compounded annually to the date the option is exercised; or

(ii) The appraised value of the property interest, as determined by the department of revenue, at the time the option is accepted in writing.

(4) **Property used for recreational activities.** Property used merely for recreational activities does not qualify for an exemption under this ~~((section))~~ rule.

(5) **Application for exemption under this ~~((section))~~ rule.** A nonprofit association or corporation that wants to obtain the property tax exemption ~~((described in subsection (3) of this section))~~ under this rule, must submit an application for exemption.

(a) ~~((No))~~ Real property ~~((shall be))~~ is not exempt from taxation unless an application has been filed and the exemption ~~((has been granted therefor))~~ approved by the department of revenue.

(b) ~~((Prior to approval, the department of revenue must receive a copy of the application and,))~~ In addition to the application, if the property is subject to an option for purchase, a copy of the option agreement and the written acceptance ~~((thereof))~~ must be submitted to the department of revenue. The option must either state the purchase price pursuant to the option or the appraisal value as determined by the department of revenue.

(6) **Cessation of exempt use.** ~~((Upon cessation of the use that gave rise to the exemption set forth in subsection (3) of this section,))~~ When land is no longer being used for an exempt purpose described in this rule, the county treasurer ~~((shall))~~ will collect all taxes that would have been paid if the property had not been exempt during the preceding ten years,

or for the life of the exemption, whichever is less, plus interest computed at the same rate and in the same manner as that upon delinquent property taxes.

~~((a) Type of property affected. The provisions of this section apply to the cessation of use relating to exempt property:~~

~~(i) Used to provide scientific research or educational opportunities to the general public (RCW 84.36.260(1));~~

~~(ii) Used to preserve native plants, animals, biotic communities, works of ancient man, or geological or geographic formations of distinct scientific and educational interests (RCW 84.36.260(1)); or~~

~~(iii) Subject to an option for purchase by the United States, a state, a county, or a city (RCW 84.36.260(2)).~~

~~(b) Duty to notify:~~

~~((i))~~ (7) Change in use. An owner of exempt property who knows of or who has information regarding a change in the use of exempt property ~~((shall))~~ must notify the department of revenue of this change. An owner of exempt property must also report the loan or rental of all or a portion of the exempt property since loaning or renting this property may change the taxable status of exempt property.

~~((ii))~~ Any other person who knows or has information regarding a change in use of exempt property ~~((shall))~~ must notify the county assessor of any such change. The assessor, in turn, ~~((shall))~~ will report this information to the department of revenue.

~~((iii))~~ (a) After being notified about a change in use of exempt property, the department may physically inspect the property to determine if the reported change has taken place.

~~((iv))~~ (b) After a change in use, the final determination of the taxable status of the subject property will be made by the department of revenue.

~~((c) (Notice to owner.))~~ When ~~((it))~~ the department determines that a change in use has occurred, ~~((the department of revenue shall))~~ it will notify the current owner of the exempt property and, in the case of a transfer, the previous legal owner of exempt property that the change in use may change the taxable status of the property and that the property may be subject to the rollback provisions ~~((set forth))~~ in subsection (6) of this ~~((section))~~ rule. The owner(s) of this property ~~((shall))~~ will have thirty days from the date of the notice to submit any comments or information relevant to this change in use to the department. The department ~~((shall))~~ will then issue a final determination about the taxable status of this property.

~~((d) (County treasurer.))~~ Upon notification from the department of revenue that the exempt use of the property has ceased, the county treasurer ~~((shall))~~ will compute the taxes payable, including interest computed at the same rate and in the same manner as that upon delinquent property taxes. The interest collected ~~((shall))~~ will be placed in the county current expense fund.

(8) Additional requirements. Any organization, association, or corporation that applies for a property tax exemption under this rule must also comply with the provisions of WAC 458-16-165 that explains the additional conditions and requirements necessary to obtain a property tax exemption pursuant to RCW 84.36.260.

AMENDATORY SECTION (Amending WSR 98-18-006, filed 8/20/98, effective 9/20/98)

WAC 458-16-310 Community celebration facilities.

(1) **Introduction.** This ~~((section))~~ rule explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a non-profit organization, association, or corporation and used primarily for annual community celebration events.

(2) **Definitions.** For purposes of this ~~((section))~~ rule, the following definitions apply:

(a) ~~("Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or corporation for pecuniary gain or to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.~~

~~(b)) "Public gathering" ((means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.~~

~~(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles to maintain and operate the loaned or rented portion of the exempt facility.~~

~~(d)) has the same meaning as provided in WAC 458-16-300.~~

~~(b) "Property" ((means real or personal property owned by a nonprofit organization, association, or corporation)) has the same meaning as provided in WAC 458-16-300.~~

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events ~~((shall))~~ may be exempt from taxation under the following conditions:

(a) Exemption for real property - Area. The area of real property to be exempt ~~((shall))~~ may not exceed twenty-nine acres.

(b) Primary use. The property has been primarily used for annual community celebration events for at least ten years.

(c) Essentially unimproved property. The property is essentially unimproved except for restroom facilities and covered shelters. A "covered shelter," for example, may consist of a covered area that is ~~((unenclosed))~~ not enclosed but allows some protection from the elements or it may provide a sheltered eating area with or without a picnic table or outside grill, or both.

(d) Purpose. The purpose of the property is to provide a facility for an annual community celebration.

(e) Statement of availability and fees required. The owner of the property ~~((shall))~~ must prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose conditions and restrictions that are reasonably necessary to safeguard the property and to promote the purposes of this exemption.

(f) Annual summary required. The owner ~~((shall))~~ must annually provide the department of revenue with a detailed summary containing the following information regarding the manner in which the exempt property was used during the preceding year:

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property; and

(v) The expenses incurred relating to the use of the property.

~~((g) Loan or rental of property. The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:~~

~~(i) Is reasonable; and~~

~~(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.)~~

(4) **Use of property for pecuniary gain or to promote business activities.** If a community celebration facility exempt under subsection (3) of this ~~((section))~~ rule is used for pecuniary gain or to promote business activities, the property tax exemption will be lost ~~((for the assessment year following the year in which the exempt property is so used))~~. However, the exemption will not be lost if:

(a) The exempt property is used for pecuniary gain or to promote business activities ~~((seven))~~ fifteen days or less in an assessment year; ~~((or))~~

(b) In a county with a population of less than ~~((ten))~~ twenty thousand people, the exempt property is used to promote the following business activities: Dance lessons; art classes; or music lessons. The rental income or donations, if any, must be reasonable and not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; ~~((or))~~

~~(c) The exempt property is ((inadvertently used by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property for pecuniary gain or to promote business activities is repeated within the same assessment year or within two or more successive assessment years-)) used to conduct a farmers market, as defined in RCW 66.24.170, for fifty-three days or less each assessment year. The rental income or donations, if any, must be reasonable and not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; or~~

(d) All income received from the rental or use of the exempt property is used for capital improvements to the exempt property, maintenance and operation expenses of the exempt property, or for exempt purposes.

(5) **Additional requirements.** Any nonprofit organization, association, or corporation that applies for a property tax exemption under this ~~((section))~~ rule must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 ~~((sets forth))~~ provides additional conditions and requirements that

must be (~~complied with~~) satisfied to obtain a property tax exemption pursuant to RCW 84.36.037.

WSR 15-07-035
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed March 11, 2015, 1:06 p.m., effective April 11, 2015]

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

Purpose: This rule making is a result of a stakeholder petition for rule making. This rule making would allow an exception with specific requirements to the forty-two inch barrier required to enclose outside service areas at liquor licensed premises. The proposed rule will provide clarity to local jurisdictions and liquor licensees on requirements that must be followed if an exception to barriers enclosing outside service areas is requested.

Citation of Existing Rules Affected by this Order: Amending WAC 314-02-130.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 15-02-080 on January 7, 2015.

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 1, 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 0, Amended 0, Repealed 0.

Date Adopted: March 11, 2015.

Jane Rushford
Chairman

AMENDATORY SECTION (Amending WSR 11-01-133, filed 12/21/10, effective 1/21/11)

WAC 314-02-130 What types of changes to a licensed premises require board approval? The following changes to a licensed premises require prior board approval, by submitting a form provided by the board's licensing and regulation division:

Type of alteration	Approval process and timeline
(1) <ul style="list-style-type: none"> • <u>Excluding persons under twenty-one years of age from a spirits, beer, and wine restaurant or a spirits, beer, and wine nightclub;</u> • <u>Excluding persons under twenty-one years of age from the dining area of a beer and/or wine restaurant;</u> • <u>Reclassifying a lounge as open to persons under twenty-one years of age;</u> • <u>Extending the location of alcohol service, such as a beer garden or patio/deck service (areas must be enclosed with a barrier a minimum of forty-two inches in height);</u> • <u>Initiating room service in a hotel or motel when the restaurant is not connected to the hotel or motel;</u> 	(a) The board's licensing and regulation division will make initial contact on the request for alteration within five business days. (b) The licensee may begin liquor service in conjunction with the alteration as soon as approval is received. (c) Board approval will be based on the alteration meeting the requirements outlined in this title.
(2) <ul style="list-style-type: none"> • <u>Any alteration that affects the size of a premises' customer service area.</u> 	(a) The board's licensing and regulation division will make an initial response on the licensee's request for alteration within five business days. (b) The licensee must contact their local liquor control agent when the alteration is completed. (c) The licensee may begin liquor service in conjunction with the alteration after the completed alteration is inspected by the liquor control agent. (d) Board approval will be based on the alteration meeting the requirements outlined in this title.

(3) For sidewalk cafe outside service, the board allows local regulations that, in conjunction with a local sidewalk cafe permit, requires a forty-two inch barrier or permanent demarcation of the designated alcohol serving areas for continued enforcement of the boundaries.

(a) The permanent demarcation must be at all boundaries of the outside service area;

(b) The permanent demarcation must be at least six inches in diameter;

(c) The permanent demarcation must be placed at a minimum of ten feet apart.

(4) There must be an attendant, wait staff, or server dedicated to the outside service area when patrons are present.

(5) This exception only applies to restaurant liquor licenses with sidewalk cafe service areas contiguous to the liquor licensed premises. "Contiguous" means touching along a boundary or at a point.

(6) This exception does not apply to beer gardens, standing room only venues, and permitted special events. Board approval is still required with respect to sidewalk cafe barrier requirements.

WSR 15-07-036

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed March 11, 2015, 1:13 p.m., effective April 11, 2015]

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

Purpose: This rule making is a result of a stakeholder request to revise the rule on spirits sampling to allow spirits to be altered with mixers. There is no public safety risk by allowing spirits samples to be altered with mixers in addition to ice and/or water.

Citation of Existing Rules Affected by this Order: Amending WAC 314-02-106.

Statutory Authority for Adoption: RCW 66.24.670, 66.08.030.

Adopted under notice filed as WSR 15-02-081 on January 7, 2015.

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 1, 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 0, Amended 0, Repealed 0.

Date Adopted: March 11, 2015.

Jane Rushford
Chairman

AMENDATORY SECTION (Amending WSR 14-02-001, filed 12/18/13, effective 1/18/14)

WAC 314-02-106 What is a spirits retailer license?

(1) A spirits retailer licensee may not sell spirits under this license until June 1, 2012. A spirits retailer is a retail license. The holder of a spirits retailer license is allowed to:

(a) Sell spirits in original containers to consumers for off-premises consumption;

(b) Sell spirits in original containers to permit holders (see chapter 66.20 RCW);

(c) Sell spirits in original containers to on-premises liquor retailers, for resale at their licensed premises, although no single sale may exceed twenty-four liters, and single sales to an on-premises licensee are limited to one per day; and

(d) Export spirits in original containers.

(2) A spirits retailer licensee that intends to sell to another retailer must possess a basic permit under the Federal Alcohol Administration Act. This permit must provide for purchasing distilled spirits for resale at wholesale. A copy of the federal basic permit must be submitted to the board. A federal basic permit is required for each location from which the spirits retailer licensee plans to sell to another retailer.

(3) A sale by a spirits retailer licensee is a retail sale only if not for resale to an on-premises spirits retailer. On-premises retail licensees that purchase spirits from a spirits retail licensee must abide by RCW 66.24.630.

(4) A spirits retail licensee must pay to the board seven percent of all spirits sales. The first payment is due to the board October 1, 2012, for sales from June 1, 2012, to June 30, 2012 (see WAC 314-02-109 for quarterly reporting requirements).

Reporting of spirits sales and payment of fees must be submitted on forms provided by the board.

(5) A spirits retail licensee may apply for a spirits sampling endorsement to conduct spirits sampling if they meet the following criteria:

(a) Be a participant in the responsible vendor program;

(b) Advertising:

(i) For spirits retail licensees that also hold a grocery store license, signs advertising spirits samplings may not be placed in the windows or outside of the premises that can be viewed from the public right of way;

(ii) For spirits retail licensees that also hold a beer/wine specialty store license, advertising of spirits sampling may be advertised but not state that sampling is free of charge.

(c) Spirits samplings are to be conducted in the following manner:

(i) Spirits samplings service area and facilities must be located within the licensee's fully enclosed retail area and must be of a size and design that the licensee can observe and control persons in the area.

(ii) The licensee must provide a sketch of the sampling area. Fixed or moveable barriers are required around the sampling area to ensure that persons under twenty-one years of age and apparently intoxicated persons cannot possess or consume alcohol. The sketch is to be included with the application for the spirits sampling endorsement.

(iii) Each sample may be no more than one-half ounce of spirits, and no more than a total of one and one-half ounces of spirits samples per person during any one visit to the prem-

ises. Spirits samples (~~must be unaltered~~) may be altered with mixers, water, and/or ice.

(iv) The licensee must have food available for the sampling participants.

(v) Customers must remain in the service area while consuming samples.

(vi) All employees serving spirits during sampling events must hold a class 12 server permit.

(vii) There must be at least two employees on duty when conducting spirits sampling events.

(viii) Spirits sampling activities are subject to RCW 66.28.305 and 66.28.040.

(d) Licensees are required to send a list of scheduled spirits samplings to their regional enforcement office at the beginning of each month. The date and time for each sampling must be included.

(6) The annual fee for a spirits retail license is one hundred sixty-six dollars.

WSR 15-07-043

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Docket UE-131723, General Order R-578—Filed March 12, 2015, 9:44 a.m., effective April 12, 2015]

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 15-09 issue of the Register.

WSR 15-07-055

PERMANENT RULES

GAMBLING COMMISSION

[Order 711—Filed March 13, 2015, 2:23 p.m., effective April 13, 2015]

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

Purpose: At their March 2015 meeting, the commissioners adopted rule changes to allow the agency to recoup processing costs for:

- Issuing refunds for overpayments, duplicate payments, and prior year refunds; and
- Nonsufficient fund (NSF) payments, including electronic and credit card payments. The number of NSF payments is increasing because licensees are not entering their account and/or routing number correctly when paying online. Our online payment web page includes a note about the importance of correctly inputting banking information and we also ask banking information to be entered twice to catch any inputting errors.

Citation of Existing Rules Affected by this Order: Amending WAC 230-05-001, 230-05-010, and 230-06-140.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 15-03-023 on January 9, 2015.

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 3, 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 3, Repealed 0.

Date Adopted: March 13, 2015.

Susan Newer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-21-116, filed 10/22/07, effective 1/1/08)

WAC 230-05-001 Prorating or refunding of fees. (1)

We may prorate organization license fees when we adjust expiration dates to schedule our workload.

(2) We may adjust expiration dates to end on the same day for organizations licensed for more than one activity. Whenever we adjust license expiration dates under this provision, we may prorate the required fees.

(3) We will not prorate or refund fees when:

- (a) You discontinue your gambling activities; or
- (b) You voluntarily surrender your license or permit; or
- (c) We suspend or revoke your license.

(4) We keep a portion of your application or license fees (~~whether we~~) for processing costs when:

(a) We deny or administratively close your application;

or

(b) You withdraw ((#)) your application; or

(c) You overpaid us; or

(d) We received duplicate license fees.

(5) If you are a commercial stimulant or a charitable or nonprofit licensee, you have one year from your license expiration to apply for a partial refund of your license fee if your annual gross gambling receipts are less than the minimum for your license class. After our approval, we refund you the difference between the fees you paid and the fees for the license class level you actually met less our processing costs.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

WAC 230-05-010 Returned (~~checks~~) payments. (1)

If your bank returns your (~~check~~) payment for license fees to us for any reason, you must:

(a) Pay us in full, by certified check, money order, or cash, within five days of notification; and

(b) (~~Pay an additional~~) Reimburse our processing (~~charge of thirty dollars~~) costs, which would include, but not be limited to, time spent notifying you and seeking payment.

(2) If you fail to pay within five days of notification:

(a) We will administratively close your application; or

(b) Your license expires and all gambling activity must stop.

(3) If we administratively close your application or your license expires, you must give us a new application with fees paid by certified check, money order, or cash in order to be considered for a license.

AMENDATORY SECTION (Amending WSR 06-17-132, filed 8/22/06, effective 1/1/08)

WAC 230-06-140 Partial refund of license fees if gambling receipts limit not met. (1) Licensees may apply for a partial refund of their license fee when their annual gross gambling receipts are less than the minimum for the class of license we issued to them.

(2) Licensees may receive a refund for the difference between the fees actually paid and the fees that would normally apply to the level of gross gambling receipts actually received during the period less our processing costs.

(3) Licensees may make their request for refund after the end of any annual license period and before the end of the next annual license period.

WSR 15-07-056

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 16, 2015, 7:19 a.m., effective April 16, 2015]

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

Purpose: To define where the official claiming price is determined and when the stewards may change the price listed on the official program.

Citation of Existing Rules Affected by this Order: Amending WAC 260-60-330.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 15-04-106 on February 3, 2015.

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 1, 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: March 13, 2015.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 08-05-088, filed 2/15/08, effective 3/17/08)

WAC 260-60-330 Claims to be in amount printed on program. The claiming price of each horse in a claiming race will be printed on the program. Except as ordered by the stewards, due to error on the claiming price listed on the program or an error in the race office, no claiming price may be changed after a horse has been entered for a race. The claiming price for each horse to be printed on the program will be that which is listed on the entry card on file in the race office.

WSR 15-07-057

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 16, 2015, 7:26 a.m., effective April 16, 2015]

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

Purpose: Removed unenforceable language in regards to rules implemented by the racing association.

Citation of Existing Rules Affected by this Order: Amending WAC 260-40-105.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 15-04-107 on February 3, 2015.

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 1, 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: March 13, 2015.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 07-07-010, filed 3/8/07, effective 4/8/07)

WAC 260-40-105 Workouts and identification. (1) No horse may be permitted to enter or start in a race whose recent workouts have not been properly recorded with the commission.

(2) A horse, which has not started for a period of sixty days or more will be ineligible to race until the horse has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered and the workout must have occurred within thirty days of race day.

((+)) (3) A horse that has never started in a recognized race must have two official workouts, one of which must be

recorded from the starting gate, and at least one workout must have occurred within thirty days of race day.

~~((b)) The association may impose more stringent workout requirements prior to entries.~~

~~((3))~~ (4) The trainer or exercise rider must report the name, distance, and starting point, for each horse scheduled for a workout to the clocker immediately prior to working.

~~((4))~~ (5) A horse may not be taken onto the track for training or a workout except during the hours designated by the association. When association grounds are open for training, a licensed clocker or commission clocker must be present for any workouts to be considered official. If no clocker is present, the horse may train, but the workout will not be accepted as an official workout.

~~((5))~~ (6) During a racing association's scheduled race meet and training dates, workouts occurring off the grounds will only be accepted for the purposes of that meet if recorded and submitted to the racing secretary and/or commission by a licensed clocker.

~~((6))~~ (7) The association must furnish to the public information on all official workouts not listed in the daily racing form prior to the start of the race for which the horse is entered.

WSR 15-07-058

PERMANENT RULES

HORSE RACING COMMISSION

[Filed March 16, 2015, 8:42 a.m., effective April 16, 2015]

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

Purpose: Gives new penalty classifications to substances along with penalties associated with each class. Additionally, defines who is authorized to conduct a drug and alcohol evaluation on a licensee and determines if they are in compliance with a treatment program.

Citation of Existing Rules Affected by this Order: Amending WAC 260-70-680, 260-70-685, and chapter 260-84 WAC.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 15-04-109 on February 3, 2015.

Changes Other than Editing from Proposed to Adopted Version: Minor change to Class B violations placing the language "up to" in penalty determinations.

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 6, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 6, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 13, 2015.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 12-07-006, filed 3/9/12, effective 4/9/12)

WAC 260-70-680 Uniform classification guidelines.

This section classifies drugs, medications, and foreign substances. The names, trade names, classifications, and if applicable a reference to the section containing the permitted threshold are listed alphabetically in WAC 260-70-685. The penalties for violation of this section are in WAC 260-84-110.

(1) Class 1

Class 1 drugs are stimulant and depressant drugs that have the highest potential to affect the performance of a horse, and have no generally accepted medical use. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

(2) Class 2

Class 2 drugs are drugs/medication/foreign substances that have a high potential to affect the performance of a horse, but less of a potential than class 1 drugs. Class 2 drugs are either not generally accepted as therapeutic agents in racing horses, or are therapeutic agents that have a high potential for abuse.

(3) Class 3

Class 3 drugs are drugs/medication/foreign substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than class 2 drugs.

(4) Class 4

Class 4 drugs include therapeutic drugs/medications/foreign substances that would be expected to have less potential to affect the performance of a racing horse than class 3 drugs.

(5) Class 5

Class 5 drugs include those therapeutic medications for which concentration limits have generally been established by racing jurisdictions as well as certain miscellaneous agents ~~((such as DMSO))~~ and other medications. Included are specifically agents that have very localized actions only, such as anti-ulcer drugs and certain anti-allergic drugs. The anticoagulant drugs are also included.

(6) Nonclassified substances

Nonclassified substances are considered to have no effect on the physiology of a horse, except to improve nutrition or treat or prevent infections or parasite infestations. These substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins.

(7) Substances denoted with a "*" are medications that are currently being studied at a national level to establish thresholds, currently have an established threshold, or could

be considered an environmental contaminate based on the level reported. In the instance of a positive reported for these medications the stewards may use this as mitigating circum-

stances, taking into account the level reported, when ruling on the violation.

AMENDATORY SECTION (Amending WSR 12-07-006, filed 3/9/12, effective 4/9/12)

WAC 260-70-685 Alphabetical listing of all drugs, medications, and foreign substances. This section contains an alphabetical listing of all drugs, medications and foreign substances classified in WAC 260-70-680.

Drug	Trade Name	Class	((Threshold)) <u>Penalty Class</u>
Acebutolol	Sectral	3	<u>A</u>
Acecarbromal		2	<u>A</u>
Acenocoumarol		5	<u>C</u>
*Acepromazine	Atrovet, Notensil, PromAce©	3	((WAC 260-70-630(1)(a))) <u>B</u>
Acetaminophen (Phenacetin)	Tylenol, Tempra, etc.	4	<u>C</u>
Acetanilid		4	<u>B</u>
Acetazolamide	Diamox, Vetamos	4	<u>B</u>
Acetophenazine	Tindal	2	<u>A</u>
Acetophenetidin (Phenacetin)		4	<u>B</u>
Acetylsalicylic acid (Aspirin)		4	<u>C</u>
Aclomethasone	Aclovate	4	<u>C</u>
Adinazolam		2	<u>A</u>
Adrenochrome monoremicarbazone salicylate		4	<u>B</u>
*Albuterol (Salbutamol)	Proventil Ventolin	3	((WAC 260-70-630(1)(a))) <u>B</u>
Alclofenac		2	<u>A</u>
Alcuronium	Alloferin	2	<u>A</u>
Aldosterone	Aldocortin, Electro cortin	4	<u>B</u>
Alfentanil	Alfenta	1	<u>A</u>
Almotriptan	Axert	3	<u>A</u>
Alphaprodine	Nisentil	2	<u>A</u>
Alpidem	Anaxyl	2	<u>A</u>
Alprazolam	Xanax	2	<u>A</u>
Alprenolol		3	<u>A</u>
Althesin	Saffan	2	<u>A</u>
((Alisulpride	Solian	(2))	
Ambenonium	Mytelase, Myeuran	3	<u>B</u>
Ambroxol	Ambрил, etc.	4	<u>C</u>
Amcinonide	Cyclocort	4	<u>C</u>
Amiloride	Moduretic; Midamor	4	<u>B</u>
Aminocaproic acid	Amicar, Caprocid	4	<u>C</u>
Aminodarone		4	<u>B</u>
2-Aminoheptaine	Tuamine	4	<u>B</u>
Aminophylline	Aminophyllin, etc.	3	<u>B</u>
Aminopyrine		4	<u>B</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Aminorex	<u>Aminoxafen, Aminoxaphen, Apiquel, McN-742, Menocil</u>	1	<u>A</u>
Amisometradine	Rolictron	4	<u>B</u>
Amisulpride	Solian	2	<u>A</u>
Amitraz	Mitaban	3	<u>A</u>
Amitriptyline	Elavil, Amitril, Endep	2	<u>A</u>
Amlopidine	Norvasc, Ammivin	(2) 4	<u>B</u>
Amobarbital	Amytal	2	<u>A</u>
Amoxapine	Asendin	2	<u>A</u>
Amperozide		2	<u>A</u>
Amphetamine		1	<u>A</u>
Amrinone		4	<u>B</u>
Amyl nitrite		3	<u>A</u>
Anileridine	Leritine	1	<u>A</u>
Anilopam	Anisine	2	<u>A</u>
Anisindione		5	<u>C</u>
Anisotropine	Valpin	4	<u>B</u>
Antipyrine		4	<u>B</u>
Apazone (Azapropazone)	Rheumox	4	<u>B</u>
Apomorphine		1	<u>A</u>
Aprindine		4	<u>B</u>
Aprobarbital	Alurate	2	<u>A</u>
Arecoline		3	<u>A</u>
Arformoterol		3	<u>A</u>
Articaine	Septocaine; Ultracaine, etc.	2	<u>A</u>
Atenolol	Tenormin	3	<u>B</u>
Atomoxetine	Strattera	2	<u>A</u>
Atracurium	Tracrium	2	<u>A</u>
Atropine		3	<u>B</u>
Azacylonol	Frenque	2	<u>A</u>
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)	2	<u>A</u>
Baclofen	Lioresal	4	<u>B</u>
Barbital	Veronal	2	<u>A</u>
Barbiturates		2	<u>A</u>
Beclomethasone	Propaderm	4	<u>C</u>
Bemegrade	Megimide, Mikedimide	2	<u>A</u>
Benazeprilat, Benazepril and MC-tab	Lotrel, Lotensin	3	<u>A</u>
Bendroflumethiazide	Naturetin	4	<u>B</u>
Benoxaprofen		2	<u>A</u>
Benoxinate	Dorascaine	4	<u>C</u>
Benperidol	Anquil	2	<u>A</u>
Bentazepam	Tiadipona	2	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Benzactizine	Deprol, Bronchodiletten	2	<u>A</u>
Benzocaine		4	((WAC 260-70-630(1)(a))) <u>B</u>
Benzocetamine		2	<u>A</u>
Benzodiazepines		2	<u>A</u>
<u>Benzonatate</u>	<u>Tessalon, Tessalon Perles, Zonatuss</u>	<u>2</u>	<u>A</u>
Benzphetamine	Didrex	2	<u>A</u>
Benzthiazide		4	<u>B</u>
Benztropine	Cogentin	2	<u>A</u>
Benzylpiperazine (BZP)		1	<u>A</u>
Bepriidil	Bepadin	4	<u>B</u>
*Betamethasone	Betasone, etc.	4	<u>C</u>
Betaxolol	Kerlone	3	<u>B</u>
Bethanechol	Uriecholine, Duvioid	4	<u>C</u>
Bethanidine	Esbatal	3	<u>A</u>
Biperiden	Akineton	3	<u>A</u>
Biriperone		2	<u>A</u>
Bisoprolol	Zebeta, Bisobloc, etc.	3	<u>B</u>
Bitolterol	Effectin	3	<u>A</u>
Bolasterone		3	<u>A</u>
* <u>Boldenone</u>	Equipose	((4)) <u>3</u>	((WAC 260-70-630(3)(a))) <u>B</u>
Boldione		3	<u>A</u>
Bretylium	Bretylol	3	<u>B</u>
Brimonidine	Alphagan	2	<u>A</u>
Bromazepam	Lexotan, Lectopam	2	<u>A</u>
Bromfenac	Duract	3	<u>A</u>
Bromhexine	Oletor, etc.	4	<u>B</u>
Bromisovalum	Diffucord, etc.	2	<u>A</u>
Bromocriptine	Parlodel	2	<u>A</u>
Bromodiphenhydramine		3	<u>B</u>
Bromperidol	Bromidol	2	<u>A</u>
Brompheniramine	Diemtane, Disomer	4	<u>B</u>
Brotizolam	Brotocol	2	<u>A</u>
Budesonide	Pulmacort, Rhinocort	4	<u>C</u>
Bufexamac		3	<u>A</u>
Bumetanide	Bumex	3	<u>B</u>
* <u>Bupivacaine</u>	Marcaine	2	((WAC 260-70-630(1)(a))) <u>A</u>
Buprenorphine	Temgesic	2	<u>A</u>
Bupropion	Wellbutrin	2	<u>A</u>
Buspiron	Buspar	2	<u>A</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2	<u>A</u>
Butacaine	Butyn	4	<u>B</u>
Butalbital (Talbutal)	Fiorinal	2	<u>A</u>
Butamben (butylaminobenzoate)	Butesin	4	<u>C</u>
Butanilicaine	Hostacain	2	<u>A</u>
Butaperazine	Repoise	2	<u>A</u>
Butoctamide	Listomin	2	<u>A</u>
*Butorphanol	Stadol, Torbugesic	3	<u>B</u>
Butoxycaine	Stadacain	4	<u>B</u>
N-Butylscopolamine		3	<u>B</u>
*Caffeine		2	((WAC 260-70-630 (2)(a))) <u>B</u>
Calusterone		3	<u>B</u>
Camazepam	Paxor	2	<u>A</u>
Camphor		4	<u>C</u>
Candesartan	Atacand	3	<u>B</u>
Captodiame	Covatine	2	<u>A</u>
Captopril	Capolen	3	<u>B</u>
Carazolol	Carbacel, Conducton	3	<u>A</u>
Carbachol	Lentin, Doryl	3	<u>B</u>
Carbamezapine	Tegretol	3	<u>B</u>
Carbazochrome		4	<u>C</u>
Carbidopa + levodopa	Sinemet	2	<u>A</u>
Carbinoxamine	Clistin	3	<u>B</u>
Carbromol	Mifudorm	2	<u>A</u>
Carfentanil		1	<u>A</u>
Carisoprodol	Soma, Rela	2	<u>B</u>
Carphenazine	Proketazine	2	<u>A</u>
Carpipramine	Prazinil	2	<u>A</u>
Carprofen	Rimadyl	4	<u>B</u>
Carteolol	Cartrol	3	<u>B</u>
Carticaine (see Articaine)	Septocaine; Ultracaine, etc.	2	<u>A</u>
Carvedilol	Coreg	3	<u>B</u>
Cathinone (((khat, kat, qat, quat, chat, atha, Abyssinian tea, African tea))))	<u>khat, kat, qat, quat, chat, atha, Abyssinian tea, African tea</u>	1	<u>A</u>
Celecoxib	Celebrex	3	<u>B</u>
Cetirizine	Zyrtec	4	<u>B</u>
Chloral betaine	Beta-Chlor	2	<u>A</u>
Chloral hydrate	Nactec, Oridrate, etc.	2	<u>A</u>
Chloraldehyde (chloral)		2	<u>A</u>
Chloralose (Alpha-Chloralose)		2	<u>A</u>
Chlordiazepoxide	Librium	2	<u>A</u>
Chlorhexadol		2	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
<u>Chlormerodrin</u>	<u>Neohydrin</u>	4	<u>B</u>
Chlormezanone	Trancopal	2	<u>A</u>
Chloroform		2	<u>A</u>
Chlorophenesin	Maolate	4	<u>C</u>
Chloroprocaine	Nesacaine	2	<u>A</u>
Chloroquine	Avloclor	4	<u>C</u>
Chlorothiazide	Diuril	4	<u>B</u>
Chlorproethazine	Newiplege	2	<u>A</u>
Chlorpheniramine	Chlortriemton, etc.	4	<u>B</u>
Chlorpromazine	Thorazine, Largactil	2	<u>A</u>
Chlorprothixene	Taractan	2	<u>A</u>
Chlorthalidone	Hydroton	4	<u>B</u>
Chlorzoxazone	Paraflex	4	<u>B</u>
Ciclesonide		4	<u>B</u>
Cilostazol	Pletal	5	<u>C</u>
Cimeterol		3	<u>A</u>
Cimetidine	Tagamet	5	<u>D</u>
Cinchocaine	Nupercaine	4	<u>C</u>
Citalopram	Celex	2	<u>A</u>
Clanobutin		4	<u>B</u>
Clemastine	Tavist	3	<u>B</u>
*Clenbuterol	Ventipulmin	3	((WAC 260-70-630(1)(a))) <u>B</u>
Clibucaine	Batrax	4	<u>C</u>
Clidinium	Quarezan, Clindex, etc.	3	<u>B</u>
Clobazam	Urbanyl	2	<u>A</u>
Clobetasol	Temovate	4	<u>C</u>
Clocapramine		2	<u>A</u>
Clocortolone	Cloderm	4	<u>C</u>
Clofenamide		4	<u>B</u>
Clomethiazole (Chlormethiazole)		2	<u>A</u>
Clomipramine	Anafranil	2	<u>A</u>
Clonazepam	Klonopin	2	<u>A</u>
Clonidine	Catapres	3	<u>B</u>
Clorazepate	Tranxene	2	<u>A</u>
Clormecaine	Placacid	4	<u>C</u>
Clostebol		3	<u>B</u>
Clothiapine	Entermin	2	<u>A</u>
Clotiazepam	Trecalmo, Rize	2	<u>A</u>
Cloxazolam	Enadel, Sepazon, Tolestan	2	<u>A</u>
Clozapine	Clozaril, Leponex	2	<u>A</u>
a-Cobratoxin		1	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Cocaine		1	<u>B</u>
Codeine		1	<u>A</u>
Colchicine		4	<u>B</u>
Conorphone		2	<u>A</u>
Corticaine	Ultracain	2	<u>A</u>
Cortisone	Cortone, etc.	4	<u>C</u>
Cromolyn	Intel	5	<u>C</u>
Crotetamide		2	<u>A</u>
Cyamemazine	Tercian	2	<u>A</u>
Cyclandelate	Cyclospasmol	3	<u>A</u>
Cyclizine	Merazine	4	<u>B</u>
Cyclobarbital	Phanodorm	2	<u>A</u>
Cyclobenzaprine	Flexeril	4	<u>B</u>
Cyclomethylcaine	Surfacaine	4	<u>C</u>
Cyclothiazide	Anyhydron, Renazide	4	<u>B</u>
Cycrimine	Pagitane	3	<u>B</u>
Cyproheptadine	Pericactin	4	<u>C</u>
Danazol	Danocrine	3	<u>B</u>
*Dantrolene	Dantrium	4	<u>C</u>
Darbepoetin	Aranesp	2	<u>A</u>
Decamethonium	Syncurine	2	<u>A</u>
Dehydrochloromethyltestosterone		3	<u>B</u>
Dembroxol (Dembrexine)	Sputolysin	4	<u>C</u>
Demoxepam		2	<u>A</u>
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin	4	<u>C</u>
Deracoxib	Deremaxx	3	<u>B</u>
Dermorphin		1	<u>A</u>
Desipramine	Norpromine, Pertofrane	2	<u>A</u>
Desonite	Des Owen	4	<u>C</u>
Desoximetasone	Topicort	4	<u>C</u>
Desoxymethyltestosterone		3	<u>B</u>
*Detomidine	Dormosedan	3	<u>B</u>
*Dexamethasone	Axium, etc.	4	<u>C</u>
Dextromethorphan		4	<u>B</u>
Dextromoramide	Palfium, Narcolo	1	<u>A</u>
Dextropropoxyphene	Darvon	3	<u>B</u>
Dezocine	Dalgan®	2	<u>A</u>
Diamorphine		1	<u>A</u>
Diazepam	Valium	2	<u>B</u>
Diazoxide	Proglycem	3	<u>B</u>
Dibucaine	Nupercainal, Cinchocaine	4	<u>C</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Dichloralphenazone	Febenol, Isocom	2	<u>A</u>
Dichlorophenamide	Daramide	4	<u>C</u>
*Diclofenac	Voltaren, Voltarol	4	<u>C</u>
Dicumarol	Dicumarol	5	<u>C</u>
Diethylpropion	Tepanil, etc.	2	<u>A</u>
Diethylthiambutene	Themalon	2	<u>A</u>
Diflorasone	Florone, Maxiflor	4	<u>C</u>
Diflucortolone	Flu-Cortinest, etc.	4	<u>C</u>
Diflunisal		3	<u>B</u>
Digitoxin	Crystodigin	4	<u>B</u>
Digoxin	Lanoxin	4	<u>B</u>
Dihydrocodeine	Parcodin	2	<u>A</u>
Dihydroergotamine		4	<u>B</u>
Dilorazepam	Briantum	2	<u>A</u>
Diltiazem	Cardizem	4	<u>B</u>
Dimeflin		3	<u>A</u>
Dimethisoquin	Quotane	4	<u>B</u>
*Dimethylsulfoxide (DMSO)	Domoso	4	((WAC 260-70-630(1)(a))) <u>C</u>
Dimethylsulphone (MSM)		5	<u>C</u>
Diphenadione		5	<u>C</u>
Diphenhydramine	Benadryl	3	<u>B</u>
Diphenoxylate	Difenoxin, Lomotil	4	<u>B</u>
Diprenorphine	M50/50	2	<u>A</u>
Dipyridamole	Persantine	3	<u>B</u>
Dipyrrone	Novin, Methampyrone	4	<u>C</u>
Disopyramide	Norpace	4	<u>B</u>
Divalproex	Depakote	3	<u>A</u>
Dixyrazine	Esucos	2	<u>A</u>
Dobutamine	Dobutrex	3	<u>B</u>
Dopamine	Intropin	2	<u>A</u>
Donepezil	Aricept	1	<u>A</u>
Doxacurium	Nuromax	2	<u>A</u>
Doxapram	Dopram	2	<u>A</u>
Doxazosin		3	<u>A</u>
Doxefazepam	Doxans	2	<u>A</u>
Doxepin	Adapin, Sinequan	2	<u>A</u>
Doxylamine	Decapryn	3	<u>B</u>
Dromostanolone	Drolban	3	<u>B</u>
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)	2	<u>A</u>
Duloxetine		2	<u>A</u>
Dyclonine	Dyclone	4	<u>C</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Dyphylline		3	<u>B</u>
Edrophonium	Tensilon	3	<u>B</u>
Elenac		4	<u>B</u>
Eletripan	Relpax	3	<u>A</u>
<u>Eltenac</u>		<u>4</u>	<u>C</u>
Enalapril (metabolite enalaprilat)	Vasotec	3	<u>B</u>
Enciprazine		2	<u>A</u>
Endorphins		1	<u>A</u>
Enkephalins		1	<u>A</u>
Ephedrine		2	<u>A</u>
Epibatidine		2	<u>A</u>
Epinephrine		2	<u>A</u>
Ergoloid mesylates		2	<u>A</u>
Ergonovine	Ergotrate	4	<u>C</u>
Ergotamine	Gynergen, Cafegot, etc.	4	<u>B</u>
Erthrityl tetranitrate	Cardilate	3	<u>A</u>
Erythropoietin (EPO)	Epogen, Procrit, etc.	2	<u>A</u>
Esmolol	Brevibloc	3	<u>B</u>
Esomeprazole	Nexium	5	<u>D</u>
Estazolam	Domnamid, Eurodin, Nuctalon	2	<u>A</u>
Etamiphylline		3	<u>B</u>
Etanercept	Enbrel	4	<u>B</u>
Ethacrynic Acid	Edecrin	3	<u>B</u>
Ethamivan		2	<u>A</u>
Ethanol		2	<u>A</u>
Ethchlorvynol	Placidyl	2	<u>A</u>
Ethinamate	Valmid	2	<u>A</u>
Ethoheptazine	Zactane	4	<u>B</u>
Ethopropazine	Parsidol	2	<u>A</u>
Ethosuximide	Zarontin	3	<u>A</u>
Ethotoin	Peganone	4	<u>B</u>
Ethoxzolamide	Cardase, Ehtamide	4	<u>C</u>
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	<u>C</u>
Ethylestrenol	Maxibolin, Organon	3	<u>B</u>
Ethylisobutrazine	Diquel	2	<u>A</u>
Ethylmorphine	Dionin	1	<u>A</u>
Ethylnorepinephrine	Bronkephrine	3	<u>A</u>
Etidocaine	Duranest	2	<u>A</u>
Etifoxin	Stresam	2	<u>A</u>
Etizolam	Depas, Pasaden	2	<u>A</u>
Etodolac	Lodine	3	<u>B</u>
Etodroxizine	Indunox	2	<u>A</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Etomidate		2	<u>A</u>
Etorphine HCl	M99	1	<u>A</u>
Famotidine	Gaster, etc.	5	<u>D</u>
Felbamate	Felbatol	3	<u>A</u>
Felodipine	Plendil	4	<u>B</u>
Fenabamate	Tymium	2	<u>A</u>
Fenbufen	Cincopal	3	<u>B</u>
Fenclozic Acid	Cincopal	2	<u>A</u>
Fenfluramine	Pondimin	2	<u>A</u>
Fenoldopam	Corlopam	3	<u>B</u>
Fenoprofen	Nalfon	3	<u>B</u>
Fenoterol	Berotec	3	<u>B</u>
Fenspiride	Respiride, Respan, etc.	3	<u>B</u>
Fentanyl	<u>Sublimaze</u>	1	<u>A</u>
Fentiazac		3	<u>B</u>
Fexofenadine	Allegra	4	<u>C</u>
*Firocoxib		4	<u>C</u>
Flecainide	Idalon	4	<u>B</u>
Floctafenine	Idalon, Idarac	4	<u>B</u>
Fluanisone	Sedalande	2	<u>A</u>
Flucinolone	Synalar, etc.	4	<u>C</u>
Fludiazepam	Erispam	2	<u>A</u>
Fludrocortisone	Alforone, etc.	4	<u>C</u>
Flufenamic Acid		3	<u>B</u>
Flumethasone	Flucort, etc.	4	<u>C</u>
Flumethiazide	Ademol	4	<u>B</u>
Flunarizine	Sibelium	4	<u>B</u>
Flunisolide	Bronilide, etc.	4	<u>C</u>
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2	<u>A</u>
Flunixin	Banamine	4	<u>C*</u>
Fluocinolone	Synalar	4	<u>C</u>
Flucinonide	Licon, Lidex	4	<u>C</u>
Fluopromazine	Psyquil, Siquil	2	<u>A</u>
Fluoresone	Caducid	2	<u>A</u>
Fluorometholone	FML	4	<u>B</u>
Fluoroprednisolone	Predef-2X	4	<u>C</u>
Fluoxetine	Prozac	2	<u>A</u>
Fluoxymesterone	Halotestin	3	<u>B</u>
Flupenthixol	Depixol, Fluaxol	2	<u>A</u>
*Fluphenazine	Prolixin, Permitil, Anatensol	2	<u>A</u>
Flupirtine	Katadolone	3	<u>A</u>

Drug	Trade Name	Class	((Threshold)) <u>Penalty Class</u>
Fluprednisolone	Alphadrol	4	<u>C</u>
Flurandrenolide	Cordran	4	<u>C</u>
Flurazepam	Dalmane	2	<u>A</u>
Flurbiprofen	Froben	3	<u>B</u>
Fluspirilene	Imap, Redeptin	2	<u>A</u>
Fluticasone	Flixonase, Flutide	4	<u>C</u>
Flutoprazepam	Restas	2	<u>A</u>
Fluvoxamine	Dumirox, Faverin, etc.	2	<u>A</u>
Formebolone		3	<u>B</u>
Formeoterol	Altram	3	<u>A</u>
Fosinopril((, Fosinoprilat))	Monopril	3	<u>A</u>
Fosphenytoin	Cerebyx	3	<u>B</u>
Furazabol		3	<u>B</u>
Furosemide	Lasix	N/A	
Gabapentin	<u>Neurontin</u>	4	<u>B</u>
Galantamine	Reminyl	2	<u>A</u>
Gallamine	Flaxedil	2	<u>A</u>
Gepirone		2	<u>A</u>
Gestrinone		3	<u>A</u>
Glutethimide	Doriden	2	<u>A</u>
*Glycopyrrolate	Robinul	3	((WAC 260-70-630(1)(a))) <u>B</u>
Guaifenesin (glycerol guaiacolate)	Gecolate	4	<u>C</u>
Guanadrel	Hylorel	3	<u>A</u>
Guanethidine	Ismelin	3	<u>A</u>
Guanabenz	Wytensin	3	<u>B</u>
Halazepam	Paxipam	2	<u>A</u>
Halcinonide	Halog	4	<u>C</u>
Halobetasol	Ultravate	4	<u>C</u>
Haloperidol	Haldol	2	<u>A</u>
Haloxazolam	Somelin	2	<u>A</u>
Hemoglobin glutamers	Oxyglobin, Hemopure	2	<u>A</u>
Heptaminol	Corofundol	3	<u>B</u>
Heroin		1	<u>A</u>
Hexafluorenium	Myalexen	2	<u>A</u>
Hexobarbital	Evipal	2	<u>A</u>
Hexocyclium	Tral	4	<u>C</u>
Hexylcaine	Cyclaine	4	<u>C</u>
Homatropine	Homapin	3	<u>B</u>
Homophenazine	Pelvichthol	2	<u>A</u>
Hydralazine	Apresoline	3	<u>B</u>
Hydrochlorthiazide	Hydrodiuril	4	<u>B</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Hydrocodone (dihydrocodeinone)	Hycodan	1	<u>A</u>
*Hydrocortisone (Cortisol)	Cortef, etc.	4	<u>C</u>
Hydroflumethiazide	Saluron	4	<u>B</u>
Hydromorphone	Dilaudid	1	<u>A</u>
4-Hydroxtestosterone		3	<u>B</u>
Hydroxyamphetamine	Paradrine	1	<u>A</u>
*Hydroxyzine	Atarax	2	<u>B</u>
Ibomal	Noctal	2	<u>A</u>
Ibuprofen	((Motrin)) Motrin, Advil, Nuprin, etc.	4	<u>C</u>
Ibutilide	Corvert	3	<u>B</u>
Iloprost	Ventavis	3	<u>A</u>
Imipramine	Imavate, Presamine, Tofranil	2	<u>A</u>
Indomethacin	Indocin	3	<u>B</u>
Infliximab	Remicade	4	<u>B</u>
Ipratropium		3	<u>B</u>
Irbesaten	Avapro	3	<u>A</u>
Isapirone		2	<u>A</u>
Isocarboxazid	Marplan	2	<u>A</u>
Isoetharine	Bronkosol	3	<u>B</u>
*Isoflupredone	Predef	4	<u>C</u>
Isomethadone		2	<u>A</u>
Isometheptene	Octin, Octon	4	<u>B</u>
Isopropamide	Darbid	4	<u>B</u>
Isoproterenol	Isoprel	2	<u>A</u>
Isosorbide dinitrate	Isordil	3	<u>B</u>
Isoxicam	Maxicam	2	<u>A</u>
Isoxsuprine	Vasodilan	4	<u>C</u>
Isradipine	DynaCirc	4	<u>B</u>
Kebuzone		3	<u>B</u>
Ketamine	Ketalar, Ketaset, Vetalar	2	<u>B</u>
Ketazolam	Anxon, Laftram, Solatran, Lof- tran	2	<u>A</u>
Ketoprofen	Orudis	4	<u>C*</u>
Ketorolac	Toradol	3	<u>A</u>
Labetalol	Normodyne	3	<u>B</u>
Lamotrigine	Lamictal	3	<u>A</u>
Lansoprazole		5	<u>D</u>
Lenperone	Elanone-V	2	<u>A</u>
Letosteine	Viscotiol, Visiotal	4	<u>C</u>
Levamisole		2	<u>B</u>
Levobunolol	Betagan	3	<u>B</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Levomethorphan		2	<u>A</u>
Levorphanol	Levo-Dremoran	1	<u>A</u>
*Lidocaine	Xylocaine	2	((WAC 260-70-630(1)(a))) <u>B</u>
Lisinopril	Prinivil, Zestril	3	<u>A</u>
Lithium	Lithizine, Duralith, etc.	2	<u>A</u>
Lobeline		2	<u>A</u>
Lofentanil		1	<u>A</u>
Loflazepate, Ethyl	Victan	2	<u>A</u>
Loperamide	Imodium	2	<u>A</u>
Loprazolam	Dormonort, Havlane	2	<u>A</u>
Loratidine	Claritin	4	<u>B</u>
Lorazepam	Ativan	2	<u>A</u>
Lormetazepam	Noctamid	2	<u>A</u>
Losartan	Hyzaar	3	<u>B</u>
Loxapine	Laxitane	3	<u>A</u>
Mabuterol		3	<u>A</u>
Maprotiline	Ludomil	2	<u>A</u>
Mazindol	Sanorex	1	<u>A</u>
Mebutamate	Axiten, Dormate, Capla	2	<u>A</u>
Mecamylamine	Inversine	3	<u>B</u>
Meclizine	Antivert, Bonine	4	<u>B</u>
Meclofenamic Acid	Arquel	4	<u>C</u>
Meclofenoxate	Lucidril, etc.	2	<u>A</u>
Medazepam	Nobrium, etc.	2	<u>A</u>
Medetomidine	Domitor	3	<u>B</u>
Medrysone	Medriusar, etc.	4	<u>C</u>
Mefenamic Acid	Ponstel	3	<u>B</u>
Meloxicam	Mobic	4	<u>B</u>
Melperone	Eunerpan	2	<u>A</u>
Memantine	Namenda	2	<u>A</u>
Meparfynol	Oblivon	2	<u>A</u>
Mepazine	Pacatal	2	<u>A</u>
Mepenzolate	Cantil	3	<u>A</u>
Meperidine	Demerol	1	<u>A</u>
Mephenesin	Tolserol	4	<u>B</u>
Mephenoalone	Control, etc.	2	<u>A</u>
Mephentermine	Wyamine	1	<u>A</u>
Mephénytoin	Mesantoin	2	<u>A</u>
Mephobarbital (Methylphenobarbital)	Mebaral	2	<u>A</u>
*Mepivacaine	Carbocaine	2	((WAC 260-70-630(1)(a))) <u>B</u>
Meprobamate	Equanil, Miltown	2	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Meralluride	Mercurhydrin	4	<u>B</u>
Merbaphen	Novasural	4	<u>B</u>
Mercaptomerin	Thiomerin	4	<u>B</u>
Mercumalilin	Cumertilin	4	<u>B</u>
Mersalyl	Salyrgan	4	<u>B</u>
Mesalamine	Asacol	5	<u>C</u>
Mesoridazine	Serentil	2	<u>A</u>
Mestanolone		3	<u>B</u>
Mesterolone		3	<u>B</u>
Metaclazepam	Talis	2	<u>A</u>
Metaproterenol	Alupent, Metaprel	3	<u>B</u>
Metaraminol	Aramine	1	<u>A</u>
Metaxalone	Skelaxin	4	<u>B</u>
Metazocine		2	<u>A</u>
Metenolone		3	<u>B</u>
Methachloline		3	<u>A</u>
Methadone	Dolophine	1	<u>A</u>
Methamphetamine	Desoxyn	1	<u>A</u>
Methandienone		3	<u>B</u>
Methandriol	Proboloc	3	<u>B</u>
Methandrostenolone	Dianabol	3	<u>A</u>
Methantheline	Banthine	3	<u>B</u>
Methapyrilene	Histadyl, etc.	4	<u>B</u>
Methaqualone	Quaalude	1	<u>A</u>
Metharbital	Gemonil	2	<u>A</u>
Methasterone		3	<u>A</u>
Methazolamide	Naptazane	4	<u>C</u>
Methcathinone		1	<u>A</u>
Methdilazine	Tacaryl	4	<u>B</u>
Methixene	Trest	3	<u>A</u>
*Methocarbamol	Robaxin	4	((WAC 260-70-630 (1)(a))) <u>C</u>
Methohexital	Brevital	2	<u>A</u>
Methotrexate	Folex, Nexate, etc.	4	<u>B</u>
Methotrimeprazine	Levoprome, Neurocil, etc.	2	<u>A</u>
Methoxamine	Vasoxyl	3	<u>A</u>
Methoxyphenamine	Orthoxide	3	<u>A</u>
Methscopolamine	Pamine	4	<u>B</u>
Methsuximide	Celontin	3	<u>A</u>
Methylatropine		3	<u>B</u>
Methylchlorthiazide	Enduron	4	<u>B</u>
Methyldienolone		3	<u>B</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Methyldopa	Aldomet	3	<u>A</u>
<u>Methylhexanamine</u>	<u>Geranamine</u>	<u>1</u>	<u>A</u>
Methylergonovine	Methergine	4	<u>C</u>
Methylnortestosterone		3	<u>B</u>
Methylphenidate	Ritalin	1	<u>A</u>
*Methylprednisolone	Medrol	4	<u>C</u>
Methyltestosterone	Metandren	3	<u>A</u>
Methyl-1-testosterone		3	<u>A</u>
Methypylon	Noludar	2	<u>A</u>
Methysergide	Sansert	4	<u>B</u>
Metiamide		4	<u>B</u>
Metoclopramide	Reglan	4	<u>C</u>
Metocurine	Metubine	2	<u>A</u>
Metolazone		3	<u>B</u>
Metomidate	Hypnodil	2	<u>A</u>
Metopon (methyldihydromorphinone)		1	<u>A</u>
Metoprolol	Lopressor	3	<u>B</u>
Mexazolam	Melex	2	<u>A</u>
Mexilitine	Mexilil	4	<u>B</u>
Mibefradil	Posicor	3	<u>B</u>
Mibolerone		3	<u>B</u>
Midazolam	Versad	2	<u>A</u>
Midodrine	Pro-Amiline	3	<u>B</u>
Milrinone		4	<u>B</u>
Minoxidil	Loniten	3	<u>B</u>
Mirtazapine	Remeron	2	<u>A</u>
Misoprostel	Cytotec	5	<u>C</u>
Mivacurium	Mivacron	2	<u>A</u>
Modafinil	Provigil	2	<u>A</u>
Moexipril (metabolite moexiprilat)	Uniretic	3	<u>B</u>
Molindone	Moban	2	<u>A</u>
Mometasone	Elocon	4	<u>C</u>
Montelukast	Singulair	4	<u>C</u>
Moperone	Luvatren	2	<u>A</u>
Morphine		1	<u>B</u>
Mosaprimine		2	<u>A</u>
Muscarine		3	<u>A</u>
<u>Myo-Inositol Trispyrophosphate (ITPP)</u>		<u>1</u>	<u>A</u>
Nabumetone	Anthraxan, Relafen, Reqlifex	3	<u>A</u>
Nadolol	Corgard	3	<u>B</u>
Naepaine	Amylsine	4	<u>C</u>
Nalbuphine	Nubain	2	<u>A</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Nalorphine	Nalline, Lethidrone	2	<u>A</u>
Naloxone	Narcan	3	<u>A</u>
Naltrexone	Revia	3	<u>A</u>
*Nandrolone	Nandrolin, Laurabolin, Durabolin	((4)) <u>3</u>	((WAC 260-70-630(3)(a))) <u>B</u>
Naphazoline	Privine	4	<u>B</u>
Naproxen	Equiproxen, Naprosyn	4	<u>C</u>
Naratriptan	Amerge	3	<u>B</u>
Nebivolol		3	<u>A</u>
Nedocromil	Tilade	5	<u>C</u>
Nefazodone	Serzone	2	<u>A</u>
Nefopam		3	<u>A</u>
Neostigmine	Prostigmine	3	<u>B</u>
Nicardipine	Cardine	4	<u>B</u>
Nifedipine	Procardia	4	<u>B</u>
Niflumic Acid	Nifluril	3	<u>B</u>
Nikethamide	Coramine	1	<u>A</u>
Nimesulide		3	<u>B</u>
Nimetazepam	Erimin	2	<u>A</u>
Nimodipine	Nemotop	4	<u>B</u>
Nitrazepam	Mogadon	2	<u>A</u>
Nitroglycerin		3	<u>B</u>
Nizatidine	Axid	5	<u>C</u>
19-Norandrostenediol		3	<u>B</u>
19-Norandrostenedione		3	<u>B</u>
Norbolethone		3	<u>B</u>
Norclostebol		3	<u>B</u>
Nordiazepam	Calmday, Nordaaz, etc.	2	<u>A</u>
Norepinephrine		2	<u>A</u>
Norethandrolone		3	<u>A</u>
Nortestosterone		4	<u>C</u>
Nortiptyline	Aventyl, Pamelor	2	<u>A</u>
Nylidrine	Arlidin	3	<u>A</u>
Olanzapine	Zyprexa	2	<u>A</u>
Olmesartan	Benicar	3	<u>A</u>
Olsalazine	Dipentum	4	<u>B</u>
Omeprazole	Prilosec, Losec	5	<u>D</u>
Orphenadrine	Norlfex	4	<u>B</u>
Oxabolone		3	<u>B</u>
Oxandrolone	Anavar	3	<u>B</u>
Oxaprozin	Daypro, Deflam	4	<u>C</u>
Oxazepam	Serax	2	<u>A</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Oxazolam	Serenal	2	<u>A</u>
Oxcarbazepine	Trileptal	3	<u>A</u>
Oxilofrine (hydroxyephedrine)		2	<u>A</u>
Oxprenolol	Trasicor	3	<u>B</u>
Oxycodone	Percodan	1	<u>A</u>
Oxymesterone		3	<u>B</u>
Oxymetazoline	Afrin	4	<u>B</u>
Oxymetholone	Adroyd, Anadrol	3	<u>B</u>
Oxymorphone	Numorphan	1	<u>A</u>
Oxyperitine	Forit, Integrin	2	<u>A</u>
Oxyphenbutazone	Tandearil	4	<u>C</u>
Oxyphencyclimine	Daricon	4	<u>B</u>
Oxyphenonium	Antrenyl	4	<u>B</u>
Paliperidone		2	<u>A</u>
Pancuronium	Pavulon	2	<u>A</u>
Pantoprazole	Protonix	5	<u>D</u>
Papaverine	Pavagen, etc.	3	<u>A</u>
Paraldehyde	Paral	2	<u>A</u>
Paramethadione	Paradione	3	<u>A</u>
Paramethasone	Haldrone	4	<u>C</u>
Pargyline	Eutonyl	3	<u>A</u>
Paroxetine	Paxil, Seroxat	2	<u>A</u>
Pemoline	Cylert	1	<u>A</u>
Penbutolol	Levitol	3	<u>B</u>
Penfluridol	Cyperon	2	<u>A</u>
Pentareythritol tetranitrate	Duotrate	3	<u>A</u>
Pentazocine	Talwin	3	<u>B</u>
Pentobarbital	Nembutal	2	<u>A</u>
Pentoxyfylline	Trental, Vazofirin	4	<u>C</u>
Pentylentetrazol	Metrazol, Nioric	1	<u>A</u>
Perazine	Taxilan	2	<u>A</u>
Perflurodecolin		2	<u>A</u>
Perfluorodecahydronophthalene		2	<u>A</u>
Perfluorooctylbromide		2	<u>A</u>
Perfluorotripropylamine		2	<u>A</u>
Perfluorocarbons		2	<u>A</u>
<u>Pergolide</u>	<u>Permax</u>	<u>3</u>	<u>B</u>
Pericianzine	Alodept, etc.	2	<u>A</u>
Perindopril	Biprel	3	<u>A</u>
Perlazine	Hypnodin	2	<u>A</u>
Perphenazine	Trilafon	2	<u>A</u>
Phenacemide	Phenurone	4	<u>B</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Phenaglycodol	Acalo, Alcamid, etc.	2	<u>A</u>
Phenazocine	Narphen	1	<u>A</u>
Phencyclidine (PCP)	Sernylan	1	<u>A</u>
Phendimetrazine	Bontril, etc.	1	<u>A</u>
Phenelzine	Nardelzine, Nardil	2	<u>A</u>
Phenindione	Hedulin	5	<u>C</u>
Phenmetrazine	Preludin	1	<u>A</u>
Phenobarbital	Luminal	2	<u>A</u>
Phenoxybenzamine	Dibenzyline	3	<u>B</u>
Phenprocoumon	Liquamar	5	<u>C</u>
Phensuximide	Milontin	4	<u>B</u>
Phentermine	Iomamin	2	<u>A</u>
Phentolamine	Regitine	3	<u>B</u>
*Phenylbutazone	<u>Butazolidin</u>	4	<u>C</u>
Phenylephrine	Isophrin, Neo-Synephrine	3	<u>B</u>
Phenylpropanolamine	Propadrine	3	<u>B</u>
Phenytoin	Dilantin	4	<u>B</u>
Physostigmine	Eserine	3	<u>B</u>
Picrotoxin		1	<u>A</u>
Piminodine	Alvodine, Cimadon	2	<u>A</u>
Pimozide	Orap	2	<u>A</u>
Pinazepam	Domar	2	<u>A</u>
Pindolol	Viskin	3	<u>A</u>
Pipamperone	Dipiperon	2	<u>A</u>
Pipecuronium	Arduan	2	<u>A</u>
Pipequaline		2	<u>A</u>
Piperacetazine	Psymod, Quide	2	<u>A</u>
Piperocaine	Metycaine	2	<u>A</u>
Pipotiazine	Lonseren, Piportil	2	<u>A</u>
Pipradrol	Datril, Gerondyl, etc.	2	<u>A</u>
Piquindone		2	<u>A</u>
Pirbuterol	Maxair	3	<u>A</u>
Pirenzapine	Gastrozepin	5	<u>C</u>
Piretanide	Arelix, Tauliz	3	<u>B</u>
Piritramide		1	<u>A</u>
Piroxicam	Feldene	3	<u>B</u>
Polyethylene glycol		5	<u>C</u>
Polythiazide	Renese	4	<u>B</u>
Pramoxine	Tronothaine	4	<u>C</u>
Prazepam	Verstran, Centrax	2	<u>A</u>
Prazosin	Minipress	3	<u>B</u>
*Prednisolone	Delta-Cortef, etc.	4	<u>C</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Prednisone	Meticorten, etc.	4	<u>C</u>
Prilocaine	Citanest	2	<u>C</u>
Primidone	Mysoline	3	<u>B</u>
Probenecid		4	<u>C</u>
Procainamide	Pronestyl	4	<u>B</u>
*Procaine		3	((WAC 260-70-630(1)(a))) <u>B</u>
Procaterol	Pro Air	3	<u>A</u>
Prochlorperazine	Darbazine, Compazine	2	<u>A</u>
Procyclidine	Kemadrin	3	<u>B</u>
*Promazine	Sparine	3	((WAC 260-70-630(1)(a))) <u>B</u>
Promethazine	Phenergan	3	<u>B</u>
Propafenone	Rythmol	4	<u>B</u>
Propanidid		2	<u>A</u>
Propantheline	Pro-Banthine	3	<u>A</u>
Proparacaine	Ophthaine	4	<u>C</u>
Propentophylline	Karsivan	3	<u>B</u>
Propiomazine	Largon	2	<u>A</u>
Propionylpromazine	Tranvet	2	<u>A</u>
Propiram		2	<u>A</u>
Propofol	Diprivan, Disoprivan	2	<u>A</u>
Propoxycaine	Ravocaine	2	<u>A</u>
Propranolol	Inderal	3	<u>B</u>
Propylhexedrine	Benzedrex	4	<u>B</u>
Prostanazol		3	<u>B</u>
Prothipendyl	Dominal	2	<u>A</u>
Protolyol	Ventaire	3	<u>A</u>
Protriptyline	Concordin, Triptil	2	<u>A</u>
Proxibarbital	Axeen, Centralgol	2	<u>A</u>
Pseudoephedrine	Cenafed, Novafed	3	<u>B</u>
Pryidostigmine	Mestinon, Regonol	3	<u>B</u>
*Pyrilamine	Neoantergan, Equihist	3	((WAC 260-70-630(1)(a))) <u>B</u>
Pyrithyldione	Hybersulfan, Sonodor	2	<u>A</u>
Quazipam	Doral	2	<u>A</u>
Quetiapine	Seroquel	2	<u>A</u>
Quinapril, Quinaprilat	Accupril	3	<u>A</u>
Quinbolone		3	<u>B</u>
Quinidine	Quinidex, Quinocardine	4	<u>B</u>
Rabeprazole	Aciphex	5	<u>D</u>
Racemethorphan		2	<u>A</u>
Racemorphan		2	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Raclopride		2	<u>A</u>
Ractopamine	Raylean	3	<u>A</u>
Ramipril, metabolite Ramiprilat	Altace	3	<u>A</u>
Rantidine	Zantac	5	<u>D</u>
Remifentanil	Ultiva	1	<u>A</u>
Remoxipride	Roxiam	2	<u>A</u>
Reserpine	Serpasil	2	<u>A</u>
Rilmazafone		2	<u>A</u>
Risperidone		2	<u>A</u>
Ritanserlin		2	<u>A</u>
Ritodrine	Yutopar	3	<u>B</u>
Rivastigmine	Exelon	((2)) <u>3</u>	<u>B</u>
Rizatriptan	Maxalt	3	<u>B</u>
Rocuronium	Zemuron	2	<u>A</u>
Rofecoxib	Vioxx	2	<u>A</u>
Romifidine	Sedivet	2	<u>B</u>
Ropivacaine	Naropin	2	<u>A</u>
Salicylamide		4	<u>C</u>
*Salicylates		4	((WAC 260-70-630(1)(a))) <u>C</u>
Salmeterol		3	<u>B</u>
Scopolamine (Hyoscine)	Triptone	3	<u>B</u>
Secobarbital (Quinalbarbitone)	Seconal	2	<u>A</u>
Selegiline	Eldepryl, Jumex	2	<u>A</u>
Sertraline	Lustral, Zoloft	2	<u>A</u>
Sibutramine	Meridia	3	<u>B</u>
Sildenafil	Viagra	3	<u>A</u>
Snake Venoms		2	<u>A</u>
Somatrem	<u>Protropon</u>	2	<u>A</u>
Somatropin	Nutropin	2	<u>A</u>
Sotalol	Betapace, Sotacor	3	<u>B</u>
Spiclomazine		2	<u>A</u>
Spiperone		2	<u>A</u>
Spirapril, metabolite Spiraprilat	Renomax	3	<u>A</u>
Spironalactone	Aldactone	4	<u>B</u>
Stanozolol	Winstrol-V	((4)) <u>3</u>	((WAC 260-70-630(3)(a))) <u>B</u>
Stenbolone		3	<u>B</u>
Strychine		1	<u>B</u>
Succinylcholine	Sucostrin, Quelin, etc.	2	<u>A</u>
Sufentanil	Sufenta	1	<u>A</u>
Sulfasalazine	Axulfidine, Azaline	4	<u>C</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Sulfondiethylmethane		2	<u>A</u>
Sulfonmethane		2	<u>A</u>
Sulforidazine	Inofal	2	<u>A</u>
Sulindac	Clinoril	3	<u>A</u>
Sulpiride	Aiglonyl, Sulpitol	2	<u>A</u>
Sultopride	Barnetil	2	<u>A</u>
Sumatriptan	Imitrex	3	<u>B</u>
Synthetic cannabis	Spice, K2, Kronic	1	<u>A</u>
Tadalafil	Cialis	3	<u>A</u>
Talbutal	Lotusate	2	<u>A</u>
Tandospirone		2	<u>A</u>
Telmisartan	Micardis	3	<u>B</u>
Temazepam	Restoril	2	<u>A</u>
Tenoxicam	Alganex, etc.	3	<u>B</u>
Tepoxalin		3	<u>B</u>
Terazosin	Hytrin	3	<u>A</u>
Terbutaline	Brethine, Bricanyl	3	<u>B</u>
Terfenadine	Seldan, Triludan	4	<u>B</u>
Testolactone	Teslac	3	<u>B</u>
*Testosterone		((4)) <u>3</u>	((WAC 260-70-630(3)(a))) <u>B</u>
Tetrabenzaine	Nitoman	2	<u>A</u>
Tetracaine	Pontocaine	2	<u>A</u>
Tetrahydrogestrinone		3	<u>A</u>
Tetrahydrozoline	Tyzine	4	<u>B</u>
Tetrazepam	Musaril, Myolastin	2	<u>A</u>
Thebaine		2	<u>A</u>
Theobromine		4	((WAC 260-70-630(1)(a))) <u>B</u>
Theophylline	Aqualphyllin, etc.	3	<u>B</u>
Thialbarbital	Kemithal	2	<u>A</u>
Thiamylal	Surital	2	<u>A</u>
Thiethylperazine	Torecan	2	<u>A</u>
Thiopental	Pentothal	2	<u>A</u>
Thiopropazate	Dartal	2	<u>A</u>
Thiorpoperazine	Mejeptil	2	<u>A</u>
Thioridazine	Mellaril	2	<u>A</u>
Thiosalicylate		4	<u>C</u>
Thiothixene	Navane	2	<u>A</u>
Thiphenamil	Trocinate	4	<u>B</u>
Tiapride	Italprid, Luxoben, etc.	2	<u>A</u>
Tiaprofenic Acid	Surgam	3	<u>B</u>
Tiletamine	Component of Telazol	2	<u>A</u>

Drug	Trade Name	Class	((Threshold)) Penalty Class
Timiperone	Tolopelon	2	<u>A</u>
Timolol	Blocardin	3	<u>B</u>
Tocainide	Tonocard	4	<u>B</u>
Tofisopam	Grandaxain, Seriel	2	<u>A</u>
Tolazoline	Priscoline	3	<u>B</u>
Tolmetin	Tolectin	3	<u>B</u>
Topirimate	Topamax	2	<u>A</u>
Torse mide (Torasemide)	Demadex	3	<u>A</u>
Tramadol	Ultram	2	<u>A</u>
Trandolapril (and metabolite, Trandolaprilat)	Tarka	3	<u>B</u>
Tranexamic Acid		4	<u>C</u>
Tranlycypromine	Parnatet	2	<u>A</u>
Trazonde	Desyrel	2	<u>A</u>
Trenbolone	Finoplix	3	<u>B</u>
Tretoquinol	Inolin	2	<u>A</u>
*Triamcinolone	Vetalog, etc.	4	<u>C</u>
Triamterene	Dyrenium	4	<u>B</u>
Triazolam	Halcion	2	<u>A</u>
Tribromethanol		2	<u>A</u>
Tricaine methanesulfonate	Finquel	2	<u>A</u>
Trichlormethiazide	Naqua, Naquasone	4	<u>C</u>
Trichloroethanol		2	<u>A</u>
Trichloethylene	Trilene, Trimar	2	<u>A</u>
Triclofos	Triclos	2	<u>A</u>
Tridihexethyl	Pathilon	4	<u>B</u>
Trifluomeprazine	Nortran	2	<u>A</u>
Trifluoperazine	Stelazine	2	<u>A</u>
Trifluperidol	Triperidol	2	<u>A</u>
Triflupromazine	Vetame, Vesprin	2	<u>A</u>
Trihexylphenidyl	Artane	3	<u>A</u>
Trimeprazine	Temaril	4	<u>B</u>
Trimethadione	Tridione	3	<u>B</u>
Trimethaphan	Arfonad	3	<u>A</u>
Trimipramine	Surmontil	2	<u>A</u>
Tripelennamine	PBZ	3	<u>B</u>
Triprolidine	Actidil	4	<u>B</u>
((Tuaminoheptane	Tuamine	4))	
Tubocurarine (Curare)	Metubin	2	<u>A</u>
Tybamate	Benvil, Nospan, etc.	2	<u>A</u>
Urethane		2	<u>A</u>
Valdecoxib		2	<u>A</u>
Valerenic Acid		3	<u>A</u>

Drug	Trade Name	Class	(Threshold) Penalty Class
Valnoctamide	Nirvanyl	2	<u>A</u>
Valsartan	Diovan	3	<u>B</u>
Vardenafil	Levitra	3	<u>A</u>
Vedaprofen		4	<u>B</u>
Venlafaxine	Effexor	2	<u>A</u>
Veralipride	Accional, Veralipril	2	<u>A</u>
Verapamil	Calan, Isoptin	4	<u>B</u>
Vercuronium	Norcuron	2	<u>A</u>
Viloxazine	Catatrol, Vivalan, etc.	2	<u>A</u>
Vinbarbital	Delvinol	2	<u>A</u>
Vinylbital	Optanox, Speda	2	<u>A</u>
Warfarin	Coumadin, Coufarin	5	<u>C</u>
(Yohimbine)		(2)	
*Xylazine	Rompun, Bay VA 1470	3	<u>B</u>
Xylometazoline	Otrivin	4	<u>B</u>
Yohimbine		2	<u>A</u>
Zafirlukast	Accolate	4	<u>C</u>
Zaleplon	Sonata	2	<u>A</u>
Zeranol	Ralgro	4	<u>C</u>
Ziconotide		1	<u>A</u>
Zileuton	Zyflo	4	<u>C</u>
Zilpaterol hydrochloride		3	<u>A</u>
Ziprasidone	Geodon	2	<u>A</u>
Zolazepam		2	<u>A</u>
Zolmitriptan	Zomig	3	<u>B</u>
Zolpidem	Ambien, Stilnox	2	<u>A</u>
Zomepirac	Zomax	2	<u>A</u>
Zonisamide	Zonegran	3	<u>B</u>
Zopiclone	Imovan	2	<u>A</u>
Zotepine	Lodopin	2	<u>A</u>
Zuclopenthixol	Ciatyl, Cesordinol	2	<u>A</u>
Δ-1-androstene-3, 17-diol		3	<u>A</u>
Δ-1-androstene-3, 17-dione		3	<u>A</u>
Δ-1-dihydrotestosterone		3	<u>A</u>

AMENDATORY SECTION (Amending WSR 14-05-050, filed 2/14/14, effective 3/17/14)

WAC 260-84-065 Licensees—Drug and alcohol penalties. (1) Be under the influence of or affected by intoxicating liquor, marijuana, and/or prescription drugs, in violation of WAC 260-34-020 (1) and (5):

- (a) First offense - Warning to one-day suspension;
- (b) Second offense - Three-day suspension;
- (c) Third offense - Thirty-day suspension;

(d) Subsequent offenses (within five years) - One-year suspension.

(2) Be under the influence of or affected by intoxicating liquor, marijuana, and/or prescription drugs, while on horseback, in violation of WAC 260-34-020 (1) and (5):

- (a) First offense - Warning to one-day suspension;
- (b) Second offense - Three-day to thirty-day suspension;
- (c) Third offense - Thirty-day to one-year suspension;
- (d) Subsequent offenses (within five years) - Revocation.

(3) Be under the influence of or affected by, or have within their body any illegal controlled substance or unprescribed medication in violation of WAC 260-34-020(1):

(a) First offense - Thirty-day suspension;

(b) Second offense - One hundred eighty-day suspension;

(c) Third offense - Three hundred sixty-five day suspension;

(d) Subsequent offenses - Revocation.

(4) Engage in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2):

(a) First offense - Five-day suspension;

(b) Second offense - Thirty-day suspension;

(c) Third offense - One-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(5) Engaging in the illegal sale or distribution of a controlled substance, including marijuana, or possess an illegal controlled substance, including marijuana with intent to deliver in violation of WAC 260-34-020(3), revocation and immediate ejection from the grounds.

(6) Possess an illegal controlled substance, including marijuana if under the age of twenty-one, and excluding marijuana if twenty-one years or older in violation of WAC 260-34-020(4):

(a) First offense - Thirty-day suspension;

(b) Second offense - One-year suspension; and

(c) Third offense - Revocation.

(7) Possession of marijuana over the age of twenty-one, WAC 260-34-020(5):

(a) First offense - Warning to three-day suspension;

(b) Second offense - Three-day to thirty-day suspension;

(c) Third offense - Thirty-day to one-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(8) Possession of any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance in violation of WAC 260-34-020(6):

(a) First offense - Three-day suspension;

(b) Second offense - Three-day to thirty-day suspension;

(c) Third offense - One-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(9) Refusal to submit to blood, breath, oral fluids, and/or urine testing, in violation of WAC 260-34-020(7), immediate ejection from the grounds and a one-year suspension.

Subsequent offenses - Revocation.

(10)(a) For violations of WAC 260-34-020 (1), (4), or (5), the board of stewards may stay a suspension if the licensee or applicant shows proof of ~~((participation in a drug rehabilitation or alcohol treatment program approved or certified by the department of social and health services))~~ an evaluation conducted by a certified substance abuse counselor approved by the stewards, and fulfilling any recommendations indicated in the evaluation. Individuals will only be allowed a stay of a suspension under this subsection once in a

five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

(i) Remain in compliance with the rehabilitation and/or treatment program as reported by a certified substance abuse counselor.

(ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this subsection, the board of stewards may impose the original suspension. If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(11) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(12) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

(13) Any licensee or applicant who has an alcohol concentration of 0.02 percent or higher while on horseback is prohibited from being on horseback until his/her alcohol concentration is below 0.02 percent.

(14) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of marijuana is prohibited from performing any duties for which a license is required until the licensee provides a negative test for the presence of marijuana.

AMENDATORY SECTION (Amending WSR 08-05-086, filed 2/15/08, effective 3/17/08)

WAC 260-84-090 Equine medication and prohibited substances—Penalties—Guidelines. (1) Upon a finding of a violation of the medication and prohibited substances rules in chapter 260-70 WAC, the stewards will consider the classification level of the medication, drug or substance prior to imposing a penalty. The stewards will also consult with an

official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and whether the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's report received per WAC 260-70-540.

(2) Upon the finding of the laboratory of a positive test, the equine medical director shall prepare, for presentation at the steward's conference, testimony to assist the stewards in determining the seriousness of the violation. Industry experts should be contacted to assist with the research as to whether the reported violation is of a nature that may have affected the outcome of the race. The finding of the equine medical director may be considered as mitigating or aggravating circumstances.

Based upon the finding of fact, if the quantification of a therapeutic substance is considered by the stewards and equine medical director to be of no significance, the trainer and veterinarian of record will be contacted for administration details, but a formal hearing notice may be waived.

(3) A lesser penalty than that established in WAC 260-84-110 may be imposed if a majority of the stewards determine that mitigating circumstances warrant a lesser penalty. If a majority of the stewards determine a greater penalty is appropriate or that a penalty in excess of the authority granted them is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation for substances referred to in chapter 260-70 WAC, at least the following will be considered:

- (a) The past record of the trainer and/or veterinarian in medication/drug cases;
- (b) The potential of the medication/drug to influence a horse's racing performance;
- (c) The availability of the medication/drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the medication/drug used;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the medication found was one for which the horse was receiving a treatment as determined by the veterinarian report(s);
- (i) Whether there was any suspicious betting pattern in the race; ~~((and))~~
- (j) Whether the presence of the medication/drug in urine was confirmed in serum or plasma; and
- (k) The level of the overage and its probability to affect the outcome of the race.

~~((3))~~ (4) If a majority of the stewards determine a penalty greater than established in these rules is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

~~((4))~~ (5) If the penalty is not otherwise established for a violation of chapter 260-70 WAC, the penalty will be determined by the board of stewards.

(6) Equine medication violations from Washington and all recognized racing jurisdictions will be considered when assessing penalties.

AMENDATORY SECTION (Amending WSR 08-05-086, filed 2/15/08, effective 3/17/08)

WAC 260-84-110 Penalties for uniform classifications. (1) Penalties will be assessed against any person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test. In assessing penalties under this section, violations in the last three hundred sixty-five days for Category "B," "C," and "D" penalties from Washington and all recognized racing jurisdictions will be considered. For Category "A" penalties, lifetime violations in Washington and all recognized racing jurisdictions will be considered.

(a) ((Class 1—One to five year suspension and at least \$5,000 fine and loss of purse.

(b) Class 2— Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(c) Class 3— Sixty days to six months suspension and up to \$1,500 fine and possible loss of purse.

(d) Class 4— Zero to sixty days suspension and up to \$1,000 fine and possible loss of purse.

(e) Class 5— Warning to fifteen days suspension with a possible loss of purse and/or fine.)) The following are recommended penalties for violations of a drug carrying a Category "A" penalty:

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>Up to a one-year suspension and up to a fine of \$1500 absent mitigating circumstances. DQ and loss of purse.</u>	<u>One-year suspension and up to a fine of \$2500 absent mitigating circumstances. DQ and loss of purse. Referred to commission for additional consideration.</u>	<u>Revocation of license and a fine of \$2500 absent mitigating circumstances. DQ and loss of purse.</u>

(b) The following are recommended penalties for violations of a drug carrying a Category "B" penalty:

<u>First Offense</u>	<u>Second Offense (365-day period)</u>	<u>Third Offense (365-day period)</u>
<u>Zero to a fifteen-day suspension and up to \$500 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.</u>	<u>Up to a thirty-day suspension and up to \$1000 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.</u>	<u>Minimum sixty-day suspension and up to \$2500 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.</u>

(c) The following are recommended penalties for violations of a drug carrying a Category "C" penalty, overages for

permitted NSAIDs, (except phenylbutazone), and no furose-
mide when reported:

<u>First Offense</u>	<u>Second Offense (365-day period)</u>	<u>Third Offense (365-day period)</u>
<u>Minimum written warning to maxi- mum \$500 fine.</u>	<u>Minimum written warning to maxi- mum \$750 fine.</u>	<u>Minimum \$500 fine to maximum \$1000 fine. Possi- ble DQ and loss of purse.</u>

(d) The recommended penalty for a violation involving a
drug that carries a Category "D" penalty is a written warning.
Multiple violations may result in fines and/or suspensions.

(2) A lesser penalty may be imposed if a majority of the
stewards determine that mitigating circumstances, as outlined
in WAC 260-84-090 exist.

AMENDATORY SECTION (Amending WSR 12-07-005, filed 3/9/12, effective 4/9/12)

WAC 260-84-120 Penalties relating to (~~permitted medication~~) multiple NSAIDs and phenylbutazone. (1) Should
the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-
inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

- (a) For a first offense within a three hundred sixty-five day period - Fine not to exceed \$300;
- (b) For a second offense within a three hundred sixty-five day period - Fine not to exceed \$750;
- (c) For a third offense within a three hundred sixty-five day period - Fine not to exceed \$1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of
the quantities authorized by this rule, the following penalties will be assessed:

- (a) For overnight and nongraded stakes races:

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 5.0 but < 6.5 mcg/ml	Warning	Fine not to exceed \$300	Fine not to exceed \$500
> 6.5 but < 10.0 mcg/ml	Fine not to exceed \$300	Fine not to exceed \$500	Fine not to exceed \$1000
> 10.0 mcg/ml	Fine not to exceed \$500	Fine not to exceed \$1000	Fine not to exceed \$2500 and possible suspension

- (b) For graded stakes races:

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 2.0 but < 4.9 mcg/ml	Fine not to exceed \$300	Fine not to exceed \$500	Fine not to exceed \$1000 and 7-day suspension
> 5.0 mcg/ml	Fine not to exceed \$500	Fine not to exceed \$1000 and 7-day suspension	Fine not to exceed \$2500 and 15-day suspension

(3) Detection of any unreported permitted medication,
drug, or substance by the primary testing laboratory may be
grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure
of any test sample to show the presence of a permitted medi-
cation, drug or substance when such permitted medication,
drug or substance was required to be administered may be
grounds for disciplinary action, which may include a fine not
to exceed three hundred dollars. Multiple violations by an
individual within a three hundred sixty-five day period may
include additional fines and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior
offenses will count regardless of whether the violation(s)
occurred in Washington or another recognized racing juris-
diction, and regardless of the prior concentration level.

REPEALER

The following section of the Washington Administrative
Code is repealed:

WAC 260-84-100 Furosemide penalties.

WSR 15-07-064
PERMANENT RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed March 16, 2015, 2:03 p.m., effective April 16, 2015]

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

Purpose: This rule amendment explains how transferred
resources are considered to be resources available, and refer-
ences other rules which may exclude these resources from
eligibility determinations.

Citation of Existing Rules Affected by this Order:
Amending WAC 182-512-0250.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-04-133 on February 4, 2015.

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 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 0, Amended 1, Repealed 0.

Date Adopted: March 16, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0250 SSI-related medical—Ownership and availability of resources. (1) The agency considers personal ~~((or))~~ and real property to be available to a Washington apple health (WAH) applicant or recipient if the applicant or recipient:

- (a) Owns the property;
- (b) Has the authority to convert the property into cash;
- (c) Can expect to convert the property to cash within twenty working days; and
- (d) May legally use the property for ~~((his/her))~~ his or her support.

(2) The agency counts the resources of financially responsible persons (as defined in WAC 182-506-0010) who live in the home even if those persons do not receive WAH coverage.

(3) For long-term care (LTC) services, cash and other resources transferred by a WAH applicant or recipient or his or her spouse to another to pay for the WAH applicant or recipient's LTC services are considered resources available to the applicant or recipient unless otherwise excluded in this chapter, chapter 182-513 WAC, or chapter 182-516 WAC.

(4) A resource is considered available on the first day of the month following the month of receipt unless a rule about a specific type of resource provides for a different time period.

~~((4))~~ (5) A resource ~~((, which))~~ that ordinarily cannot be converted to cash within twenty working days ~~((;))~~ is considered unavailable as long as a reasonable effort is being made to convert the resource to cash.

~~((5))~~ (6) A person may provide evidence showing that a resource is unavailable. A resource is not counted if the per-

son shows sufficient evidence that the resource is unavailable.

~~((6))~~ (7) We do not count the resources of victims of family violence, as defined in WAC 388-452-0010, when:

(a) The resource is owned jointly with members of the former household;

(b) Availability of the resource depends on an agreement of the joint owner; or

(c) Making the resource available would place the person at risk of harm.

~~((7))~~ (8) The value of a resource is its fair market value minus encumbrances.

~~((8))~~ (9) Refer to WAC 182-512-0260 to consider additional resources when an alien has a sponsor.

WSR 15-07-065

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 16, 2015, 2:46 p.m., effective April 16, 2015]

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

Purpose: The agency revised the list of income and resource exclusions to bring the rule into compliance with federal law.

Citation of Existing Rules Affected by this Order:
Amending WAC 182-512-0770.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: RCW 41.05.021, 41.05.160; 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155; 42 U.S.C. Chapter 157.

Adopted under notice filed as WSR 15-04-101 on February 3, 2015.

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 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 0, Amended 1, Repealed 0.

Date Adopted: March 16, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0770 SSI-related medical—American Indian(~~(f)~~) or Alaska Native excluded income and resources. (1) The agency excludes the following types of income from being considered when determining eligibility for Washington apple health (WAH) categorically needy (CN) and medically needy (MN) SSI-related programs for American Indians(~~(f)~~) or Alaska Natives:

~~(a) ((Distributions received by an individual Alaska Native or descendant of an Alaska Native from an Alaska Native Regional and Village Corporation pursuant to the Alaska Native Claims Settlement Act, P.L. 92-203 and 100-241, as follows:~~

~~(i) Cash, including cash dividends on stock received from a Native Corporation, to the extent that it does not, in the aggregate, exceed two thousand dollars per person each calendar year;~~

~~(ii) Stock, including stock issued or distributed by a Native Corporation as a dividend or distribution on stock;~~

~~(iii) A partnership interest;~~

~~(iv) Land or an interest in land, including land or an interest in land received from a Native Corporation as a dividend or distribution on stock; and~~

~~(v) An interest in a settlement trust.~~

~~(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, P.L. 98-64, including any interest and investment income accrued while such funds are held in trust;~~

~~(c) Income received from Indian judgment funds held in trust by the Secretary of the Interior or distributed per capita under P.L. 93-134 as amended by P.L. 97-458, including any interest and investment income accrued while such funds are held in trust;~~

~~(d) Up to two thousand dollars per person per calendar year received from individual interests in trust or restricted lands under section 13736 of P.L. 103-66; and~~

~~(e) Income received by members of specific Indian tribes and groups that is excluded by federal law (as more fully listed in Appendix to Subpart K of Title 20, Part 416 of the Code of Federal Regulations) including, but not limited to, the following:~~

~~(i) 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;~~

~~(ii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup tribe member;~~

~~(iii) Payments under the White Earth Reservation Land Settlement Act of 1985, P.L. 99-264, Section 16;~~

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

~~(v) Payments under the Senecal Nation Settlement Act, P.L. 101-503-)) Distributions from Alaska Native corporations and settlement trusts;~~

(b) Distributions from any property held in trust, subject to federal restrictions, located within the most recent boundaries of a prior federal reservation, or otherwise under the supervision of the Secretary of the Interior;

(c) Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from:

(i) Rights of ownership or possession in any lands described in (b) of this subsection; or

(ii) Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources.

(d) Distributions resulting from real property ownership interests related to natural resources and improvements that are:

(i) Located on or near a reservation or within the most recent boundaries of a prior federal reservation; or

(ii) Resulting from the exercise of federally protected rights relating to such real property ownership interests.

(e) Payments resulting from:

(i) Ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance; or

(ii) Rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.

(f) Student financial assistance provided under the Bureau of Indian Affairs education programs; and

(g) Any other applicable income exclusion as provided by federal law, regulation, or rule.

(2) The agency excludes the following types of resources from being considered when determining eligibility for WAH-CN and WAH-MN SSI-related programs for American Indians(~~(f)~~) or Alaska Natives:

(a) Property, including real property and improvements, that is:

(i) Held in trust, subject to federal restrictions, or otherwise under the supervision of the Secretary of the Interior; and

(ii) Located on a reservation, including any federally recognized Indian tribe's reservation, pueblo, or colony, including:

(A) Former reservations in Oklahoma(;;);

(B) Alaska Native regions established by the Alaska Native Claims Settlement Act; and

(C) Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior(;;).

(b) ((For any federally recognized tribe not described in (a) of this subsection,)) Property located within the most recent boundaries of a prior federal reservation for any federally recognized tribe not described in (a) of this subsection;

(c) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including, but not limited to, extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish and shellfish) resulting from the exercise of federally protected rights; and

(d) Ownership interests in or usage rights to items not covered in (a), (b), or (c) of this subsection that have unique religious, spiritual, traditional, or cultural significance or

rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.

(3) When determining eligibility for WAH-CN and WAH-MN SSI-related programs for American Indians~~(/)~~ or Alaska Natives, the agency counts ~~((of excluded))~~ or excludes amounts received by tribal members from exercise of gaming revenues (per capita distributions) that are retained after the month of receipt based on the type of resource in which the money is retained. If the amounts are retained in a countable resource (for example, cash, checking account, or savings account), the agency treats the amounts as a countable resource. If the amounts are converted to an excluded resource (for example, personal property like a refrigerator), the agency treats the amounts as excluded resources.

WSR 15-07-073

PERMANENT RULES

OLYMPIC REGION

CLEAN AIR AGENCY

[Filed March 17, 2015, 8:42 a.m., effective April 26, 2015]

Effective Date of Rule: April 26, 2015.

Purpose: Adoption of this change removed fees from ORCAA Regulation 3. The ORCAA board of directors will adopt through resolution the fees that fund the agency activities.

Citation of Existing Rules Affected by this Order: Amending ORCAA Regulations Rules 2.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 6.1.1, and 6.3.2.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 15-03-094 on January 21, 2015.

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: March 11, 2015.

Francea L. McNair
Executive Director

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 15-08 issue of the Register.

WSR 15-07-074

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed March 17, 2015, 8:49 a.m., effective April 17, 2015]

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

Purpose: The department is amending and adding new sections to chapter 388-106 WAC the volunteer chore program, as it was changed to volunteer services per ESSB 6444 (supplemental operating budget). The intent in the name change was to broaden the types of assistance available to eligible clients. Current rules limit services to a traditional list of core-type services. Without revised rules, volunteers supervised by contracted agencies managing the program are unable to provide support services in keeping with the intent of ESSB 6444.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0650 and 388-106-0655.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Adopted under notice filed as WSR 15-04-074 on January 30, 2015.

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 4, Amended 2, 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 4, Amended 2, Repealed 0.

Date Adopted: March 12, 2015.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

WAC 388-106-0650 What ~~((services may I receive under))~~ is the volunteer ~~((chore))~~ services program? The ~~((✓))~~volunteer ~~((chore))~~ services program is a state-funded program ~~((which))~~ that provides volunteer assistance ~~((with household tasks and:~~

~~(1) Assists people who need but are not eligible for DSHS services;~~

~~(2) Complements DSHS services by using volunteer assistance to perform tasks which do not require specially skilled personnel;~~

~~(3) Provides assistance with housework, laundry, shopping, cooking, moving, minor home repair, yard care, limited personal care, monitoring and transportation))~~ to eligible persons who need help to live safely in the community. The

availability of services under this program is subject to available funding and volunteer resources. Further, when allocating volunteer services, the needs of persons who have traditionally been served through long-term care services and supports, including older adults, individuals with disabilities or their unpaid caregivers, will be given priority.

AMENDATORY SECTION (Amending WSR 05-11-082 [15-03-038], filed 5/17/05 [1/21/15], effective 6/17/05 [2/12/15])

WAC 388-106-0655 Am I eligible to receive assistance through volunteer (~~chore~~) services? You may be eligible to receive volunteer (~~chore~~) services if you are:

- (1) An older adult age sixty or older or a person with a disability (~~(E)~~)eighteen years of age or older; or
- (2) Living at home, unless you are moving from a residential facility to home and need assistance moving; or
- (3) Unable to perform certain (~~(personal care)~~) independent living tasks due to a functional, mental or cognitive (~~(impairment)~~) disability;
- (4) Financially unable to purchase services (~~(from a private provider)~~) privately; or
- (5) Not receiving medicaid paid long-term care services under (~~(COPEs, MPC, or chore because you:~~
(a) ~~Do not meet the eligibility requirements; or~~
(b) ~~Decline these services.))~~) the medicaid state plan or medicaid waiver program unless the volunteer service is not available through the state plan waiver program; or
- (6) (~~(In need of assistance from volunteer chore in addition to or in substitution of paid services under COPEs, MPC, or chore))~~) An unpaid caregiver who provides ongoing care for an older adult or person with a disability, including minors, who meets any of the criteria in WAC 388-106-0655 (2) through (5) above.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

NEW SECTION

WAC 388-106-0660 What types of services may be offered through volunteer services? The types of services an individual may be offered include, but are not limited to:

- (1) Housework and laundry;
- (2) Shopping and errands;
- (3) Meal preparation;
- (4) Minor home repair;
- (5) Yard work;
- (6) Provision of wood for heating;
- (7) Pet care;
- (8) Auto maintenance;
- (9) Moving;
- (10) Limited personal care;
- (11) Socialization activities to improve quality of life;
- (12) Electronic device/computer use;
- (13) Clerical & budgeting tasks;
- (14) Transportation
- (15) Emergency preparation;
- (16) Companionship or Supervision;
- (17) Access to benefits;

- (18) Access to employment opportunities; and
- (19) Health and nutrition enhancement.

NEW SECTION

WAC 388-106-0665 How are volunteers qualified to provide volunteer services? Volunteers are qualified to provide Volunteer Services through the following mechanisms:

(1) Volunteers who will have unsupervised access to vulnerable adults cannot have any convictions, pending crimes or findings that are listed in WAC 388-71-0105 or provide contracted services per RCW 43.20A0710 (1)(c) prior to working alone with them.

(2) The volunteer services contractor(s) will provide orientation and ongoing training as needed to volunteers.

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.

NEW SECTION

WAC 388-106-0670 When may volunteer services not be available or offered? Volunteer services may not be available or offered when:

- (1) Available funding has been exhausted; or
- (2) The regional area does not have qualified volunteers available; or
- (3) Existing volunteers do not have the skill set needed to perform the task/service desired; or
- (4) A volunteer stops providing services at their discretion; or
- (5) Providing the service would cause a health or safety risk to the volunteer or staff.

NEW SECTION

WAC 388-106-0675 What if I disagree with a decision made by the contracted volunteer services provider(s) related to volunteer services? If you do not agree with a decision made by the volunteer services contractor, you may make a written complaint with the volunteer services program manager at the aging and long term support administration, P.O. Box 45600, Olympia, WA 98504-5600. You are not entitled to a hearing under Chapter 388-02 WAC.

WSR 15-07-083

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 17, 2015, 1:26 p.m., effective April 17, 2015]

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

Purpose: The agency is amending this rule to correct typographical errors.

Citation of Existing Rules Affected by this Order:
Amending WAC 182-501-0060.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-04-087 on February 2, 2015.

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 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 0, Amended 1, Repealed 0.

Date Adopted: March 17, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-06-045, filed 2/26/14, effective 3/29/14)

WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories. (1) This rule provides a table that lists:

(a) ~~(Lists)~~ The following Washington apple health (WAH) programs:

- (i) The alternative benefits plan (ABP) medicaid;
- (ii) Categorically needy (CN) medicaid;
- (iii) Medically needy (MN) medicaid; and
- (iv) Medical care services (MCS) programs (includes incapacity-based and aged, blind, and disabled medical care services), as described in WAC 182-508-0005; and

(b) The benefit packages showing what service categories are included for each program.

(2) Within a service category included in a benefit package, some services may be covered and others noncovered.

(3) Services covered within each service category included in a benefit package:

(a) Are determined in accordance with WAC 182-501-0050 and 182-501-0055 when applicable.

(b) May be subject to limitations, restrictions, and eligibility requirements contained in agency rules.

(c) May require prior authorization (see WAC 182-501-0165), or expedited authorization when allowed by the agency.

(d) Are paid for by the agency or its designee and subject to review both before and after payment is made. The agency or the client's managed care organization may deny or recover payment for such services, equipment, and supplies based on these reviews.

(4) The agency does not pay for covered services, equipment, or supplies that:

(a) Require prior authorization from the agency or its designee, if prior authorization was not obtained before the service was provided;

(b) Are provided by providers who are not contracted with the agency as required under chapter 182-502 WAC;

(c) Are included in an agency or its designee waiver program identified in chapter 182-515 WAC; or

(d) Are covered by a third-party payor (see WAC 182-501-0200), including medicare, if the third-party payor has not made a determination on the claim or has not been billed by the provider.

(5) Programs not addressed in the table:

(a) Alien emergency medical (AEM) services (see chapter 182-507 WAC); and

(b) TAKE CHARGE program (see WAC 182-532-700 through 182-532-790);

(c) Postpartum and family planning extension (see WAC 182-523-0130(4) and 182-505-0115(5));

(d) Eligibility for pregnant minors (see WAC 182-505-0117); and

(e) Kidney disease program (see chapter 182-540 WAC).

(6) **Scope of service categories.** The following table lists the agency's categories of health care services.

(a) Under the ABP, CN, and MN headings there are two columns. One addresses clients twenty years of age and younger and the other addresses clients twenty-one years of age and older.

(b) The letter "Y" means a service category is included for that program. Services within each service category are subject to limitations and restrictions listed in the specific medical assistance program rules and agency issuances.

(c) The letter "N" means a service category is not included for that program.

(d) Refer to WAC 182-501-0065 for a description of each service category and for the specific program rules containing the limitations and restrictions to services.

Service Categories	ABP 20-	ABP 21+	CN ¹ 20-	CN 21+	MN 20-	MN 21+	MCS
Ambulance (ground and air)	Y		Y	Y	Y	Y	Y
Applied behavior analysis (ABA)	Y	N	Y	N	Y	N	N
Behavioral health services							
• Mental health (MH) inpatient care	Y	Y	Y	Y	Y	Y	Y
• MH outpatient community care	Y	Y	Y	Y	Y	Y	Y ²
• MH psychiatric visits	Y	Y	Y	Y	Y	Y	Y ³
• MH medication management	Y	Y	Y	Y	Y	Y	Y
• Substance use disorder (SUD) detoxification	Y	Y	Y	Y	Y	Y	Y
• SUD diagnostic assessment	Y	Y	Y	Y	Y	Y	Y

Service Categories	ABP 20-	ABP 21+	CN ¹ 20-	CN 21+	MN 20-	MN 21+	MCS
• SUD residential treatment	Y	Y	Y	Y	Y	Y	Y
• SUD outpatient treatment	Y	Y	Y	Y	Y	Y	Y
Blood/blood products/related services	Y	Y	Y	Y	Y	Y	Y
Dental services	Y	Y	Y	Y ⁽⁴⁾	Y	Y ⁽⁴⁾	Y ⁽⁴⁾
Diagnostic services (lab and X ray)	Y	Y	Y	Y	Y	Y	Y
Early and periodic screening, diagnosis, and treatment (EPSDT) services	Y	N	Y	N	Y	N	N
Habilitative services	Y	Y	N	N	N	N	N
Health care professional services	Y	Y	Y	Y	Y	Y	Y
Hearing evaluations	Y	Y	Y	Y	Y	Y	Y
Hearing aids	Y	N	Y	N	Y	N	N
Home health services	Y	Y	Y	Y	Y	Y	Y
Hospice services	Y	Y	Y	Y	Y	Y	N
Hospital services Inpatient/outpatient	Y	Y	Y	Y	Y	Y	Y
Intermediate care facility/services for persons with intellectual disabilities	Y	Y	Y	Y	Y	Y	Y
Maternity care and delivery services	Y	Y	Y	Y	Y	Y	Y
Medical equipment, durable (DME)	Y	Y	Y	Y	Y	Y	Y
Medical equipment, nondurable (MSE)	Y	Y	Y	Y	Y	Y	Y
Medical nutrition services	Y	Y	Y	Y	Y	Y	Y
Nursing facility services	Y	Y	Y	Y	Y	Y	Y
Organ transplants	Y	Y	Y	Y	Y	Y	Y
Orthodontic services	Y	N	Y	N	Y	N	N
Out-of-state services	Y	Y	Y	Y	Y	Y	N
Outpatient rehabilitation services (OT, PT, ST)	Y	Y	Y	Y	Y	N	Y
Personal care services	Y	Y	Y	Y	N	N	N
Prescription drugs	Y	Y	Y	Y	Y	Y	Y
Private duty nursing	Y	Y	Y	Y	Y	Y	N
Prosthetic/orthotic devices	Y	Y	Y	Y	Y	Y	Y
Reproductive health services	Y	Y	Y	Y	Y	Y	Y
Respiratory care (oxygen)	Y	Y	Y	Y	Y	Y	Y
School-based medical services	Y	N	Y	N	Y	N	N
Vision care Exams, refractions, and fittings	Y	Y	Y	Y	Y	Y	Y
Vision hardware Frames and lenses	Y	N	Y	N	Y	N	N

¹ Clients enrolled in the Washington apple health for kids and Washington apple health for kids with premium programs, which includes the children's health insurance program (CHIP), receive CN-scope of health care services.

² Restricted to incapacity-based MCS clients enrolled in managed care.

³ Incapacity-based MCS clients can receive one psychiatric diagnostic evaluation per year and eleven monthly visits per year for medication management.

WSR 15-07-086
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:22 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-108-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-113 on December 18, 2014.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-06-003, filed 2/17/05, effective 3/20/05)

WAC 132Z-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved.

Application forms are available at the following address:

Cascadia ((Community)) College
18345 Campus Way N.E.
Bothell, WA 98011

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

WSR 15-07-087
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:23 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-133-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-116 on December 18, 2014.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-06-003, filed 2/17/05, effective 3/20/05)

WAC 132Z-133-010 Organization—Operation—Information. (1) Organization. Cascadia ((Community)) College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Cascadia ((Community)) College
18345 Campus Way N.E.
Bothell, WA 98011

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional information about Cascadia ((Community)) College District 30 may be obtained by calling 425-352-8000, or by addressing a request to:

Cascadia ((Community)) College
18345 Campus Way N.E.
Bothell, WA 98011

WSR 15-07-088
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:25 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-134-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-117 on December 18, 2014.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-06-003, filed 2/17/05, effective 3/20/05)

WAC 132Z-134-010 Rules coordinator. The rules coordinator for Cascadia ((Community)) College as designated by the president is:

The Executive Assistant to the President
Cascadia ((Community)) College
18345 Campus Way N.E.
Bothell, WA 98011

WSR 15-07-089
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:25 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-140-010, 132Z-140-020, 132Z-140-040, 132Z-140-090, and 132Z-140-100.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-118 on December 18, 2014.

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: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-14-012, filed 6/23/06, effective 7/24/06)

WAC 132Z-140-010 Definitions. The following terms shall have the following meaning within chapter 132Z-140 WAC, unless otherwise specified:

"Campus" shall mean the entire joint Cascadia College/University of Washington, Bothell campus:

"College" shall mean Cascadia ((Community)) College;

"College facilities" shall mean those parts of the joint Cascadia ((Community)) College/University of Washington, Bothell campus that are dedicated primarily to Cascadia ((Community)) College use, and shall include those campus buildings dedicated primarily to Cascadia ((Community)) College classrooms, laboratories, and administration, as well as the areas immediately surrounding those buildings(;

~~"Campus" shall mean the entire joint Cascadia Community College/University of Washington, Bothell campus).~~

AMENDATORY SECTION (Amending WSR 06-14-012, filed 6/23/06, effective 7/24/06)

WAC 132Z-140-020 Use of college facilities. Cascadia ((Community)) College provides continued educational opportunity for area citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses that are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes. Reasonable time, place, and manner restrictions may be placed on the use of college facilities made available for public or private purposes.

AMENDATORY SECTION (Amending WSR 06-14-012, filed 6/23/06, effective 7/24/06)

WAC 132Z-140-040 Policies limiting use. (1) College facilities may be used for purposes of political campaigning by or for candidates who have filed for public office, directed to members of the public, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited. No person may solicit contributions on college property for political uses, except where this limitation conflicts with federal law regarding interference with the mails.

(2) Posters and samples may be posted or distributed only in designated areas of the campus, unless prior permission to post/distribute is obtained from the executive director of communications and marketing. Information on the location of designated poster/distribution areas may be obtained in the office of the executive director of communications and marketing.

(3) WAC 132Z-140-010 through 132Z-140-122 shall apply to recognized student groups using college facilities.

(4) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Prior authorization must be obtained from the executive director of communications and marketing. Any distribution of materials as authorized by the executive director of communications and marketing shall not be construed as support or approval of the content by the college community or the board of trustees.

(5) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the vice-president for ~~((finance and operations))~~ administrative services.

(6) The right of peaceful dissent within the college community will be preserved. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. If any person, group, or organization attempts to resolve differences by means of violence, the college retains the right to take steps to protect the safety of individuals, the continuity of the educational process, and the property of the state.

(7) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises when such premises are open to public use. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(8) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

AMENDATORY SECTION (Amending WSR 06-14-012, filed 6/23/06, effective 7/24/06)

WAC 132Z-140-090 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market and the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule, which may include complimentary use. A current fee schedule is available from the

office of the vice-president for ~~((finance and operations))~~ administrative services.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility is equivalent to the college facility, is available for use, and should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

AMENDATORY SECTION (Amending WSR 06-14-012, filed 6/23/06, effective 7/24/06)

WAC 132Z-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit a written application which may be obtained through the college's office of the vice-president for ~~((finance and operations))~~ administrative services. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required. The college may consider applications received on less than seven days' notice; however, the college cannot guarantee that such applications will be considered prior to seven days after submission.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) The college may require an advance deposit of up to fifty percent, payable before approval of the application, for large events, events requiring expenditures on the part of the college, or events that require the college to block out significant areas for the renter.

(4) The college reserves the right to make pricing changes without prior notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The college reserves the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) If an applicant cancels a facility use permit, the applicant is liable for all college costs and expenses in preparing the facility for its use.

(8) Organizations using Cascadia ~~((Community))~~ College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including but not limited to the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213, the Rehabilitation Act of 1973, 29 U.S.C. § 794, Washington's law against discrimination, chapter 49.60 RCW, and all rules adopted by the board of trustees.

WSR 15-07-090
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:25 p.m., effective April 17, 2015]

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Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-141-010 - 132Z-141-050.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-119 on December 18, 2014.

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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 4, Repealed 0.

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Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

Chapter 132Z-141 WAC

USE OF JOINT CASCADIA ((COMMUNITY)) COLLEGE AND UNIVERSITY OF WASHINGTON, BOTHELL, FACILITIES

AMENDATORY SECTION (Amending WSR 06-14-013, filed 6/23/06, effective 7/24/06)

WAC 132Z-141-010 Purpose. The colocated campus of Cascadia ((Community)) College and the University of Washington, Bothell, operates joint facilities that provide benefits to each educational institution. The purpose of this chapter is to define the facilities jointly operated by the institutions and to ensure that these joint facilities are reserved primarily for activities related to the educational missions of the institutions. Further, the joint facilities may be used for a variety of activities, providing the primary function the facility or space was intended to serve is not compromised. Reasonable time, place, and manner restrictions may be placed on the use of joint facilities.

The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of

the Washington Administrative Code by each of the institutions. Rules for the use of dedicated facilities of Cascadia ((Community)) College and the University of Washington, Bothell, are governed by chapter 132Z-140 WAC and chapter 478-136 WAC, respectively.

AMENDATORY SECTION (Amending WSR 06-14-013, filed 6/23/06, effective 7/24/06)

WAC 132Z-141-020 Definitions. (1) "College" shall mean Cascadia ((Community)) College.

(2) "Institutions" shall mean University of Washington, Bothell, and Cascadia ((Community)) College.

(3) "Joint facilities" shall mean those structures, spaces, campus grounds, and parking lots operated jointly by the institutions. Specific rules also apply to parking lots (chapters 132Z-116 and 478-117 WAC).

(4) "University" shall mean University of Washington, Bothell.

(5) "Use of facilities" includes, but is not limited to: The holding of classes, events, the posting and removal of signs, all forms of advertising, commercial and community activities, and charitable solicitation.

(6) "Wetlands" shall mean campus grounds to the east of Campus Way N.E. and east of 110th N.E. between N.E. 185th and Beardslee Blvd., and the Chase House.

AMENDATORY SECTION (Amending WSR 06-14-013, filed 6/23/06, effective 7/24/06)

WAC 132Z-141-030 Administrative authority. (1) The board of trustees for Cascadia ((Community)) College and the board of regents of the University of Washington have delegated to the president of the college and the chancellor of the university, respectively, the authority to regulate the use of facilities on the colocated campus.

(2) Under this authority, the president of the college and the chancellor of the university designate the coordination for use of joint facilities to an appointed joint committee on facility use and designate the use of the wetlands to the wetlands oversight committee. The president of the college and the chancellor of the university shall each appoint representatives to the joint committee on facility use to develop suggested event procedures. Each designee shall review the use of the facilities; establish administrative procedures governing such use that are consistent with these rules; approve or disapprove requested uses and establish policies regarding fees and rental schedules unique to joint facilities as appropriate. Additionally, the joint committee on facility use shall act as an appeals board for decisions of the wetlands oversight committee regarding wetlands use requests. Inquiries concerning the use of joint facilities may be directed to:

Cascadia ((Community)) College
 ((Finance and Operations Office))
Office of Administrative Services
 ((Director of Auxiliary Services and Capital Projects))
Facilities Coordinator
 18345 Campus Way N.E.
 Bothell, WA 98011
 (Phone: ((425-352-8269 or)) 425-352-8000), and

University of Washington, Bothell
Office of Administrative Services
Facilities Use Coordinator
Box 358535
18115 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-3556 or e-mail: facuse@uwb.edu).

(3) Preliminary approval of an event by an academic or administrative unit of the college or university implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the institutions.

(4) Final approval of a joint facilities use request by the appropriate designee on the use of joint facilities implies that the designee has reviewed the proposed event with regard to: The rules in this chapter; the direct and indirect costs to the institutions; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the institutions, surrounding neighborhoods and the general public.

(5) The institutions will not make their joint facilities or services available to organizations that do not assure the institutions that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The institutions will not make their joint facilities or services available to organizations which do not assure the institution that they do not discriminate ~~((against any person because))~~ on the basis of race, color, religion, ~~((national origin;))~~ gender and/or sex, sexual orientation, national origin, citizenship status, age, ((handicap, or status as a Vietnam era or disabled)) marital or veteran~~(, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations))~~ status, or the presence of any sensory, mental or physical disability, or genetic information, and is prohibited from discrimination in such a manner by college policy and state and federal law.

(7) Individuals who violate the institutions' use of joint facilities regulations and approved users who violate the institutions' contract terms for use of joint facilities may be advised of the specific nature of the violation and individuals may be requested to leave the property or be refused future use of joint facilities. Failure to comply with a request to leave the property may subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

AMENDATORY SECTION (Amending WSR 06-14-013, filed 6/23/06, effective 7/24/06)

WAC 132Z-141-050 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of college and university life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activi-

ties. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled college and university activities.

(b) Joint facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on joint property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside joint facility buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the institutions is not disrupted and entrances to and exits from buildings are not blocked.

(f) Joint facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular media or publications of the institutions. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 132Z-141-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and place-

ment of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the college or university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the college and university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws. This provision does not prohibit use of joint facilities where a college or university employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Cascadia ~~((Community))~~ College facility use (chapter 132Z-140 WAC) and Use of University of Washington facilities (chapter 478-136 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards~~((:)).~~ "Smoke" or "smoking" refers to the carrying or smoking of any kind of lighted pipe, cigar, cigarette, electronic cigarette, or any other kind of lighted smoking equipment.

(a) Smoking is prohibited inside all college or university vehicles, inside buildings and parking structures owned or occupied by the college or university and/or used by college or university faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities leased to a commercial tenant

under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the joint committee on facility use and an application to the committee must be accompanied by a request for written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) A college or university unit or an individual or organization applying for a permit/license must have obtained approval under (e) or (f) of this subsection; and

(iii) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. ~~((Unopened containers may not be sold or served. No alcohol is permitted to be taken off premises.))~~

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least ~~((thirty))~~ forty-five days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor control board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the college president or university chancellor prior to applying for the permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit application filed with the Washington state liquor control board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

WSR 15-07-091
PERMANENT RULES
CASCADIA COLLEGE

[Filed March 17, 2015, 2:26 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-276-010, 132Z-276-020, 132Z-276-030, 132Z-276-050, 132Z-276-060, 132Z-276-080, 132Z-276-110 - 132Z-276-130, 132Z-276-140.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-120 on December 18, 2014.

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 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-010 Purpose. The purpose of this chapter is to ensure that Cascadia ((Community)) College complies with the provisions of chapter ((42-17)) 42.56 RCW and in particular with those sections of that chapter dealing with public records.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-020 Definitions. (1) "Public record" includes 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 any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, flash drives, drums and other documents.

(3) "Cascadia ((Community)) College" is an agency organized by statute pursuant to RCW 28B.50.040. Cascadia ((Community)) College shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

AMENDATORY SECTION (Amending WSR 05-06-003, filed 2/17/05, effective 3/20/05)

WAC 132Z-276-030 Description of central and field organization of Cascadia ((Community)) College District

No. 30. (1) Cascadia ((Community)) College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.-020. The administrative office of the district is located on the college campus within the county of King, Washington. The college campus likewise comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 132Z-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-050 Public records available. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW ((42-17-310)) or other statutes.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter ((42-17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-080 Requests for public records. In accordance with the requirements of chapter 42.56 RCW ((42-17-290)) that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not avail-

able, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132Z-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW ((42.17.260)) 42.56.210, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the college, within five business days, either:

- (a) Provides the record;
- (b) Acknowledges receipt of the request and provides a reasonable estimate of the time the college will require to respond to the request; or
- (c) Denies the request.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt

review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president or designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the president or designee, shall complete such review.

(4) During the course of the review the president or designee shall consider the obligations of the district to comply with the intent of chapter ((42.17)) 42.56 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in chapter 42.56 RCW ((42.17.310)) or other pertinent statutes, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

AMENDATORY SECTION (Amending WSR 05-06-003, filed 2/17/05, effective 3/20/05)

WAC 132Z-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at Cascadia ((Community)) College, 18345 Campus Way N.E., Bothell, WA 98011. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 132Z-276-090.

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-276-140 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
Cascadia ((Community)) College

(a)

Name (please print)	Signature
---------------------	-----------

.....

Name of Organization, if applicable

.....

Mailing Address of Applicant	Phone Number
------------------------------	--------------

(b)

Date Request Made	Time of Day Request Made
-------------------	--------------------------

(c) Nature of Request

.....

.....

(d) ~~((Identification Reference on Current Index (Please describe)))~~ Description of Record(s) Requested

.
.
.

~~((e)Description of Record, or Matter, Requested if not Identifiable by Reference to the~~

Request: APPROVED DENIED Date

By
Name Title

Reasons for Denial:

.
.

Referred to Date

By
Name Title

**WSR 15-07-092
PERMANENT RULES
CASCADIA COLLEGE**

[Filed March 17, 2015, 2:27 p.m., effective April 17, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-300-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-121 on December 18, 2014.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-300-010 Preamble. Cascadia ~~((Community))~~ College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Applicants for admission, enrolled students, applicants for employment, or employees of Cascadia ~~((Community))~~ College who believe they have been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures contained in this chapter.

**WSR 15-07-093
PERMANENT RULES
CASCADIA COLLEGE**

[Filed March 17, 2015, 2:28 p.m., effective April 17, 2015]

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Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-310-010.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-122 on December 18, 2014.

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 Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-14-098, filed 7/2/96, effective 8/2/96)

WAC 132Z-310-010 Preamble. Cascadia ((Community)) College is covered by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibiting discrimination on the basis of handicap/disability in education. Applicants for admission, enrolled students, applicants for employment, or employees of Cascadia ((Community)) College who believe they have been discriminated against on the basis of handicap/disability may lodge an institutional grievance by following the procedures contained in this chapter.

WSR 15-07-109

PERMANENT RULES

CASCADIA COLLEGE

[Filed March 18, 2015, 11:27 a.m., effective April 18, 2015]

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

Purpose: The college name changed and to be in compliance, the WAC needed to be changed. As a result, further review was done and additional housekeeping corrections were made.

Citation of Existing Rules Affected by this Order: Amending WAC 132Z-116-005, 132Z-116-010, 132Z-116-020, and 132Z-116-110.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 15-01-115 on December 18, 2014.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, 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: February 24, 2015.

Dede Gonzales
Executive Assistant
to the President
Rules Coordinator

Chapter 132Z-116 WAC

PARKING AND TRAFFIC RULES OF ((THE)) CASCADIA ((COMMUNITY)) COLLEGE

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-005 Authority. RCW 28B.50.140(10) authorizes the board of trustees of Cascadia ((Community)) College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-010 Objectives of parking and traffic rules. The objectives of these rules are:

- (1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia ((Community)) College.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the institutions by assuring access to vehicles.
- (5) To allocate limited parking space for the most efficient use.
- (6) To protect state property.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-020 Definitions. The following definitions apply to this chapter:

- (1) Campus: The colocated campus of University of Washington, Bothell and Cascadia ((Community)) College.
- (2) College: Cascadia ((Community)) College, and collectively those responsible for its control and operations.
- (3) Employee: An employee of the college or the university.
- (4) Institutions: The college and the university.
- (5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.
- (6) Student: A person enrolled in the college or the university.
- (7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.
- (8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (9) Visitor: A person who is neither an employee nor a student of the college or the university.

AMENDATORY SECTION (Amending WSR 02-11-048, filed 5/9/02, effective 6/9/02)

WAC 132Z-116-110 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror, affixed to the front window, or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the affiliated institution.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.